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# Climate Change Displacement and Global Governance: a Case Study of Three Intergovernmental Organizations and the Conflict Between the Member States and Bureaucracy

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CLIMATE CHANGE DISPLACEMENT AND GLOBAL GOVERNANCE:  
A CASE STUDY OF THREE INTERGOVERNMENTAL ORGANIZATIONS  
AND THE CONFLICT BETWEEN THE MEMBER STATES AND BUREAUCRACY

A Dissertation

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

In

The Department of Political Science

by

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B.A., Michigan State University, 2002  
M.A., Louisiana State University, 2010  
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- “The Anunnaki lifted up the torches, setting the land ablaze with their flare. Stunned shock over Adad's deeds overtook the heavens, and turned to blackness all that had been light. The... land shattered like a... pot. All day long the South Wind blew ..., blowing fast, submerging the mountain in water, overwhelming the people like an attack. No one could see his fellow, they could not recognize each other in the torrent...

Six days and seven nights came the wind and flood, the storm flattening the land.”  
The Epic of Gilgamesh (Tablet XI)

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## **Abstract**

Climate change is a topic most often broached by environmental scientists and activists and its effects are discussed in terms of animal populations and atmospheric events. However, its direct effect on human life is yet to garner such attention. A changing climate will affect how people are able to use their environment, if at all. Sea level rise and desertification will force a shift in human habitation. How the world seeks to deal with this shift is yet to be seen. The global governance of climate change-induced displacement is currently at the stage of ad hoc development. Legal and conceptual categorization of this group has been difficult and slow moving with no one organization or structure volunteering to take up this task. A major impediment to the addition of climate change-induced displacees into current governance systems is determining who is responsible for them. This has created a conflict of interests between intergovernmental governance structures and their member states. Global governance structures are poised to have the greatest reach around the earth. Nevertheless, their ability to incorporate climate displacees into current structures depends on the political will of its members. This paper presents a qualitative case study of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) which outlines the constraints which have impeded any expansion of their mandates to assist this growing group of people.

## **Chapter 1. Introduction**

Climate change is a topic most often broached by scientists and environmentalists and its effects are discussed in terms of animal populations and atmospheric events. The quintessential image accompanying this discussion is the sad polar bear looking for food. However, its direct effect on human life is yet to garner such attention. Many do not yet associate the consequences for animals with similar consequences for humanity. A changing climate will affect how people are able to use their environment; the locations of arable land and water supplies will shift. In some places, sea level rise and desertification will forcibly displace human habitations. How the world seeks to deal with this shift is yet to be seen. The global governance of climate change-induced displacement is currently at the stage of ad hoc development.

Legal and conceptual categorization of this group has been difficult and slow moving. Even scholars use inconsistent language to describe those affected by this situation. Many authors have begun to define those affected by climate change in terms of refugeehood; “climate refugee”, “climate change refugee”, “environmental refugee”, “disaster refugee”, and “ecological refugee” are most often cited. Legally speaking, the word “refugee” defines a very specific identification which carries with it certain rights and obligations; a concrete meaning and acquired privileges. These rights do not apply equally to all persons fleeing their homes simply because the term “refugee” has been presupposed onto their condition. This group is also referred to as “climate change migrants”, “climate migrants”, “environmental migrants” and “climate displacees”. These inconsistencies occur because there has been no common academic or policy-based consensus of where this group fits into the current discourse on climate change. While cases can be made for many of these labels, their varying use has been problematic for accurately placing them under the most appropriate governance structure. If they are refugees,

there is a place for them under the United Nations High Commission for Refugees (UNHCR). If they are migrants, they belong under the International Organization for Migration (IOM). This seems simple enough but, if they are not currently “refugees”, should they be? Does “migration” adequately describe their predicament and its drivers? They are also “displacees”, those who are pushed out of their original environments. Being driven out of ones homeland and into situations by the actions of others can also be considered a humanitarian problem. If so, displacees can also find a home under the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Thus, conceptualization of this phenomenon is crucial for adequate governance.

UNHCR and IOM currently handle many types of human migration, from assisting refugees to economic migrants. These structures have expanded their reach over time as the known drivers for migration have expanded. Adding another group of migrants could be seen as natural. Nevertheless, a major impediment to the addition of climate change-induced displacees into current governance systems is determining who is responsible for them. Responsibility has been an essential component when dealing with other types of migrants. Specific protections and statuses are based on either a nations’ responsibility to its people or the world’s responsibility to those whose governments fail to assist them. Responsibility refers to those who caused the need to migrate and thus should pay for the assistance to this group which it has created. Governance structures are poised to assist when either a national government refuses to or cannot assist its own people. Their connections with member states and negotiating power provide a forum to discuss, create policy, and implement agreements which have a much broader scope than individually negotiated regional treaties.

These bodies still face institutional and political constraints. Their ability to incorporate those displaced by climate change into current structures depends on the political will of their

members as well as the flexibility of their mandates. This paper presents a qualitative case study of the UNCHR, IOM and OCHA. It will outline a set of institutional and political constraints in order to assess which have impeded the expansion of their mandates to assist this growing group of people.

Additionally, this research represents a new foray into the study of those affected by climate change as a part of the global dialogue. It paper will demonstrate that climate change displacees, as forced migrants, have yet to be brought into mainstream research and will pose a significant challenge to current migration frameworks. However, uncertainty about climate change effects has not prohibited different global governance structures from acting to prevent or mitigate such consequences. Other intergovernmental organizations have successfully incorporated climate change concerns into their current programs and demonstrate concrete action in dealing with this phenomenon. These three intergovernmental organizations (IGO's) will serve as a set of competing case studies demonstrating that institutional and political challenges do not necessarily have to constrain action.

As a part of a larger research agenda, this paper will critically present this issue as well as investigate how/if the world is currently equipped to handle it; it will also serve as a springboard to additional work as climate change unfolds. In doing so, this paper will consider several theoretical frames in which issues of climate change migration can be understood. These will add to the robustness and scope of the issue under scrutiny.

### **1.1 Climate Change and Its Effects on Humans**

Climate change is most often publically discussed in terms of sterile statistics. What tends to be missing is how they relate to human habitation. What does a 2 degree Celsius rise in temperature mean or X amount of tons of carbon in the atmosphere? Without direct relation to its

effect on humans, these estimates cannot be fully understood. The Intergovernmental Panel on Climate Change (IPCC) provides a source intended to parse out these effects; the 2007 report Working Group II Report "Impacts, Adaptation and Vulnerability". Its language describes risk and changes in to the natural environment more so than what will happen to humanity. Most importantly, its descriptions are generalities over regions and time which need to be greatly specified in order to completely connect the earth's physical and biological changes to human activity. However, science can only estimate the future in general terms; it is not magic. This means that any direct connection needs to be extrapolated based on large scale assessments.

For this inquiry, I will present a short example. It is not exhaustive by any means, but is meant to simply illustrate a point. The report's executive summary for policy makers proposes a table of examples of major proposed impacts by sector. Table 1.1 presents an annotated version which focuses on the impacts for humans. The cells are verbatim, but some of the columns which relate to the natural world are omitted.

**Table 1.1 Proposed Major Climate Change Impacts**

<b>Annotated Table SPM.1</b>			
<b>Direction of Trend</b>	<b>Trends based on projections for 21<sup>st</sup> century using SRES scenarios</b>	<b>Human Health</b>	<b>Industry, Settlement, and Society</b>
Over most land areas, warmer and fewer cold days and nights, warmer and more frequent hot days and nights	Virtually certain <sup>1</sup>	Reduced human mortality from decreased cold exposure	Reduced energy demand for heating; increased demand for cooling; declining air quality in cities; reduced disruption to transport due to snow, ice; effects on winter tourism

<sup>1</sup> Likelihood of outcome greater than 99% probability.

(Table 1.1 Continued)

Warm spells/heat waves. Frequency increases over most land areas	Very Likely <sup>2</sup>	Increased risk of heat related mortality, especially in the elderly, chronically sick, very young, very socially isolated	Reduction in quality of life for people in warm areas without appropriate housing; impacts in the elderly, very young and poor
Heavy precipitation events. Frequency increases over most areas	Very Likely	Increased risk of deaths, injuries and infectious respiratory and skin diseases	Disruption of settlements, commerce, transport and societies due to flooding; pressures on urban and rural infrastructures; loss of property
Area affected by drought increases	Likely <sup>3</sup>	Increased risk of food and water shortage; increased risk on malnutrition; increased risk of water- and food-borne diseases	Water shortages for settlements, industry and societies; reduced hydropower generation potentials; potential for population migration
Intense tropical cyclone activity increases	Likely	Increased risk of deaths, injuries, water- and food-borne diseases; post-traumatic stress disorders	Disruption by flood and hash winds; withdrawal of risk coverage in vulnerable areas by private insurers, potential for population migrations, loss of property
Increased incidence of extreme high sea level (excludes tsunamis)	Likely	Increased risk of death and injuries by drowning in floods, migration-related health effects	Costs of coastal protection versus costs of land-use relocation; potential for movement of populations and infrastructure; also see tropical cyclones above

<sup>2</sup> Likelihood of outcome 90 to 99% probability.

<sup>3</sup> Likelihood of outcome 66 to 90% probability.

Here the statistics are minimized to better describe how humans can be placed into the picture. However, these descriptions are relatively vague and also need to be fitted to individual regions, countries, and localities. They do identify risks but not specific ones; “increased risk of death” is helpful, but not predictive. Thus, how climate change will influence humanity is still yet to be a lived reality for most. Scientific projections and probabilities only provide an ambiguous framework under which to begin to plan, prepare, mitigate, and adapt.

To a certain extent, social science researchers interested in the societal and political effects of climate change have to use a literature base that can only parallel the types of risks that will slowly occur. Though one cannot study how an increase of temperature or storm surge occurrence will affect people, one can study the effects of past high temperatures and current storm surge. This link will allow for a connection between scientific data, measures and models to those who will inevitably experience them. The “risks” to humanity have begun to be described in terms of coastlines, buildings, and lost tourist revenue (BBCNews, 2009; Couriermail, 2009; Reuters, 2011; Morton, 2009; Arifin, 1997; BBC Monitoring Latin America, 2007<sup>a</sup>; New York Times, 2001<sup>a</sup>; BBC Monitoring Latin America, 2007<sup>b</sup>; Africa News, 2005; New York Times, 2001<sup>b</sup>).

## **1.2 An Emerging Problem**

While climate change displacement has been identified as a *possible* risk in Table 1.1, it is already occurring and has become a nascent international concern even though few have noticed (Monbiot, 2009). Although not widely known or understood, spontaneous and organized, internal and external migrations due to climate change are occurring around the globe. Projected hot spots of movement include the dryer areas of Africa, those who live by the river systems in Asia, the coasts of Mexico and Caribbean, and low lying islands in the Pacific and Indian Oceans.

Beyond projections, movement is already occurring on small, low lying islands which are the most vulnerable to the effects of sea level rise. Referred to as the “sinking islands” these have tended to garner some attention as their predicaments have unfolded. The islands usually designated to this grouping are Tuvalu, Kiribati, Maldives and the Carterets. They are particularly at risk due to their small, low, and flat nature which is typical of reef islands on coral atolls (Yamano, et al. 2007). Islands not usually discussed in this category are Lohachara, Suparibhanga, and New Moore Island/South Talpatti (island name by India/Bangladesh). These small islands in the Bay of Bengal have already “sunk”. Lohachara disappeared in 1996 after its 4000 residents were forced to relocate and its neighbor Suparibhanga was lost shortly thereafter. In March 2010, the uninhabited land of New Moore Island/South Talpatti was swallowed by the bay of Bengal. This has been confirmed by fisherman and satellite imaging. The island had been a piece of disputed territory and a sore spot between India and Bangladesh, but no longer (Lanka Business Online, 2010). There are additional islands in the Bay which will suffer the same fate in coming decades, forcing the displacement of 70,000 people and 400 Bengal tigers (Green Living Tips, 2006; Priyadarshini, 2006).

The “sinking island” is a concept that has become a well-known metaphor for the long term consequences of climate change. The term is often used to describe those places which will be most severely affected by climate change; those which may be completely lost to rising sea water. These are islands whose highest point is only a meter or so above sea level. This category usually includes the islands mentioned above. These are tropical islands which conjure up images of idyllic palm trees, crystal waters and imminent doom. It is an image of tragedy in paradise. However, this image can be damaging to substantive research in that it detracts from serious issues that need to be addressed and refocuses on simple doomsday scenarios which are

sensational, but disempowering not only to those who are personally affected, but to adequate research as well.

Two common metaphors arise in the research of this topic; the canary in the coal mine and the lost city of Atlantis. Both pose serious difficulties for adequate research. Environmental groups have used the plight of the sinking islands, especially Tuvalu, as a rallying cry for environmental changes elsewhere in the world. Film media have also jumped on the bandwagon using Tuvalu as a representation of all threatened islands and green house disasters, even the more cautious social scientists see Tuvalu as the ‘canary in the coal mine’ a true indicator of the seriousness of climate change (Connell, 2003; Television New Zealand Limited, 2010). The usage of this metaphor is also utilized as a way for the developed world to construct their anxieties about climate change (Farbotko, 2010) and for newspapers to assign the people of Tuvalu a label of victimhood (Farbotko, 2005). Comparing Tuvalu and other “sinking islands” to the ‘canary in the coal mine’ suggests that they are expendable- as are their inhabitants. It also suggests that there is no hope to save them thus no need to discuss mitigation tactics- these islanders are simply doomed. Because scientific time frames are mere generalities, not only are islanders doomed, but not knowing exactly when heightens the drama. Many news magazines and publications refer to this imagery as a dangerous paradise (Morris, 2009; Patel, 2006; Sheehan, 2002; Allen, 2004; Ede, 2002/2003; Warne, 2008; Lynas, 2004). This drives normative discussions about climate change and island nations into a place where the details on the ground do not matter; any island that is sinking can be integrated into this frame and delegitimized as an individual society. This also affects islands that are not sinking as the discourse is overwhelmed, leaving no room for less dramatic, but just as necessary policy talks.

Comparing the “sinking islands” to the lost city of Atlantis (Whitty, 2003; Price, 2003) is of no help either. Whether one believes in this ancient myth or not, it also conjures up images of tragic victims who came to be extinguished. Without taking this project too far off track, the fate of Atlantis is tied to either a natural disaster or self-induced technological overload. Either of these two paths to extinction can be implied upon the “sinking islands”. Either they are the victims of the actions of the developed world, or they are poor stewards of their own land (which has often been cited in the articles on Tuvalu). Either way, tying them to Atlantis suggests that their fate is already sealed; there is no saving them sans migration. What is not fully understood is how damaging this label of “sinking islands” is to their actual plight. Not only does it suggest something that is inevitable, but it also implies a steady continuous process. Because scientific forecasts provide long term projections, we cannot know exactly when an island will sink. However, only focusing on the time line for sinking ignores the fact that there are more problems associated with sea level rise other than the loss of land to stand on. Long before islanders will be permanently ankle-deep in the ocean, they will suffer losses that will make it virtually impossible to stay that long. The salinization of drinking water and agricultural land as well as more frequent and severe tropical storms has the potential to leave low lying island nations in an extremely vulnerable position- even without sinking.

The normative discourse that emphasizes “sinking” as a potent hyperbole provides ample research space to explore climate change migration/displacement. The inevitability of “sinking” is exciting and fascinating, but leaves virtually no room for other mitigation or adaptation projects which could extend the habitation of these and other islands. Migration is the only option. However, it remains in the future, which can force necessary research and governance intervention away in the meantime. But, if the focus can be shifted in this early stage to direct

attention to the many ways in which climate change will cause migration, then its necessity as an adaptation mechanism can be seen as legitimate much earlier. Human migration has linkages in climate and other societal processes which can be better understood in its complexity, instead of considered an automatic response to a singular risk. Climate change causation for migration is thornier than “sinking” as is also entails adaptive capacity which will vary from place to place (McLean and Smit, 2006).

### 1.2.1 Examples of Eventual External Migration- Island Nations

Tuvalu is arguably the most researched set of islands in this group of vulnerable countries. It consists of nine coral atolls. Located in Oceania; its highest point is 5 meters with an estimated population total of 10,472<sup>4</sup>. King tides, the highest of the year, have been increasing and lasting longer than they ever have in the history of the islands. This flooding has hurt crops, caused in-migration from outer atolls to the capital Funafuti and in turn has caused overpopulation and a strain on resources. The inundation of sea water has leached into the drinking water and has also damaged the already small amounts of arable land. King tides do not only roll in from the sea but bubble up through the sand affecting anything growing within it. Some Tuvaluans now grow crops in tin cans instead of the ground because of this phenomenon (Price, 2003). The former and current Prime Minister of Tuvalu has been outspoken on the matter and have argued that the industrialized nations need to do their part to mitigate the damage they are doing to these islands due to their CO<sub>2</sub> emissions (Ielemia, 2007). In 2002, the former Prime Minister announced a plan to sue the United States and Australia in the International Court of Justice (Allen, 2004). Though the case never went into litigation as that PM was not reelected, Prime Minister Ielemia still keeps the option open (Ielemia, 2007).

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<sup>4</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/tv.html>

Tuvaluans, either at home or abroad also participate in this debate using chat rooms, blogs, and letters to the press (Forbotko, 2010).

Internal ecological destruction in addition to sea level rise creates a process which erodes an islands' ability to continue to sustain human habitation. In the case of Tuvalu, climate change is effecting where people live and thus, is one driver of over-crowding. This is likely to be the process which is the most pertinently destructive. A move from one island to another forces not only more stress on a strained ecosystem, but an economy as well. Ecological destruction leads to economic destruction as environmentally based economies are very fragile. When fishing grounds, agricultural land, and tourism are simultaneously being destroyed, the chances of economic improvement are nil. Most importantly, with sea level rise, the concern is the irreversible salinization of water resources. Contaminated wells affect drinking water supplies and cannot be used for agriculture. While foodstuffs can be imported, water is a different story. There are plenty of uninhabited islands around the globe; deserted islands are deserted for a reason. They cannot sustain even basic human life.

Kiribati, also located in Oceania, consists of 33 islands, 21 of which are inhabited. It has an estimated population of 99,482<sup>5</sup>. Kiribati has also been highly academically researched. Kiribati's population lives at a subsistence level where most people are actively involved in fishing and farming. Two thirds of the workforce is employed by the government with about 14% as seafarers on German and Japanese fishing vessels. Remittances are a significant source of money for extended families and communities, especially those in rural islands with little development opportunities, infertile soils, and long distance markets (Borovnik, 2006). Dense population growth and high poverty exacerbate the human pressure on its small landmass. Of

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<sup>5</sup> CIA World Fact Book.

most concern is the use and management of Kiribati's freshwater which is highly vulnerable to saltwater intrusion and pollution (Storey and Hunter, 2010).

For Kiribati and especially Tuvalu, their internal environmental issues have caused questions about if climate is really the impetus for their problems or pollution. Locke (2009) argues that the influxes of population movements to urban central islands have changed the socioeconomic structure of these small island developing states. His work focuses on both Kiribati and Tuvalu and demonstrates how overpopulation strains resources and makes people less healthy. He observes that Kiribati imports more and more processed foods to make up for poor agricultural production and increased foreign aid and remittance money. The population spike has also led to poor sanitation and inadequate sewage and garbage disposal. Similar circumstances prevail in the capital of Tuvalu. Much of Funafuti, its capitol, is built on water and garbage-filled pits. They also import poor quality foodstuffs which has hurt the Tuvaluan death rate. Allen (2004) describes these issues comparing Tuvalu to a small planet; its poor environmental stewardship is no more egregious than that of bigger nations, but because of its fragile, remote, and resource- poor landscape. It has less room for error than other nations. However, these internal problems have become a barrier to outside help. Tuvalu and other islands have been implicitly and explicitly encouraged to resolve what is seen as their own development issues (by the developed world) before neighboring nations will seriously consider additional migration schemes (Connell, 2003). Loughry (2009) explains that the populations of both Kiribati and Tuvalu deal with overcrowding, unemployment, poverty, pollution, and modernization. Climate change not only drives these issues but also multiplies their effects. Sea level rise has forced this initial internal migration from smaller atolls to these overcrowded

capitals. Thus, these nation's adaption capabilities have become extremely challenged already due to climate migration.

As a group, these nations have much in common. All are low lying, have environmentally based economies (either tourism, sea faring, or agriculture) and have governments which are keenly aware of these issues and how it will affect their people. The simple geological similarity of being an island explains other parallels. Islands are, by nature, restrictive environments of limited sustainability. Any kind of economic base is structured within this limit. Island nations already understand the difficulties in sustaining a growing population or economy on scarce resources. They tend to be damaged more quickly than larger land areas if their ability to deal with climate change is less than adequate. For example, the development of industry, individualized products, and disposable packaging creates mounds of garbage all over the globe. However, the small land area of an isolated island leaves less room for disposal. This phenomenon has already been mentioned for Tuvalu and Kiribati. It can be understood as an unfair bind for small islands; the developed world pressures them to do the same and purchase their products only to then be criticized by the same group its needs help from for towing the line. This is seen also in the Maldives through the luxury their resort islands promise. Domroes (2001) describes this leisure lifestyle as harmful to the Maldives. Consumptive tourism creates garbage, sewage, and waste pollution as well as reef destruction. The considerable market returns of the Maldivian tourist industry have come at a hefty price. Even though the government has enacted eco-friendly standards, adverse impacts have still been felt because of law violations, the over-exclusivity of facilities, and the consumptive lifestyle of foreign tourists who do not understand the fragility of Maldives' marine ecosystems. Because of this fragility, even a low amount of sea level rise can cause much damage.

These two examples demonstrate the complex set of issues facing small islands and their drivers of out migration. Internal movement, overcrowding, and pollution signal the need to move- that this homeland cannot sustain early adaptational methods. But this tends to be held against them by nations which are not as vulnerable as they. Conventional adaptation measures pose a long term question of adequate fit when it comes to nations of smaller landmass and capabilities. Thus the less conventional idea of migration as an adaptation needs to be considered more highly in these situations.

### **1.3 Papua New Guinea and Internal Movement**

While the previous three nations are facing the need to internationally migrate, one island is already making a move. The Carteret Islands, a territory of Papua New Guinea, is only 1.5 meters above sea level and is already being inundated with salt water, destroying crops and contaminating freshwater wells. This has left the inhabitants with a diet of rainwater, coconut, and fish, facing chronic hunger (Lateu, 2008). The Carterets, unfortunately, are already living with the most serious results of climate change. Estimates for its total submersion are around the year 2015<sup>6</sup>.

The Carterets represent the first organized relocation; organized in that the local population created their own association to handle this issue. Called Tuele Peisa<sup>7</sup>, which translates to “sailing the waves on our own” its purpose is to advocate for conservation, culture and identity, relocation, and sustainable livelihoods for its people. Its founder is a woman named Ursula Rakova, a native to the Carterets. Chosen by the Council of Elders, Rakova has worked with local and regional NGO’s since 1993 and is considered a pioneer of the environmental movement in Papua New Guinea (PNG) (Tuele Peisa, 2008). The Carterets Integrated Relocation

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<sup>6</sup> Australian Conservation Foundation.

<sup>7</sup> [www.tuelepeisa.org](http://www.tuelepeisa.org)

Program is a proposal to assist the 3,300 residents of the Carterets who are losing their homes due to sea level rise and integrate them into three existing communities (Tinputz, Tearouki, and Mabiri) on the neighboring island of Bougainville. As early as 2001, the Bougainville government was discussing the relocation needs of the nearby Carterets; the Council of Elders made final plans to form the local NGO in 2006 when it became apparent that they would need their own organization in order to implement a planned, staged program to relocate its people (Tuele Peisa, 2008). Official preparations to evacuate began in 2008 (Loughry and McAdams, 2008).

The most dramatic images depicting the necessity for migration as a form of adaptation have come from these islands. Most recently, this was chronicled in the documentary *Sun Come Up: the story of climate change refugees*, produced by Jennifer Redfearn, and nominated for a 2011 Academy Award. The film follows a group of young Carteret Islanders as they search for land in Bougainville, an autonomous region of Papua New Guinea 50 miles across the open ocean (Big Red barn Films, 2010). While it did not win the big prize, the film continues to tour different festivals to raise awareness and money to assist in the relocation.

Tuele Peisa's resettlement initiative was presented at a meeting organized by Displacement Solutions (DS) a Swiss NGO which focuses on land rights and resettlement projects on December 11, 2008. In attendance were representatives from Bougainville, AusAid, UN Habitat, the government of Tuvalu, OXFAM, Mantle Group, the International Commission of Jurists Asia and Pacific Office, the University of Florida, Australian Centre for Peace and Conflict studies, Tuele Peisa, the government of Kiribati, a Maldivian Climate Change expert, UNHCR Pacific Regional Representative, and Displacement Solutions (Displacement Solutions, 2008). This meeting demonstrates the overlap of national, regional and international interests in

the relocation process. Those present also discussed issues of responsibility and how to fund the project. Participants expressed the need for the PNG government to earmark funds<sup>8</sup> to purchase land on Bougainville and to compensate those forced to resettle; this would coincide with its legal obligation toward its citizens. In addition, the government of Australia added a request for additional aid to come from the international community (Displacement Solutions, 2008).

One of the biggest challenges discussed was the identification of land for resettlement. The islanders felt it was important that they be sustainable in their new home and needed sufficient land for each family in order for them to earn livelihoods. This was decided as 5ha per family. The Catholic Church donated 81ha but the negotiators still needed more 1400ha. The Carteret islanders did not have the financial resources to purchase all the land necessary and it appeared that the PNG government lacked the political will to purchase it for them or expropriate the land. There are several layers of land ownership to contend with; traditional owners, the government, the title holder, and the user. A final stumbling block also arose at the meeting; the political status of Bougainville (Displacement Solutions, 2008). A referendum for independence was in the works which could complicate not only land rights, but political will, any monetary agreements with the PNG government and could change internal negotiations in to international negotiations.

This short discussion of the Carteret resettlement plan demonstrates the complications of this type of planning among the many stakeholders with varying degrees of commitment. Although the PNG government is ultimately responsible for the safety and wellbeing of its people, it has been largely absent in the planning and meetings held by Tuele Peisa. If one looks at the sources of funding for Tuele Peisa, the PNG government is absent again. Because of the

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<sup>8</sup> A total of 2 million Kina (\$760,000 USD) was earmarked by the PNG government to assist in the resettlement, but to date, none of the funds were ever used and subsequently were sent back into the treasury.

layers of complication and levels of stakeholders, a global governance structure would have better reach as an arbiter than the small NGO's that have begun the process. While both UN Habitat and UNHCR had representatives at the resettlement meeting, they did not take a leadership role.

#### **1.4 The Maldives and the Fight for External Movement and Cultural Autonomy**

The Maldives is a series of 1,190 coral atolls with eighty used as resort islands and its highest point above sea level is 2.4 meters. It has a population of 395,650<sup>9</sup>. Situated in the Indian Ocean, its low lying nature has already made it vulnerable to intense cyclones and storm surge. The Intergovernmental Panel on Climate Change (IPCC) predicts that most of its low lying islands will be submerged by the year 2100. Concerned by this prospect, President Nasheed announced he was starting a fund to relocate his entire population; this was even before he was sworn in as President on November 11, 2008. News of this plan circulated through major work news editions such as the Financial Times, Guardian, Telegraph, BBC, and CNN on November 10. The plan involves earmarking a certain percentage of tourism revenue to purchase land in neighboring Sri Lanka, India or Australia. While The Telegraph reported that Nasheed found the other nations he had already approached to be “receptive”, the Financial Times adds that the Director of Displacement Solutions, Scott Leckie, questioned the logic of this plan suggesting that it has not been thoroughly thought through. Sri Lanka is an obvious choice as its inhabitants are the most culturally similar. (In a related vein, the people of Bougainville and the Carterets are all of Melanesian descent.) By the time this news story ran, rumors had already spread that Maldivian officials had begun purchasing land in Sri Lanka<sup>10</sup>.

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<sup>9</sup> CIA World Fact Book.

<sup>10</sup> Added by Leckie in an interview for the *Financial Times*.

Maldives' is threatened with the eradication of its entire land mass; in this circumstance not only is out-migration a necessity, but it makes the idea of purchasing a new homeland less crazy. The Maldives has a unique culture which has spanned the rule of European and regional powers, has its own language, and is an Islamic state that successfully transitioned to a democratic government on its own. The people of the Maldives do not necessarily want to assimilate into a new land; they would prefer to keep their culture whole.

It should be no surprise that the President voiced such a strong plan for his people this early in his tenure as it is one of the most vulnerable places to climate change. Over 90% of government tax revenue comes from the tourism industry which can be very fragile. Tourism has been a developing industry which, after implementing a more liberal foreign investment policy, has boomed through the "one island- one hotel" scheme converting each resort island into its own sustained enterprise (Domroes, 2001). However, it is an industry which creates much solid waste, increasing pollution and uses large quantities of Maldives' limited fresh water. Internal communities are already being relocated due to inundation risks from coastal erosion and in Kandhilhudhoo, a northern island, 60% of residents have volunteered to evacuate in the next 15 years (Climate Lab, 2009). President Nasheed has been adamantly voicing Maldives' concerns to the world. In 2009, he and his cabinet held a meeting underwater in scuba gear in order to bring attention to his nation's plight (Omidi, 2009; Buncombe, 2009). The event sparked many news stories again, but little sincere action.

Another quote from Leckie poses an essential question for understanding the specific complications for Maldives' climate migration, "Are they actually asking to re-establish the Maldives elsewhere?" (Financial Times, 2008). Yes, they are looking to reestablish their cultural and national integrity within this process. Since the Maldives produces 0.001% of global

greenhouse emissions (Climate Lab, 2009) and yet faces the brunt of the total damage, why not ask to be totally restored? Of course to do so requires a new interpretation of international law. If Maldives were to buy land in Sri Lanka and move its population, would they be autonomous there, or would they be subject to rule by the Sri Lankan government? These are not questions easily answered by a community NGO, but necessary evaluations which could set a precedent for peoples in the Pacific Rim as well. This line of questioning can be posed in the Carteret case as well if Bougainville does secede from PNG.

### **1.5 A Tough Political ‘Climate’**

Migration as a form of adaptation to climate change needs to be addressed because the nations with the highest carbon emissions are not doing enough to curb their impact. A 2009 report by the WWF Australia suggests that only three out of 20 industries are moving fast enough to deliver the transformation to the greener economy needed by 2014 to stay under a 2C rise in temperature (Clarke, 2009). If the global temperature rises beyond 2C, many of the nation’s currently under pressure will have no recourse other than to migrate; this will be a sentence of extinction. Compounding this is the reluctance of the United States to considerably curb their emissions; while European leaders have recommitted to a 30% reduction below 1990 levels, the United States’ closest effort has been a commitment of 4% which has ultimately been stalled (Green Peace, 2009). In addition, there has been a recent sharp decline in the numbers of Americans that believe there is either evidence for global warming or that it is caused by humans (Pew Research Center). The Pew Research Center’s associate director of research suggests this can be explained by the dominance of domestic politics, including the economy (Lobe, 2009). This reduction in level of importance with the public demonstrates that while the problem is not going away, its salience is; but as more time passes, the worse the situation will be. The

Independent commented on this point in 2009, suggesting that the political pressure at the Copenhagen climate talks would be adaptation finance, rather than emissions targets. It discusses the impacts of climate change as “unavoidable” thus making adaptation funding more important than targets that have not been sincerely committed to by the world’s largest emitters. This focus changes the debate from “wishful thinking” in order to prevent future problems to asking the polluters to take more responsibility for their actions.

However, the recent COP 16 meetings in Cancun, Mexico in late 2010 continued to be a discussion about prevention and greenhouse gas emissions. The Cancun agreement has been heralded as a general success with only Bolivia adamantly in opposition. It argues that the text replaces binding mechanisms for reducing greenhouse emissions with voluntary pledges. In addition, Bolivia argues, the text is full of loopholes for polluters and reduced the obligation for developed countries to act (Solon, 2010). This means that the plight of the Carterets and Maldives will not be isolated events, but will represent the beginning of a snowball effect which will threaten the homelands of many more peoples around the globe. Bolivia has reason to demand more of these negotiations as well. Many of its residents are already “climate migrants” as it defines them (Bolivia Climate Summit: Climate Migrants, 2010). Adding to the list of nations becoming aware of how climate change is affecting its people is Ghana; it’s Minister of Environment and Energy has admitted a concern for internal climate migration. The issue there has been drought and subsequent flood in their Northern region. The Minister noted over 300,000 deaths recorded annually due to climate change while another 300 million people per year were affected by climate change (GNA, 2009).

It should not take much to see a pattern forming. Those most concerned and seeing immediate migration and grave consequences are those in small developing states who have less

power in negotiations such as Copenhagen and Cancun. The Cancun agreement may have been a compromise, but to whose benefit? Speaking at the conference was the president of Nauru, Marcus Stephen who presented a powerful statement about compromise. “Our priorities are clear. There is little room for compromise. When you ask us to compromise, you are asking us to choose how many islands we will lose. This is not a choice we are prepared to make.” These words and their sentiment demonstrate the power impasse the world has come to. Without further binding and enforceable mechanisms to lower greenhouse gas emissions, migration and displacement due to the continuing effects of climate change is inevitable.

### **1.6 Research Question**

The previous section sets up the research question posed in this investigation; if it has become obvious that greenhouse gas emissions are not being adequately curbed in order to prevent current and continuing damage, why have the major intergovernmental agencies who govern different forms of migration not integrated climate migration/displacement into their mandates? There are three agencies which already contend with different forms of migration and, depending on its conceptualization, have the ability to deal with this phenomenon; the International Organization for Migration, the United Nations High Commission for Refugees, and the United Nations Office for the Coordination of Humanitarian Affairs. Each has a different mandate, but depending on how those affected by climate change are framed, could assist in their plight. This investigation will consider the normative implications as well as the institutional and political constraints on each of these cases.

### **1.7 Theoretical Frames**

Political theory, in relation to this research question, has yet to be developed. Thus, there is a necessity to integrate several strands of thought into this paper. Those being considered are:

concentrated benefits, disbursed costs; the collective action problem; political time horizons; and diffusion of awareness. Each will assist in furthering an understanding of the complexity of this issue. Some will be more effective than others and will demonstrate the limits of traditional political science; the intricacies of climate change are hardly traditional. For political theory to be able to adequately provide guidance, it must be tested against this new challenge to see where it can be useful and successful. By utilizing many frames, I will be able to be thorough in providing an ultimate answer to my chosen research question.

### **1.8 Dissertation Outline**

This investigation will proceed as follows. Chapter two will conceptualize the term climate change displacement and place it within the work on forced migration. The field of migration studies varies from forced migration studies and there is often disagreement about push and pull factors. Forced migration is a broad field which encompasses many forms of migration. It encompasses environmental migration, economic migration, and refugee studies. The field needs to be outlined in order to place those affected by climate change in the correct lens. Most importantly, climate change displacees will be shown to be both separate from these other categories and yet connected. There are specific circumstances which differentiate those affected by climate change from other types of migrants, but these also overlap other drivers of migration. This chapter serves to clarify the debate and overlap in so that those affected by climate change displacement can be identified and treated effectively as a unit of study.

Chapter three will discuss global governance structures; what they are and how they come about. This will include their development and difference from regimes, theories about their development, and most importantly- why states agree to be a part of them. In order for a governance structure with member states to be effective the members have to agree to give up a

certain amount of sovereignty in order to cooperate with the group. This chapter will establish the pros and cons of this structural element and will include institutional development theories from neo functionalism, organizational behavior, bureaucracies and firm theory. It will also include an understanding of institutional mandates and their expansion. I will discuss the types of agreements which come from governance structures; binding agreements, non-binding agreements, and international law. Finally, the chapter will discuss enforcement mechanisms for these agreements.

Chapter four will connect the dissertation to the relevant political science theories from comparative politics and international relations. It will consist of two main literature reviews which will cover structural institutional constraints and two level bargaining. The main focus of this investigation is the constraints on UNHCR, OCHA, and IOM which have kept them from incorporating those displaced by climate change. The field of comparative politics has developed a robust body of research on institutions which will provide a sound base for understanding each of the intergovernmental organizations presented in the case studies. Institutional structure and its unintended consequences will need to be explicated as well as internal bureaucratic difficulties such as overlapping mandates, budget issues, and department competition. The second literature review will provide international relations theories on bargaining. Because the structures being analyzed are intergovernmental organizations which support negotiations between nations, it will be essential to assess this process, how it works, and its difficulties. Member states chose to be a part of this type of organization, but this does not mean that negotiating a treaty within an organization is more efficient. Bargaining is a political tool which can hinder or help the development of a new treaty or extension of a current one. Outlining the specifics two level bargaining will provide the correct context for my case study analysis. In

addition, the list of theoretical frames provided in section 1.7 will also be elaborated to provide a fuller understanding of the complicated dynamics involved when issues related to climate come into two level bargaining.

Chapter five, six, and seven will consist of individual in depth the case studies of each UNHCR, OCHA, and IOM. Each is designed to fully explain how each organization could be helpful to those displaced by climate change, the evolution of their mandates, and how they have changed since inception. Additionally, I will evaluate to what extent each organization has initiated research toward integrating climate change into their work to date.

Chapter eight will be a conclusion which revisits the research question. Here I will build a case for how these constraints are affecting the inclusion of those displaced by climate into UNHCR, OCHA, and IOM; this chapter will also build a case for which theoretical frames assist in understanding these constraints as well. It will also evaluate several independent variables such as: Organizational Structure, Origination of Research, Primary Sources of Funding, Legal Frameworks, Scope of Responsibility, Compliance Mechanisms, and Member States. Data on each will come from internal reports and proceedings available through on line archives as well as scholarly journal articles and books. I will also evaluate what is still missing at the global level and how/if climate displacees to be absorbed into these institutions.

The dissertation will conclude with an epilogue which discusses the progress of this issue made at the COP 16 meetings in Cancun this past November/December. It is the most recent set of advances in climate governance. Within the agreement forged at the meeting, Section II paragraph f will be highlighted as an important step toward recognition and incorporation of climate displacees.

## **Chapter 2. Relevant Concepts and Displacement Types**

Adequately conceptualizing migration and displacement is important to the thrust of this project. There are many varying definitions of each which have changed over time and depend on the scope of previous work. As I am intending to add onto existing literature, it is imperative to contextualize this group that I am defining for the purpose of governance. Legal and conceptual categorization of this group has been difficult and slow moving. Even scholars use inconsistent language to describe those affected by this situation. Many authors have begun to define those affected by climate change in terms of refugeehood; “climate refugee”, “climate change refugee”, “environmental refugee”, “disaster refugee”, and “ecological refugee” are most often cited. Legally speaking, the word “refugee” defines a very specific identification which carries with it certain rights and obligations; a concrete meaning and acquired privileges. These rights do not apply equally to all persons fleeing their homes simply because the term “refugee” has been presupposed onto their condition. Taking the time to outline the proper definition of these terms will allow for this literature to move forward.

This group is also referred to as “climate change migrants”, “climate migrants”, “environmental migrants” and “climate displacees”. These inconsistencies occur because there has been no common academic or policy-based consensus of where this group fits into the current discourse on climate change, let alone migration. While cases can be made for many of these labels, their varying use has been problematic for accurately placing them under the most appropriate governance structure. This chapter will serve to comprehensively define these labels, properly place them in their respective strains of thought, and insert the typology which I will be referring to in the rest of this project.

## 2.1 Migration as a Field of Study

Migration or migration studies is a broad field of study which encompasses many forms of movement. Definitions of migration also tend to be expansive in nature. The Census definition is of migration as a change in address at which one usually resides (Hyman and Gleave, 1978) while others see it as the movement of any distance leading to a change in residence (Young, 2002). These common definitions can include those making cross national journeys or those moving down the street. There are many conceptual problems with defining a “migrant”. Petersen (1978) argues that this depends on equally vague criteria concerning distance covered, the relative permanence of the move, and its seeming importance. Is a person that changed residences within a mile radius as equally a migrant as one who moves overseas? Is anyone who moves out of their literal home of birth a migrant? Pronk (1993) argues that there is a little bit of nomad in each of us. For some it is a way of life such as gypsies, pastoralists, employees of multinationals, or diplomats. For others it is a periodic escape such as tourism. In some cultures it is a requisite for adulthood and obtaining the right to marry. It is also a feature of seasonal economics. People move temporarily or permanently to improve their living conditions, to gain experience, to flee from oppression or persecution, or to seek adventure. The difficulty here is to disentangle proper conceptual categories. If migrants are potentially everywhere or everyone, categorization is the only way to begin to differentiate between motives. However, data on migration is currently collected through legal and political definitions which have been argued to be too specific. This calls into question many other facets such as how a “migrant” sees his/herself. How do values act upon the attitude of the migrant in question (Mangalam and Schwartzeller, 1968)? Or should the criterion be more social in nature; whether a migrant crosses a cultural or societal boundary (Petersen, 1978)? Or maybe a national one. The field also

considers internal and external migration but suffers from a lack of consensus as to how to understand cross national migration; frameworks and research assumptions have mostly been based on national intellectual assumptions and policy models. In an era of globalization, the study of international migration necessitates transnational tools (Castles, 2007).

Theoretical studies of migration have focused on economic push-pull factors and larger spatial models versus individual journeys (Anthony, 1990; Clark, 1986, Lewis, 1982, Weildlich and Haag, 1988; Young, 2002; Petersen, 1978; and Hyman and Gleave, 1978). Demographic studies are attentive to the characteristics of migrants, their means for social mobility, the direction of migration, and destination (Mangalam and Schwartzeller, 1968). However, demographics are purely descriptive and do not lead to any theory development without knowing more about the drivers of migration. Migration as related to social institutions, group coherence, and collective behavior has been relatively neglected for purely economic models (Petersen, 1978). These focus on labor migration and have dominated migration analysis with their emphasis on job opportunities, labor markets, and rising expectations. The sociological theories of migration study a much smaller unit of analysis, the individual migrant. They also argue that the economic assumptions about the individual being a utility maximizer are an inadequate basis for theorizing social action (Boswell, 2008). The sociological focus is on the choice of leaving or staying based on the advantages and disadvantages of the two alternatives. This focus can also have a strong tendency to be economically driven with the exception that it also includes those escaping religious or political oppression. This literature is also very America-centric beginning with explanations for the Irish potato famine and other large scale European migrations (Petersen, 1978). Over the years, this field has amassed a quantity of knowledge which has yet to be connected by a general explanatory system. Because migration is such a broad issue of

inquiry, developing a framework that can interpret its diversity has been lagging. Migration theory tends to be time –bound, culture-bound, and discipline-bound. As a social phenomenon, it cannot be understood in meaningful terms without a comprehensive grasp of the interplay of demographic, economic, psychological, and other dimensions that converge in the process of migration (Mangalam and Schwartzeller, 1968).

Human migration has been around much longer than any economic or sociological analysis. Scientists date large scale human migrations out of the African continent as far back as 130,000 years ago (Balter, 2011). This assumes that early human ancestors migrated great distances to follow big game and eventually occupied all continents. No dominant species had ever spread so far so fast. Early civilizations also migrated with the rotation of crops as well as across open water with the advent of capable sailing vessels around 4000 B.C., became pastoralists, and began to expand by direct conquest (McNeill, 1984). Human history is almost entirely based on migrations. The English today are not indigenous to England, nor the Malays to Malaysia or Turks to Turkey (Sowell, 1996).

What is interesting is that considering it has been a natural activity of all times and places (Pronk, 1993) migration has become a topic of international debate. The advent of the national border, the international search for jobs during the Industrial Revolution, and the post WWI refugee flows changed the way in which migration was seen. Until this time, migration had been conceived of as an exercise of individual decision and choice situated within the frame of human rights. Before WWI, passports and official regulation of migration were thought of an improper infringement on personal freedom. However, masses of refugees threatened to put strains industrial societies and became a potential threat to native born citizens (McNeill, 1978). This

opened the door to using migrants as political pawns; irrational and inaccurate opinions have found great influence (O'Brien, 1996).

The politicization of migration has continued and strengthened in recent years. The 1990's saw political discourse in the richest countries that immigration was out of control (Papademetriou, 1997/1998). Much of this can be attributed to a misunderstanding of the dynamics of migration. As Mangalam and Schwartz (1968) argue, migration is not a random event, it cannot be understood by approaching it like bird migration, it is a social, not an individual behavior, and each while each case of migration can have superficial differences, patterns can be connected between movements. Each nation tends to see its own unwanted immigration in isolation. Thus, we have seen a global tightening of borders for legal and illegal migrants as well as asylum seekers. A new legitimizing ideology has developed to justify this inequality. The hierarchization of the right to migrate can be seen as a form of transnational racism which posits the 'naturalness' of violence in less developed regions and other perceived cultural incompatibilities with non-Western peoples (Castles, 2007). Even the field of migration studies has been driven by political considerations. Research questions and even some findings have been pushed by government officials who can undermine the scientific nature of investigation in this area and has isolated migration studies from broader social inquiry. Politicians believe that if they can work out the 'root causes' of international migration, they can reduce it. This attitude suggests that immigration is a bad thing and that ought to be stopped (Castles, 2009).

### 2.1.1 Voluntary Migration

The study of modern migrations is most often derived from ideas about economic utility. It is based on immigration patterns and the idea that people move by choice for better economic

or living conditions. This movement is usually classified as voluntary in that the move is a tacit choice based on either conditions that pull or push them out. However, there are distinct differences between a “push” and a “pull” factor; these include lack of economic opportunities, jobs, land, and freedoms respectively, as well as political repression (Belton and Morales, 2009). One is pulled out by a better job opportunity while one is pushed out by not being able to make ends meet. While both are economic-based, there is a clear difference between the two. Much of the voluntary migration literature which emphasizes economic pull factors relates to globalization and the individual desire to get ahead in the world. Shaw (1975) explains that this approach is guided by the idea that man is economically rational, an economic maximizer and that he will perceive and evaluate migration options from this point of view. This is an opinion which is posited from the outside in that the migrant is not consulted to understand if that, indeed, was his/her motivation. Stark and Taylor (1989) reinforces this view by providing evidence that international migration is influenced by both relative as well as absolute income consideration. However, their research demonstrates that migration motives have more to do with one’s relative income based on his/her peer’s versus a basic determination based on poverty. This adds support for other theories in the field that argue that it is not the most poor that migrate, but those who have the means to do so; this is a consequence of globalization. Contending literature, however, argues that if we do ask migrants about their motives, we see a different picture. Winchie and Carment (1989) demonstrate that nonmonetary career reasons can also be important. Their research shows that having existing familial relations overseas can be an equally strong pull factor as the desire for economic mobility.

Migration in this fashion is considered ‘voluntary’ in that one wants to improve his/her lot and thus moves in order to do so. However, migration theory often omits those voices which

oppose capitalist globalization or heavily critique it. Pull factors like wanting economic mobility suppose the decision to migrate is purely selfish; one is currently economically secure but chooses to find a way to acquire more. However, capitalist development often raises some while disaffecting others. Migration is an instrument of the capitalist work economy and the exploitative economic and development policies on dominant states within weaker ones (Belton and Morales, 2009). Capitalist development causes both pull and push based migration. Globalization essentially means flows across borders; capital, commodities, ideas and people. National governments remain suspicious of the latter two (Castles, 2007). This body of work, however, does not consider the larger sphere of situational influences that can affect a potential migrant. A subsistence farmer who has a poor growing season is not necessarily looking to move up in the world as much to supplement a current difficulty. The same can be said for the same farmer whose business has dried up due to trade agreements. NAFTA has been a disaster for small farmers in Mexico, increasing rural poverty. An estimated 2 million Mexican corn farmers have been forced out of business by cheaper, subsidized U.S. imports (Belton and Morales, 2009). These examples and their implications begin to question the extent to which migration is purely voluntary in the economic maximization sense or is forced based on prevailing outside forces. This discrepancy will be discussed again in the next section<sup>11</sup>.

## **2.2 Forced Migration as a Field of Study**

Forced migration studies is a sub field of migration studies. It is concerned with the types of “push” factors which drive migrants to leave their homes. This also includes studies on displacement types such as disaster induced displacement, development induced displacement,

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<sup>11</sup> Travel and tourism are also a prominent features of voluntary migration. I have omitted a discussion of them here as it does not add any theoretical insight to the larger study at hand. A larger discussion about circular/seasonal migration has also been excluded for the same reasons.

environmental displacement, and all those labeled refugees<sup>12</sup>. The main debate within this subfield is if refugee studies should be part of forced migration studies or be a separate field of study. Hathaway (2007) argues that marrying refugee studies with forced migration studies will take away from the special circumstances of refugees and encourages work on the phenomenon itself instead of refugee rights. While DeWind (2007) agrees that refugees are a special category of forced migrants, he believes that Hathaway overemphasizes the effectiveness of the international community and under appreciates the positive contributions of forced migration studies. He reminds us that practitioners have a difficult time distinguishing between refugees and forced migrants in cases of human rights abuses; there are conflicting ideologies of legitimacy for legal rights. These distinctions demonstrate the way in which the field has tried to incorporate the ideas of practitioners who deal with these issues every day. There are also some authors who completely disagree with Hathaway. Adelman and McGrath (2007) see his ideas as puritanical; Hathaway presents no evidence that forced migration studies will pose a risk to the study of convention refugees while. This group is also very small. Cohen (2007) adds that not all refugees are convention refugees, many flee generalized violence. In addition, Hathaway ignores internally displaced people who do not enjoy the protections of their government and yet have not crossed an international border in order to receive assistance. Cohen's main problem is that academics shouldn't argue over priority; a better response is to work towards protectionary needs. What has initiated much of this debate is the way in which the asylum paradigm has changed over time. Crisp (2003) explains that there is more and more pressure for migrants to be managed and there is a growing unwillingness to admit and provide for refugees. Therefore, keeping the fields separate may be a tactic to lessen the erosion of current protections; lumping refugees in with other forced migrants may exacerbate this policy process.

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<sup>12</sup> Whether deserving of the status or not.

### 2.2.1 Refugee Studies

The refugee regime is arguably the most developed in terms of literature, governance, and protections. Asylum is one of the most ancient institutions, dating back to the Mediterranean civilizations. It was based on the guarantee of liberty and protection against oppression. This norm was accepted as one of ‘minimal standards’ which meant that refugees should be accorded the same treatment as nationals (Krenz, 1966). The evolution of a protected status, however took a bit longer. This began after WWI and proceeded in three distinct phases argues Hathaway (1984). The first phase emerges around 1920. The concern during this time was with refugees as a member of a group which had no freedom of international movement because its members were deprived of the formal protection of their government. This remained the theme concerning refugees until 1935. From 1935-1938, there was a move away from preoccupation with state protection and saw refugeehood as encompassing those who were victims of broad based social and political upheaval. Finally, from 1938-1950, there is move back to understanding the relationship between the individual and the state. After WWII, mass movements of refugees through Europe necessitated governance and attention. The newly founded United Nations High Commission for Refugees passed the 1951 Convention on the Status of Refugees which outlined a specific definition of a refugee as well as a legal status and protections. Refugees are, persons who, “owing to well founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion is outside the country of his own nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable to or, owing to such fear, is unwilling to return to it”(Article1, section 2). It also set for the legal principle of non refoulement which states

that no refugee should be returned to any country where he/she is likely to face persecution, ill treatment, or torture. States have endorsed this principle, but have looked to define its limits. Others have extended protections such as the treaties Organization of African Union (1969) and the Cartagena Declaration (1984) which adds circumstances such as events of external aggression, occupation, foreign domination, and events seriously disturbing the public order (Goodwin-Gil and McAdam, 2007). While the term refugee has a specific legal meaning, it is often still used as a general concept which can vary in meaning. Shacknove (1985) argues that refugees should be seen as persons whose basic needs are unprotected by their country of origin and have no remaining recourse than to seek international restitution for their dilemma. This definition would open up the label to many more people around the globe.

Refugee studies focuses on many of the legal issues with refugee processing, who can and cannot be considered an asylum seeker, issues of resettlement, reconstruction, peace building, aid, and protracted crises. The most contentious issue may be bureaucratic labeling which can blur the lines between refugee and other groups of forced migrants. Many academics and policy makers use language that implies refugeehood such as “environmental refugee”, “economic refugee”, etc. This language confounds the important distinctions between those forced to move because of these issues and the fact that even though they may need assistance, there is no legal precedent for individual nations to have to provide it. Politically, this bureaucratic label can also be used as a tool for marginalization (Zetter, 1991). All migration labels are weighed against the Convention, however, more labels have been created as the world has sought to restrict its protections (Zetter, 2007).

### 2.2.2 Environmental Migration

Development induced displacement and disaster induced displacement are common and widely discussed forms of forced migration. Both are generally considered as a part of the larger sphere of environmental migrants. There is general agreement on three causes of environmental migrants: natural disasters and environmental or industrial accidents, planned or unplanned relocation due to development, and health related effects due to inadequate resources to maintain life (Cardy 1994). This definition has been influenced by El-Hinnawi (1985) who specified that the first category encompassed temporary displacement because of earthquakes, cyclones, or environmental accident; the second is those who are permanently displaced due to man made changes to a habitat like dams and Chernobyl; the third are those who migrate temporarily or permanently because the original habitat can no longer support them because the land has been deteriorated. According to these categories, development induced displacement is situated within category two, while traditional natural disasters would fall into category number one.

**Table 2.1 Environmental Migrants as per El-Hinnawi**

<b>Environmental Migrants</b>		
	<b>Types</b>	<b>Examples</b>
Category 1	Natural Disasters or Accidents	Hurricanes, Earthquakes
Category 2	Development	Dams, Mining, Infrastructure
Category 3	Inadequate Resources	Drought, Crop failure

Climate change displacement will likely span all categories. As natural disasters such as large and more frequent hurricanes, cyclones, and drought occur, we will see added environmental migrants from group one. If governments decide to erect improved sea walls or divert water into drought areas we will see an increase of migrants in group two. Finally, if people begin to move due to the inability to sustain their lives and livelihoods, they will fall into

group three. This includes those living on coast lines which are being lost or agricultural lands which have been salinized due to sea level rise. These examples are certainly not exhaustive, but offer a glimpse as to the way that climate change can exacerbate known groups of environmental migrants.

Development induced displacement and disaster induced displacement have been classified, but still need to be defined more specifically. Robinson (2003) provides a thorough description of both. Development, in the 1950's and 1960's was seen as the way to westernize traditional societies. He explains that large scale capital-intensive development projects in developing countries accelerated the pace to a brighter and a better future. Uprooting many along the way was seen necessary for the majority to benefit.

**Table 2.2 Examples of Development Projects as per Robinson**

<b>Types of Development Projects</b>	<b>Examples<sup>13</sup></b>
Transportation	Roads, Highways, Canals
Water Supply	Dams, Reservoirs, Irrigation
Urban Infrastructure	Housing, Parking, Business Development
Energy	Mining, Power plants, Oil exploration and extraction
Agriculture	Forest slashing
Parks and Forest	Protected land
Population Redistribution	Political or Pollution based

Development induced displacement and resettlement can also be thought of as a form of state induced displacement. The state, as a sovereign power over its land, can and often does sanction infrastructure projects or provides benefits to those it considers part of the in group of society. Hammar (2008) explains two understandings of sovereignty which justify this practice. The first is the right to own and protect one's territory which can be legitimized by expulsions by non-citizens; second relates the authority to define distinctions between the worthiness and

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<sup>13</sup> These examples come in part from Robinson (2003) but are not exhaustive.

unworthiness and the power to define who is an insider or outsider. These concepts can be used to understand forced displacements and replacement in places like Zimbabwe and Israel where governments have forcibly moved those who they see as outsiders and replaced them with those who are loyal to the sovereign group. We also see this around the world where governments have displaced indigenous groups in order to establish environmentally protected areas (Dowie, 2011).

Disaster induced displacement is a broader phenomenon. It includes natural and manmade components but needs to be considered carefully. Not every fire, earthquake, drought, epidemic or industrial accident constitutes a disaster, only those which exceed a society's ability to cope and where external aid is required. Robinson identifies two types of disasters: natural and manmade, and separates them into several subcategories.

**Table 2.3 Man-made and Natural Disasters**

<b>Types of Disasters</b>		
<b>Natural</b>	Sudden Impact	Flood, Earthquakes, Tidal waves, Tropical storms, Volcanic eruptions, Landslides
	Slow Onset	Drought, Famine, Environmental degradation, Pest infestation, Desertification
	Epidemic Diseases	Cholera, Measles, Dysentery, Malaria, HIV, AIDS
<b>Man Made</b>	Industrial Disasters	Pollution, Spillages of hazardous materials, Explosions, Fire
	Complex Emergencies	War, Internal Conflicts, and Natural disasters in conjunction

Both development induced displacement and disaster induced displacement are defined in terms of internally displaced people (IDP). IDP's share many of the same difficulties as refugees, but have no defined legal status. Persons displaced by dams or cyclones are usually displaced

within their country of origin. UNHCR's The Guiding Principles on Internal Displacement explains that internally displaced persons cannot be granted a special legal status like refugees. Refugees are offered special international protections because they have lost the protection of their own country. As per the Guiding Principles, IDP's are "persons or groups of persons who have been forced or obliged to flee or to leave their home or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or manmade disasters and who have not crossed an internationally-recognized border." Defined as such, IDP's are a broad classification of those who would be considered refugees if they had crossed an international border (Robinson, 2003). Development and natural disasters are thus cast as domestic problems. However, they are both sensitive to international influence. Many development projects are underwritten by the World Bank and disaster assistance is leveled by global resources.

Literature on development induced displacement falls into two categories. At one end of the spectrum is a category of scholars who consider displacement to be the inevitable, unintended outcome of development and the other consists of research scholars to whom displacement is a manifestation of a crisis in development (Dwivedi, 2002). The first category considers development as a given, the other, considers it a catastrophe. Concerns of the first group include minimizing the adverse consequences of continued development. Concerns of the second include the political and negotiation rights of the people being displaced. Group one seeks to reduce negative effects, group two seeks new ways of doing development.

The first of the two main development induced displacement and resettlement models which see development as a given is Scudder and Colson's four stage model. It attempts to explain how people and socio-cultural systems respond to resettlement and was later applied

only to 'successful' cases. The stages include recruitment, transition, potential development, and incorporation. Many cases failed to go through all four steps and a new theory became necessary to explain this tangled process. From here, Michael Cernea's *The Risks and Reconstruction Model for Resettling Displaced Populations* (1997) has relatively monopolized this field. This model, also referred to as the IRR (Impoverishment Risks and Resettlement) model, resides in category one and utilizes economic methods. It is a conceptual model that is built around eight risks of impoverishment; landlessness, joblessness, homelessness, marginalization, increased morbidity/mortality, food insecurity, loss of access to common property, and social disarticulation. Cernea also articulates four steps to use this tool in practice: carry out a risk assessment in the field, design targeted responses, engage pro-active responses and participation of the population at risk, and establish transparent information and communication between planners and the at risk population.

One main reason for the specifically outlined model is his refutation of the traditional risk-response pattern: the cost benefit analysis (CBA). Cernea explores reasons why this method is inadequate. He concludes that the true costs of displacement are typically not included and accounted for fully. This perpetuates situations where some people share gains while others share victimization. Massive personal costs are paid for by the projects displacees and thus this approach minimizes what compensation is directly to property loss and not livelihood loss. Those who will be moved are often seen as calculated casualties for the benefit of the masses. Their compensation is often calculated haphazardly and without long term consequences of the disruption of displacement will cause to current livelihoods or the education of the young. Thus the cost benefit analysis approach to development induces displacement and resettlement accepts the cost of the lives and future of potential displacees for the convenience of the masses.

While Cernea (1997) is widely cited, Dwivedi (2002) takes issues with some of his conception of risks from the movementist tradition in the second category. The Cernea conception is considered managerial, which seeks to manage risks. Because it accepts that development will still occur as it has, the only durable solution is to manage the damage. Dwivedi has four concerns with this framework. First, risk perceptions are constantly changing; a resource valued by one community may not be valued by another. A risk assessment may undervalue a resource or overvalue a resource depending on the perspective of the person making the assessment. Secondly, the model is bereft of any systemic aspect or the global economic processes that cause displacement. Third, it neglects an understanding of the sequential nature of risk; risk is not a singular phenomenon and it can unfold in a complex sequence of events which show that variables used in the IRR model cannot be isolated from one another. Finally, the model adopts a mechanical strategy for problem resolution in that it assumes that land can be substituted for more land as jobs can be for more jobs- things that upon resettlement are rarely equitable trades.

The descriptive literature on development induced displacement and resettlement also exposes the shortcomings of the managerial approach, however. Heming, Waley, and Rees (2001) and Stein (1998) discuss the involuntary resettlement policies of China concerned with the Three Gorges Dam. While affected peoples assume the state will take responsibility for their transition and compensation, this does not guarantee that managerial decisions made by the state will be fair or efficient. Heming et al. (2001) find that increased poverty was common in Chinese reservoir resettlement areas. A main reason for this is a low rate paid for lost assets which failed to be sufficient to rebuild new homes and/or restore original living standards. Stein also finds that failures also occurred in not involving local people in resettlement plans, no new

employment options gave way to high unemployment with sixty percent of resettled residents living below the poverty line. Similar findings appear in India from the Nagan Paper Mill project (Bharali, 2007). The result of the Land and Forest Allocation Programme (LFAP) in Laos also shows a shortage in draught animals after relocation due to the need to sell them to buy rice. Farmers were not given quality information about their new environments to adequately farm and thus were unable to do so (Vandergeest, 2003).

Disaster displacement issues appear to be handled as a form of relief rather than a more comprehensive rebuilding or resettlement strategy; domestically and internationally. Unlike persons displaced and relocated domestically due to development, environmental migrants usually have no rights to compensation for losses due to natural disasters (Heming et al. 2001). Without legal protections from crossing an international border, those who lose their homes and livelihoods due to natural causes have to rely only on short term help to survive and possibly rebuild. Lautze (1996) explains that international relief resources are to be used to return communities to the status quo prior to the emergency. In essence, international aid is used to manage the situation. Cernea (1997) does suggest his model is a possible option for natural disasters, but it is unclear if it has been used as such. For natural disasters, relief and rehabilitation are different than re-development. The aim in a disaster is to alleviate human suffering. For the United States, funding for relief is based on lending a helping hand when others are in need, but development or re-development is still an individual nation's domestic concern.

### 2.2.3 Survival Migration

The newest conception in forced migration is called "survival migration". Conceived by Alexander Betts (2010), it is defined as those persons outside their country or origin because of

an existential threat to which they have no access to a domestic enemy. This threat has been interpreted as environmental/climate change, livelihood collapse, and state fragility. The definition has three specific elements; people are outside of their home country, they face a threat which includes the right to dignity<sup>14</sup>, and they cannot/ have not been able to remedy this situation within the domestic sphere. What makes this a relevant new category is that it identifies deprivation of socioeconomic rights which may make many of those currently considered economic migrants forced migrants. While the literature usually depicts international migration as a simple dichotomy between refugees and economic migrants, this conception gets at the complications and multi causality that can attribute to migration. It also recognizes such gaps in protections in that those who are survival migrants may need assistance, but currently cannot attain it as “refugees” under the 1951 Convention.

### **2.3 Climate Change Complications**

As mentioned before, climate change displacement will likely overlap the various categories of environmental migrants and thus the models. The IPCC definition suggests that long term variation in mean temperatures will only exacerbate short term issues that already disturb the public order. Modest projections for what Norman Myers calls “environmental refugees” from all causes by the year 2050 could amount to 1.5% of the worlds’ population (Cardy, 1994). While estimates for those who will be affected by climate change do vary widely, what is not fully known is how many there actually already are. With not solid definition, many may be lumped in with other categories of migrants. This would include victims from every category of Table 2.1 as well as many survival migrants. Therefore, not only do we need to consider more frequent and stronger atmospheric-based natural disasters, but that this may also

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<sup>14</sup> This makes it different from the way in which the refugee faces a threat; theirs is a right to security and liberty.

lead to an increase in development as a way to mitigate worsening resource allocation situations; these are not the only considerations, however. If we confine each of these scenarios to domestic spheres, and consider the previously noted inadequate planning (concerning development) and short term resources (concerning relief) these circumstances can lead to conflict. If so, actual refugees will be produced in this process as well. Therefore, we will most likely see millions of people driven by the same factors but treated differently based on how their individual situations play out. Treatment will be (and most likely already is) uneven. Thus there is a need to apply a label to this situation which can adequately define its intricacies, disentangle this group from others (as best as possible), and can be attached to the kinds of protections that are specific and equitable.

Because of the preceding argument, I offer that the term “climate refugee” not be used to reference those most affected by climate change. No matter the good intention of those using it to imply that they should be covered by refugee governance structures, this structure, in its current state, will not adequately allow it. I recommend that the term climate change or simply climate displacee be used instead. Climate Change Displacee (CCD) proposes interplay between the environment and the human production of this problem. Using “climate change” instead of “environmental” displacee differentiates those who face irreversible habitat deterioration and those who will face temporary. The term also suggests that those who will need to migrate will be pushed out. The word ‘displaced’ proposes that an event is occurring which moves someone involuntarily. Economic migrants are often pulled out of their communities with opportunities from abroad; often this is coupled with unsatisfactory living conditions at home. Using “climate change displacee” suggests a push out instead of a pull which can decouple those who choose to leave earlier than others from general economic migrants. They will be displaced because their

living conditions will only continue to erode, which cannot necessarily be assumed to be the case for economic migrants. Being ‘displaced’ does not imply a new location. ‘Refugee’ suggests the crossing of an international border, while many of those affected by climate change will not automatically be doing this. Someone affected by sea level rise will more likely move inland before moving to a neighboring country. For final clarification, climate displacees are those who will be forced to leave their current homes due to the unending environmental deterioration from the processes of climate change, migrating inside or outside of ones’ home country. In addition, this group has the potential to be a form of survival migrants.

#### **2.4 Migration Versus Displacement**

A final point needs to be made for the clarification of terms. The literature on forced migration varies between using labels “migrant” or “displacement”. While used interchangeably, these terms imply different things. Using “migrant” suggests that the person or group is actively moving, while being “displaced” suggests a passive process. Understanding one label as active and the other passive can more clearly identify the processes at work in international or national movement. Migrants choose to leave while displacees are forced out. This distinction is an important one. Those who will need to move to Bougainville are not doing so by pure choice; it is the best of many poor options. Using “migration” to discuss the effects of climate change can suggest that many may not have to leave but wish to; this is an incorrect understanding which can hurt relocation efforts. Politicians and intergovernmental organizations that are already reluctant to extend themselves to assist this group can use such a label to make it more difficult to attain such help. If these people are perceived as choosing to leave than being forced to, they may be left to manage the process in their own ad hoc fashion. If they are considered to be forced out, there is a better chance their situation will be seen as necessitating humanitarian assistance.

Labels matter; and once institutionalized it is much harder to change their meaning. The islanders of the Carterets did not contribute to the changes that are causing their eminent displacement. Most of those who will be affected are will be situated similarly; thus displacement also implies that there is a causality which is beyond their control. This gets at the point of those responsible for climate change and upon whose shoulders its costs, such as relocation, will fall.

## **Chapter 3. International Governance Structures**

The focus of this particular inquiry is the political and structural constraints on several specific intergovernmental organizations which have prevented them from assisting those who will be displaced due to climate change. Before we can understand constraints, governance structures must be understood within the broader international relations literature. Governance structures are a representation of interstate cooperation which has developed a recognized bureaucracy. While their unique inner workings will be discussed in the case studies, this chapter will serve as a conceptual background to identify the functions of international governance organization, how they develop, and how they can and do creep into various additional issue areas.

### **3.1 What Are International Governance Structures?**

The international governance structures to be discussed in this paper are often understood as ‘global governance’. I am referring to mature organizations which operate at a global level. Some have argued that true global governance is a myth because not only is there no true global arbiter, my purpose in using the term is to suggest an organization which can influence those governments under *its* own governance. I will not be arguing the theoretical validity of the term, but using it much like many other authors do to suggest a concept rather than a concrete literal phenomenon. Global governance has come to represent a common good and has fundamentally altered the debate of international politics. This terminology took over as the common vernacular after the Cold War when the Soviet challenge to Western (i.e. United States) hegemony was gone (Overbeek, 2010). Overbeek (2010) defines global governance as the constitutionalization of private property rights, guaranteeing the unhindered mobility of capital, and controls for rebellious social forces and states. While this definition gets at the general organization and

reasons for governance at this level, it is still vague and economically based. This language has been criticized for creating a depoliticized image of governance which can be misleading as governance is inherently political. It has also been accused of homogenizing a singular experience of governance (Dingwerth and Pattenberg, 2010). I do not propose to deny any kind of politics which occurs within the structures which will be examined in this paper. I am aware of their strong Western dominance and will consider this as one of the many political factors which affect these structures. One specific argument which speaks to this political imbalance is that the global South often gets excluded in global governance. Compagnon (2010) explains that while the Third World may lack the resources to attend endless meetings on global issues, they can have a negative effect on regime effectiveness by foot dragging in their compliance- whether deliberate- or not. What Westerners see as non-governance or disorder can often be an ethnocentric perception of governance, ignorant of the differing realities (and power at the grassroots level) in these nations.

A slightly more descriptive way to define these structures is to use the term “architectures”. It has been used to describe the broader institutional complex in international relations such as security, finance, trade and environmental protection; however it has no clear, commonly agreed upon definition. Biermann, et al. (2009) define global governance architectures as the overarching system of public and private institutions that are valid or active in a given issue area of world politics. The system comprises organizations, regimes, and other forms of principles, norms, regulations, and decision making procedures. It can be described as the meta-level of governance. Meta-level governance is a bit abstract, but as the authors describe it, the term focuses on the overall environmental setting in which distinct institutions exist and interact. Additionally, there are degrees to the amount of fragmentation of an architecture; this

description of global governance structures emphasizes the layers of governance that can make them more global in nature. If some states/regions are not directly active within the highest level of organizational entity, there may be alternative ways in which participation is still achievable. Similarly, Eberlein and Newman (2008) describe the development of what they call incorporated transgovernmental networks in their discussion of the European Union. This form of international governance is comprised of national regulatory authorities who are embedded into the supranational policymaking process; transgovernmental actors guide this process of integration and harmonization. This can also be seen as a type of architecture as layers of national governance harmonize with supranational structures.

The emphasis on international governance structures for the purpose of this academic inquiry is as an intergovernmental organization, or IGO. This structure would be one of the more concrete forms of governance within an architecture. The literature on IGO's focuses on the specific structural attributes of the organization, not as a conceptual entity like the global governance scholarship. Early efforts to develop international governance has attempted to parallel domestic governance forms- especially federalism. Abbott and Snidal (1998) argue that replicating domestic governance is difficult in the anarchic structure of the international system. IGOs may be governed and created by their members, but are in essence not state-centric. They are member centric and powerful member states often exercise substantial and disproportionate influence over IGOs. Centralization is also limited, with many decisions made by consensus. IGOs are important centers of bureaucratic expertise, but rarely adopt mandatory rules relying on individual states to ratify any treaty before it can take effect. The shortcomings of these organizations have given way to an alternative bodily configuration. Deemed 'Emerging Transnational New Governance', this updated form differs in that there is little state

orchestration, is highly decentralized, its expertise is disbursed, and agreements have become voluntary.

Going one step further, Ingram, et al. (2005) define IGOs as organizations that meet regularly, are formed by a treaty, and have three or more member states as members. Similarly, Bernauer, et al. (2010) recognizes such an organization with a permanent secretariat and that holds regular meetings. Minnich (2005) argues that an IGO should be defined as those associations established by governments or their representatives that are institutionalized sufficiently to require regular meetings, decision making rules, a permanent staff and headquarters. Additionally, they can be distinguished by their formal organization, purposeful activity, bureaucratic design, and legal personality. These definitions move closer to a description of what an IGO is as a physical entity. They argue that the policies of an IGO with capabilities such as effective mechanisms of communication, coordination, and dispute resolution and enforcement should have more of an impact than those bereft of these attributes. Similarly, Rey and Barkdull (2005) define them as formally recognized, permanent institutions created by a treaty among nations. Thus an IGO is multilateral, with an enduring character, headed by a secretariat which holds regular meetings and backed by an international legal standing. However, the more one can define an institution's operations, the better chance one can have an understanding of its effectiveness. Volgy, et al. (2008) distinguishes between IGOs and formal intergovernmental organizations or FIGOs which have a comprehensive operational system. These authors take a nuts and bolts approach to identifying such organizations through structural criteria. They define IGOs as entities created with sufficient organizational structure and anatomy to provide formal, ongoing, multilateral processes of decision making between

states, along with the capacity to execute the collective will of their members. In doing so, they also offer eleven specific criterion and their respective thresholds which classify a FIGO.

**Figure 3.1 Classification Threshold for a FIGO**

<b>Thresholds for FIGO Criterion</b>	
<b>Criteria</b>	<b>Threshold</b>
Number of States	Three or more
Mix	Predominantly states, no veto by non-state members
Representation	Representing central government or its sub unit
Rules of Governance	Specified in its charter
Meetings	Routinized and meeting at regular intervals and at least every four years
HQ Secretariat	Permanent
Staffing Presence	Non-symbolic, more than two, paid by the IGO
Staffing Independence	Independent of any IGO
Budget Amount	Sufficient to cover minimal staffing and operation
Funding Mechanism	Routinely identified and regularly available
Source	Majority funding not controlled by another state or IGO
Source of Information	Varied including direct contact with IGOs and their websites, news reports and original documents

These explicit criteria provide a complete view of what an IGO consists of above and beyond conceptual explanations; the structures examined in the subsequent case studies can be categorized as FIGOs. IGOs also vary as institutions by: membership rules, scope of issues, centralization of tasks, rules for controlling the institution, and the flexibility of their arrangements (Kormemos, et al. 2001). They are structures which come to exist in a rational and purposeful manner.

Much of this section thus far has focused on how IGOs are viewed; conceptually as well as structurally. It is important not to overlook the way in which they function. IGOs are independent from states because they control information and expertise. They have an authority derived from their member states to act independently and thus do not necessarily mirror state

decision making. IGOs bargain over turf and funds, are constrained by individual state preferences, and create a ritualistic behavior which can be disconnected from the outside (Barnett and Finnemore, 1999).

### **3.2 A Type of Cooperation**

The IGO can also be understood as a form of international cooperation. While they can behave in a somewhat disconnected from their member states, they are representative of the way in which states cooperate in the international sphere. The international relations scholarship on institutions and cooperation is broad; it will be reviewed with consideration to its relevance to the research question at hand.

The international sphere is generally characterized by a state of anarchy where there is no super state which can wield supreme authority over the rest. It is also argued that considerations about relative gains and concerns about cheating prohibit cooperation (Mearsheimer, 1995). These concerns from those in the realist community have been a challenge to their liberalist rivals which identify not only that cooperation does occur, but that it does not have to be coerced. Realists are mainly concerned with power, how states guarantee their own survival and how to maximize their relative power over others. Axelrod (1984) challenged this notion using game theory and realist assumptions about self-interest using a tournament of Prisoner's Dilemma (PD) games. He finds that cooperation can evolve from those who base their cooperation on reciprocity, a strategy which can thrive over many more protective strategies. The tit for tat strategy of reciprocity is nice, but also retaliatory when necessary. While this game represents cooperation in a sphere of anarchy, it is usually used to demonstrate whether states go to war. Deciding to act about climate change is a different. This situation is a 'tragedy of the commons' (Hardin 1968) where the freedom of each state to pollute with carbon emissions is

destroying them. It is a problem of overdevelopment of common pool resources (Ostrom, et al. 1994), not war. Thus the imposition of PD on this situation may not best represent this strategy of cooperation. Here, all states know that climate change is a bad thing and that no one is immune from its consequences (good or bad) and they would be better off with an agreement to stop it. Krasner (1991) would describe this as a coordination problem best represented in the Battle of the Sexes. The disagreement lies in what to do, not that something needs to be done. There are many Pareto points to consider depending on the issue area; coordination on emissions limits will have different options than for sustainable agriculture.

Neoliberal institutionalism explains cooperation through transnational institutions and regimes (Milner, 1997), thus is a better theoretical location for this research than basic realism or liberalism. The term 'institution' can mean various things; Keohane (1989) describes them as formal NGO's, international regimes and conventions. Norms and regimes have the ability to develop into more formal organizations depending on how widely accepted they become. Finnemore and Sikkik (1998) describe this process as a life cycle where new norms emerge, cascade, and then become internalized. This process can create what Milner (1997) calls an epistemic community- where many states share a certain 'frame of mind' so to speak; they agree and have adopted the same stance on a particular issue. Cooperation is more likely when these communities exist. Inversely, Dorussen and Ward (2008) argue that those who participate in IGOs are exposed to norms which generate a type of social capital which create network links among nations. States within these institutions develop ties to other states, and learn how to bargain with each other; thus rather than seeking asymmetrical advantages through coercion, states are functioning in a realm of reciprocity.

Membership, itself, in an IGO is a distinct form of cooperation. Coordination can be found in their formal structures; such as agreed upon goals, established decision making procedures, and coordination of policies (Minnich, 2005). In addition, IGOs can assist outcomes and alleviate fears of unequal gains (Keohane and Martin, 1995). They create credible commitments (Morrow, 1999); reinforce norms, mediate conflict, reduce uncertainty, aid problem solving, socialize actors, and contribute to identity formation (Rey and Barkdull, 2005). IGO's are also purposefully designed with membership rules, a scope of issues, centralization of tasks, internal rules, and certain flexibilities of arrangements (Koremenos, et al. 2001). Constructed as such, IGOs are specifically crafted, not hap hazard. They are a form of cooperation which is tacitly agreed to in order to form its concrete structure, form, and purpose.

### **3.3 Why do States Agree to Join IGOs?**

States agree to create and prefer to institutionalize certain arrangements, according to Abbott and Snidal (1998) because they can generate centralization and independence. IGOs have the propensity to contribute much to the international community. These organizations enhance efficiency by economizing transactions costs and resemble governments more so than business firms; in this way they can mirror the activities of governments and achieve cooperation in ways that other institutions cannot. There are additional functions which IGOs provide as well. They provide a neutral, depoliticized space to make arrangements which is essential for productive negotiations. They equalize power among nations through rules; while not always successful, rules are necessary for smaller nations to be able to have their say against those which are more powerful. IGOs have an administrative apparatus which allows them to continue their work on a day to day basis; not just when heads of state or government are available. They manage operational activities and pool risks that individual nations may not feel comfortable tackling

alone. Lastly, they push negotiations forward through facilitating cooperative relationships and agreements.

While democracies tend to join more IGOs than non-democracies, this also varies by democratic institutional structure. Rey and Barkdull (2005) find that those with more competitive party structures and multiple legislative chambers join more IGOs. Boehmer and Nordstrom (2008) add to this demonstrating that dyads of nations that are economically dependent, and/or are democratic and enjoying peace join IGOs at higher levels than those which are not; development and alliance also increase IGO involvement. It could be argued that these results represent the effect of the epistemic community; that developed, democratic and peaceful societies share a similar international outlook which increases their propensity to join international governance structures. The realist tradition suggests that IGOs only represent the current and prevailing power structures, but if others begin to buy into the values which these structures represent, then there can be an agreement between the two schools of thought in which resulting cooperation can stem from varying perspectives on the same phenomena.

### 3.3.1 Sovereignty Issues

In order to be able to fulfill the tasks listed in section 3.3, states need to be able to relinquish some level of sovereignty. Sovereignty within the sphere of international cooperation can be a sticky issue. It is the justification for domestic rule, but sovereignty becomes more difficult to maneuver in the international arena. The anarchic nature of the international realm is characterized by the lack of any entity which is sovereign over the rest. Even in the case of a powerful hegemon, realist explanations for peace between nations lean more toward alliances that support a balance of power rather than sheer takeovers (Haas, 1953; Walz, 1979; and Morgenthau, 2006). In understanding international cooperation and how and why individual

states would give up some of their sovereignty in order to join such an organization, one needs to consider the benefits gained from becoming a member. Abbott and Snidal (1998) provide many reasons why it can be advantageous to join an IGO. While the general purpose of such an organization is to create rules which constrain its members from choosing policies which are negative for the other members (Heinmiller, 2007), this does not have to seem detrimentally confining. If we refer back to the epistemic community again, there is some room to reconcile sovereignty issues. Rules are only constraints if a nation does not see them as in their best interest. If one is a member of an epistemic community consisting of a set of shared values, doing what is ones best interest can more often be in the best interest of the community as a whole. Shared values should facilitate choices and regulations which will be more agreeable to the entire community.

### **3.4 What Is Governance at the Global Level?**

The discussion thus far in this chapter has been about what international governance can do, but not specifically about what it looks like. Governance at this level is about the rules of world order, the agents who participate or are excluded, and the discourses about them (Mittleman, 2010). Governance at the global level is then characterized by the prevailing centers of power which provide a platform to develop new rules, but also the ability to allow and disallow participation. Ikenberry (2010) argues that the generally recognized model of international governance is an American led model built on a Western foundation and entailed complex notions of sovereignty ad interdependence. It was also hierarchical with the US positioned at the apex. This developed in the bipolar environment of the Cold War; in the 1990's, the international order began to expand and American dominance was contested by new states seeking influence and changes in security interdependence. Developing countries are now asking

for a bigger say in governance. Assumptions that go along with this argument include: Southern countries are underrepresented in global governance and governance cannot apply to countries with a minimum of institutionalized public order. Thus the global South is pitied for being excluded from world affairs (Compagnon, 2010). There are certainly many reasons to substantiate this claim; smaller nations do not necessarily have the resources or qualified personnel to participate at the same levels as larger and richer nations and are not seen as equally as influential. Governance actors wield authority across borders as states exercise authority over other states; thus it is cooperation within a hierarchy (Lake 2010). Whether we consider a specific hierarchy- such as the one proposed by Ikenberry- or a diffuse one where many states agree to use their authority over others, governance is about the authority in relationships. This is especially important when dealing with climate change. Those most affected by this process are the smaller nations which do not have the global reach to insist that their concerns be addressed by the larger and significantly higher carbon emitting nations, whose authority becomes the question at hand.

The development of hierarchy in international governance is also discussed by Abbott and Snidal (1998). They characterize the changes in intergovernmental organizations over time as “Old Governance” and “New Governance”. Old governance is not unlike Ikenberry’s description of governance after the Cold War; it is state centric, centralized, and distinguished by bureaucratic expertise and consists of mandatory rules. This model provides a space in which hierarchy, designed by the United States, can be facilitated and upheld. It has a centralized regulatory authority and views societal actors as self-interested and unaccountable, thus in need of rules. However, new governance proposes to better integrate new and developing nations. It is still state centric, but states play a role as orchestrator rather than dictator. It is also decentralized,

has dispersed expertise, and functions through soft law. In this model, the state promotes and empowers a network of outside institutions which are encouraged to create self-regulating activities. Both Old and New governance are ideal types, but they can represent the changes that international governance has seen from the post-Cold War to today.

An alternate model comes from Ramachandran, et al. (2009) who conceives of how to create an ideal IGO membership. These authors consider a system of global governance as needing a balance between people, economics, and nation states; Ikenberry and Abbott and Snidal have already illustrated that balancing smaller nations can be a difficult task. Ramachandran, et al. see a necessity to treat all nation states as equals, however they also add that there be a requirement to include representation by economic resources which would reflect pragmatism. The authors' idea of pragmatism is already reflected in the way in which minor states are currently treated in governance structures; those with small or developing economies do not receive the stature or influence that states with larger economies do. In terms of climate governance, it may be less than pragmatic to isolate the nations that are most affected if effective solutions are the goal. However, if the goals of governance are guided by the powerful main actors, 'effective' may not be the ideal if these solutions hurt their already strong economies. Whether pragmatic or not, relative economic power shapes global governance structures.

#### 3.4.1 Consent of the Governed

Like domestic governance, those governed by IGOs do so as consensual partners. The consent of the governed is no less important than in domestic situations. Unlike domestic governance, the channels to those in charge are less direct. An IGO consists of permanent staff that processes the day to day work while member state representatives convene for short periods. Member state delegates are responsible to their home governments, but what about IGO staff,

administration, or bureaucracy? There have been few cases in which those directly affected by IGO policies were able to hold such an organization accountable for their mistakes; vertical accountability in such an organization lacks the same legitimacy as in domestic governance structures (Goriescou 2008). IGOs face challenges in this area. While there may be hierarchical power guiding the organization, there is little that states which have had poor consequences or problems with such governance can do about it.

### **3.5 Institutional Mandates and Enforcement**

Intergovernmental organizations can be individually identified through their mandates and also consist of mechanisms to enforce agreements which facilitate the inaction of such mandate. As Kormenos, et al. (2001) reminds us, institutions are rationally designed to solve specific problems. While this may change over time, the original structure is built for one purpose.

#### **3.5.1 Organizational Mandates**

Mandates outline the reason for and justify the existence of an intergovernmental organization. In order to create an IGO, the question of what will be governed needs to be answered. The mandate creates the initial image of the IGO, what it will stand for, and distinguishes its activities.

#### **3.5.2 Mechanisms for Enforcement**

IGOs govern through differing types of international law. Such agreements often vary between hard and soft international law. Additionally, these mechanisms are multilayered in that agreements at the IGO level must also be incorporated at the state level. Since World War II, there has been no shortage of instruments which states have consented to and formally share under the United Nations and other governing bodies. They have developed from common

concerns and normative principles and rules that originate in regional and domestic law (Cottier, 2009). Again, the epistemic community provides a basis for the development of law as cooperation. It is important to refer back to the development of IGOs to understand the use of these mechanisms. The period of Old governance was rooted in “hard law” which was legally binding and mandatory. Hard law rules are uniform across regions and enforced by legal procedures, backed by civil regulations. State compliance is monitored by other states. In contrast, new governance relies on flexible norms and procedures (Abbott and Snidal, 1998). These rules affect a state’s compliant behavior. Governments make commitments to further their own interests and comply to preserve their reputation (Simmons, 2000). However, hard and soft laws pose different challenges and incentives.

Abbott and Snidal (2000) explain why we see the use of both. Legalization enhances credibility while codifying rule and consequences. Hard commitments are often used when the benefits are great but opportunism costs are high. When compliance is difficult to detect, hard law can increase the credibility of commitments. Sincerely committed states will also use them to symbolize their seriousness. In terms of climate change, it will be difficult to detect changes in others emissions and the risk of free riding is high. Conversely, soft agreements are argued to be more effective in that they are easier to achieve and allows actors to learn about the impacts of these agreements over time; it fosters compromise and cooperation.

Though it would make sense on the outset that hard law be used to deal with this global challenge, what has happened is that states with the least ability or desire to commit to such treaties simply do not. Soft agreements on this issue get wide spread participation, but leaders do not seem so interested in compliance (Von Stein, 2008). This is the tragedy of the global commons; exploitation of natural resources in support of economic growth and energy

consumption which has lacked responsibility. Efforts to combat climate change have been dysfunctional and have been driven by these national interests. Vested interests loom large (Cottier, 2009). Power does play a role in regulatory outcomes; these are not simply sterile technocratic processes (Schaffer and Pollack, 2010).

Hard and soft law and agreements are not specifically alternatives, however. They can complement each other, but can also be antagonists. They can and usually are discussed in binary terms, but the usage of both can, and often does, lead to inconsistencies and conflicts among complimentary norms. They are choices along a continuum. Hard and soft laws also interact; non-binding or soft law can lead to binding hard law and hard law can be elaborated through soft law instruments. In the presence of distributive conflict (which can be understood as the winners and losers in climate change), the interaction of hard and soft law is often seen as the strengths of each regime being weakened by the other (Schaffer and Pollack, 2010). Those states that prefer one type of agreement over the other may also be involved in this antagonism arguing for one's preferred competing jurisdiction over another.

### **3.6 Institutional Expansion Theories**

For the purposes of this paper, it is not sufficient to explore what an IGO is and does, but also how they act over time. This means looking at their propensity to expand. As mentioned before, many international governance structures are initiated with the purpose of aiding a specific issue area. However, in recent years, governance has expanded rather than remained static. Thus, the expansion of migration governance to cover those affected by climate change would not be without precedent. Below are two different theories which can assist in understanding the impetus for governance enlargement.

### 3.6.1 Neofunctionalism and Spillover

Neofunctionalism is the brain child of Ernst Haas from his seminal work *The Uniting of Europe* (1958). In essence it is theory about the growth of governance of the European Union (EU). It began as a departure from two earlier works about the development of the EU; transactionalism and functionalism. Transactionalism refers to the amount of economic and human capital based transactions across the European borders. The more transactions, the more integrated a nation becomes (Puchala, 1970); transactions are a description of integration, they do not cause it. Functionalism has emphasized a union of neutrality which is suggested to be apolitical and based on regional institutional building (Mitrany, 1948). Haas' departure was moving beyond functionalism's vision of simple technocratic governance to offer a utilitarian approach to the fulfillment of interest (Rosamond, 2005). With neofunctionalism, actors matter and they need to be comfortable acquiring the new loyalties of the new and developing governance organization. EU scholarship has identified nested identities as an important way in which this process is facilitated; like Russian Matruska dolls (Risse, 2005). This is important as some have argued that neofunctionalism suffers from a macro bias and does not give enough credence to human agency which provides the leadership for institutional change (Colomy, 1998). However, if Haas' work acknowledges that not only do states but also non state actors, then we can extrapolate that national leaders can work as entrepreneurs to push for institutional change. Additionally, integration is a sporadic and conflictual process, but through democracy and pluralism, national governments will find themselves devolving more authority to these regional; citizens will expect more of them as well. This is the process of "spillover" (Schmitter, 2005). The better the system functions, the more will be expected from it.

The process of spillover is optimistic but also somewhat paradoxical. For the process to begin, existing states need to come together on some relatively non-controversial and separable issue area where tangible gains from cooperation are sufficient to give up autonomy. However, if this issue were so non-controversial, there is little reason to necessitate expansion to handle it (Schmitter, 2005). In the case of climate change, the issue is much bigger than any one nation can tackle on its own and is also controversial in terms of blame. But, because the problem and its consequences are so large, it necessitates governance and cooperation beyond the national level. There is the need to provide functioning apolitical governance in order to tackle such a complicated issue.

One important facet of spillover is that (at least in the case of the EU) it does not specify a time line for its occurrence. Contemporary authors have found this difficult as the development of the EU stalled for many years. This could also be the case with climate change; there may be little movement now to expand migration governance structures, but this need not be the case forever.

### 3.6.2 Organizational Behavior and Firm Theory

Another set of literature which outlines organizational expansion comes from organizational behavior and firm theory. While firms or corporations do not function identically to intergovernmental organizations, there are some theoretical similarities which may assist this particular investigation on institutional expansion.

Organizational and firm theory tends to complement each other because a firm is a particular type of organization. Organizational theory assumes that organizational forms are effective in that they promote the survival of the organization. In addition, the job of a firm is to economize transaction costs. There are also political theories of the firm which argue the basic

problem facing organizational actors is to create a stable world so that the organization can continue to exist (Fligstein and Freeland, 1995). Stability is one thing, but expansion requires a large amount of resources (Hu, et al. 2008) and a full evaluation of immediate operating needs, the competitive environment, dimensions of management, finance and macroeconomics (Kumar, and Waheed 2007). However, there are good reasons to expand. Taylor explains that expansion is often driven by clients' requests or demands, attractive economic options (2005a), and when clients are already based in an alternate geographic area (2005b).

Bringing IGOs back in, once established they have bureaucratic structures which employ many who do wish to promote the survival of the organization, if for nothing else but to keep their jobs. Continuing to exist is important, but also is the issue of continued relevance. This is complicated by overly effective governance of the issue area at hand; is governance necessary after all member states actively integrate IGO regulations into their own domestic policy? With nothing more to govern there is no need for the institution to survive. However, expansion can be the answer to stagnation and irrelevance; thus firm theory can be extrapolated here. Expansion for IGOs is just as resource intensive as it is for a firm; similarly there is the requisite of office space, personnel, and sufficient revenue. In terms of climate migration, there is also a growing demand to expand by those who are currently affected, academics, and practitioners.

This section is not meant to be comprehensive, but to provide some theoretical background on how and why institutions expand over time. Neofunctionalist spillover and firm theory are two possible frameworks through which to see this process. I will refer back to these later in the paper as a way to reintroduce, more specifically, a structure for understanding the options for each of the IGOs being researched.

## **Chapter 4. Theoretical Underpinnings**

Chapter four will concentrate on the theoretical base for this particular inquiry. Specifically, it will focus on three categories of theory. The first will deal with the internal workings of and propensity to change of intergovernmental institutions. What are the challenges to modification of institutional structures at this level? Are they structural, procedural, performative...? The section will expand on the theory which explains some of the reasons for institutional change and place the IGOs being investigated into this context.

The second section will discuss several typical theoretical frames in which this research question could be analyzed. These will include several explanations why the institutions being examined might not have expanded. There are ways in which to justify away such a question through existing lenses, however, upon closer examination; I will demonstrate why each of these does not quite fit these particular circumstances.

The final section takes the research question in its entirety; how can we understand where the issue of climate induced migration and displacement falls into the larger sphere of international relations. I argue that this phenomenon is a human rights issue substantiated through the treatment of outsiders from early civilizations through the codification of these liberties after WWII. The right to movement and to be accepted in a new land of refuge has been a pillar of community and international interactions throughout time. It is an issue of human security in that the decision to leave one area for another or to have been forced out entails the right to have personal risks minimized as the event of migration makes individuals and populations vulnerable. Transit itself can be a dangerous endeavor and there has always been a note of sympathy toward those who have needed to face that adversity.

## 4.1 Theories of Institutional Change

The main theoretical underpinning of this dissertation is that institutions matter; a belabored point at best. In the case of climate change, institutions are essential because the problem is global in nature and in effect. This is not to debate the validity of the top down versus bottom up approach to such a large scale problem; however agreement at the member state level sets a tone of equal treatment of this issue. International governance implies an agreement of each member state (or at least the majority of states within an organization). In this case the institution shapes preferences in that to get member state cooperation, it needs to provide a space to for nations to debate and persuade each other. Through this process, new issue areas can also be debated and yet the impetus for change still lies somewhere in the middle.

Lane and Ersson (2000) explain why institutions matter as falling into two distinct categories: intrinsic and extrinsic. The former, meaning that institutions matter for their own sake as they are interesting and affect overall social outcomes; the latter, that they are important because of their consequences or outcomes. For the purposes of this paper, I am focusing on their extrinsic importance. There can be no doubt that institutions have value as social instruments. Regimes and norms have continued to become institutionalized throughout human history. Many more, in recent years, have become structures which in turn are dissected by political science. The field has a need to understand how they come into form, how they function, and when and how they change. This type of inquiry, for the purposes of intrinsic value, is certainly interesting. Whether as a norm or structure, institutions have many beliefs, rituals, and actors to investigate. Change or expansion can also be seen in this light, but not for the same reason it has extrinsic value. Institutional change, as intrinsic value, speaks more to its survival than outcomes. An institution is not one if it dies, thus if change is what is needed to survive there is value in change

for the sake of simple perpetuation. This is not an assessment of the institutions' quality of inputs or outcomes but an observation about the institution as an object in and of itself.

On the other hand, institutions have consequences and outcomes which affect not only those who adhere to such rules or work within a material structure; they can also create in and out groups, those who participate and cooperate and those who do not. Institutions shape the behaviors of individuals, groups, and states alike. The sake of these outcomes is the focus of this paper. My concentration on expansion and change stems from the role of outcomes in that institutions, in the form of IGOs, act. Institutions act for many purposes, but IGOs act under the auspices of governance which seeks to manage or create solutions to global problems. In this case, expansion and change equates to problem solving. My implication is also normative; expansion in order to take on global challenges is a good thing. IGOs represent the strongest form of cooperation ever attempted as a way to improve international relations. The institutions which will be examined here were conceived in the aftermath of WWII when international agreements were viewed as essential to correct the injustices perpetrated within the previous wars and to protect the world from new wars. Two of the three IGOs to be researched are a part of the UN system fashioned under these norms.

While change and expansion can be seen as normatively positive as a way to assist in a newly recognized global problem, there are two main forms of constraints which can work against such progress: political will and structural path dependence. Political will describes the salience of new issues to the majority of member states involved while path dependence describes the internal workings of the institution such as bureaucratic culture and rules. Most literature on institutional and IGOs focuses on the latter rather than the former. Shanks, et al. (1996) explain that while bureaucracies have been described as “practically indestructible” by

Max Weber, they do grow and have developed differently over time. The total number of international organizations has grown significantly since 1981, but only two thirds are still active, suggesting that without growth many have become insignificant. From 1981 to 1992, most IGOs were created by other IGOs with common goals being the main impetus instead of common borders. Thus larger scale cooperation is now important to IGO growth than regional objectives. Within these institutions of common goals, arrangements can generate regularities that may become taken for granted, as Clemens and Cook (1999) describe. In this case, change occurs when such an organization is no longer perceived as inevitable. Connecting to Shanks et al., the one third of IGOS which have fallen out of favor could have suffered this fate as either their mandates were no longer necessary or another IGO appeared and stole their thunder so to speak. Clemens and Cook also offer another reason for change: learning. Internal actors modify institutions in order to solve new problems or increase efficiency. This reason implies the actor involved is some sort of bureaucratic employee as their discussion does not touch on member states. And even if a bureaucrat can initiate change from within, it can be difficult to notice such change as it needs to align with institutional tradition as such change needs to still align within certain models of behavior.

IGOs have a propensity to create their own specific activities and behaviors. Meyer and Rowan (1977) describe this as myth and ceremony. Institutional rules function as myths which organizations incorporate to gain legitimacy, resources, and survival prospects. These myths can be isomorphic and affect the formal structure of an organization which is distinct from its day to day activities. These institutionalized myths define organizations domain of rationalized activity. The flexibility of the myth is what can either assist to deter expansion. Certain mythologies can be very confining as an organization sees this as their identity, which in turn is internalized by its

staff which will protect it. One possible deterrent to change may be that in terms of climate induced displacement, there may be no prevailing myth yet which can be absorbed. An institutional mythology can act as a way to legitimize territory; a way to ensure survival. If IGOs can lose their significance, a strong mythology can perpetuate an organizations' life existence. However, it can also create conditions which are less conducive to change. A mythology needs to be protected in order to ensure an institutions' survival, changing it could be seen as a threat to the organization itself and the people it employs. Organizations are not mechanical tools doing the work of their creators, they are alive in sense in that they interact within their environments and contain personnel which try to use the organization for their own ends and struggle with others over its use. IGO secretariats spend time and energy in ritualized conferences, establishing agendas, coopting state representatives, developing data and generating resolutions (Ness and Brechin, 1988). These are not necessarily bad things, but in the effort to get all of these things accomplished there is little time to make changes.

Shifting gears to issues and member states, there is research which confirms that IGOs offer the negotiating space which member states use to make the case for their own interests and facilitate cooperation. Bearce and Bondanella (2007) find that IGOs make member state interests more similar over time, this remains the case even considering the levels of inequality between nations (Beckfield, 2003) and the results are stronger within global IGOs than their regional counterparts (McCormick, 1980). These outcomes suggest that if a member state saw the opportunity, it could use an IGO to make the case for expansion on an issue that it thought was important. Now, I am not suggesting that this process is easy or guaranteed. What the research does not answer is whether interest convergence happens through cooperation or coercion; thus smaller member states may not be the ones initiating a discussion to bring something important

to them onto the forefront or even if they do, may not find the convergence going in their direction.

Finally, this section has discussed the theoretical propensity for institutional change as somewhat detached from the individuals who initiate it. Much of this literature treats institutional bureaucracy and even member states as if they were autonomous of any sort of human design or control. However, there is a subset of neoinstitutionalism and neofunctionalism which identifies Eisenstadt's conception of "Institutional entrepreneur" as important when discussing human agency; it designates individuals and groups who adopt leadership roles in episodes of institution building. Eisenstadt maintains that institutional change is partially contingent of the activities of such entrepreneurs and while they may still rely on institutional myths, they do so only in ways to legitimate the changes they seek. Institutional entrepreneurs find innovative ways to articulate what they want, even using some of the confining aspects of the institution in their favor (Colomy, 1998). However, institutional arrangements often reflect the ideas and goals of the most powerful system actors (Seo and Creed, 2002) thus changing the institution can also mean standing up against who benefit from the way it currently works. This makes the task of the entrepreneur difficult, but also reflects the need for persuasion. These institutional entrepreneurs can be seen as the personification of Finnemore and Sikkink's norm entrepreneurs; once they begin to make progress and hit the necessary (and nonspecific) tipping point, the norm cascade will bring others within the institution along.

#### **4.2 Insufficient Theory Frames**

This next section refocuses theory to consider that which is not helpful. There are many frames the research question posed in this paper could fall into; unfortunately many of the most

conventional do not seem to fit. I will outline each and systematically explain why they are less than suitable.

#### 4.2.1 The Collective Action Problem

For a collective action problem, the main issue is free riders; how to get everyone to contribute. In essence, not everyone has to in order to receive the benefit; often what happens is the exploitation of the big by the small whose contribution is often too small to notice (Olson 1965). However, we see the opposite happening in emissions negotiations. Smaller countries have more eagerly signed onto the Kyoto Protocol and have made better progress than larger ones. In addition, large emitters such as the United States or China have been unwilling to fully commit to contribute to the rectification of the situation until the smaller nations contribute as well. This has been the divide between the developed and developing worlds; the ones who became developed through emitting tons of carbon while others want the chance to do so as well. In this case, there is a lot of path dependency. It is difficult and expensive to change over an entire economy, with the largest burden on the highest emitting states to do so not only themselves but to also assist others as well. Olson (1965) also argues that when a goal is common to the group, no one will be excluded from the benefit from its achievement. By every nation reducing emissions, each state receives a benefit from the resulting reduction in this type of pollution. It is also argued that those who contribute to collective action receive social and material benefits in return for their sacrifice to the group (Willer 2009). Unfortunately, social accolades can be hollow and there are very few benefits when its only the smaller states making all the commitments to reduce their carbon. Thus in terms of the causes of climate change (the impetus for migration); the collective action problem is turned on its head.

When it comes to migration due to climate change, there is no clear benefit to all due to collective action. Would it be a more secure world? Moral contentment? Assisting those who are losing their land is a concentrated benefit. If one does not contribute and then does not see a benefit, are there in fact, free riders? If the essence of the free rider problem lies with receiving a benefit without doing anything, I argue that climate migration is not a collective action problem. Emissions affect everyone's environment but its effect varies. Cutting them could be considered the collective action problem. Developing nations have little money to change their struggling economies, assisting them creates a benefit shared by all. Helping those whose land is becoming uninhabitable does not. It is hard to persuade the United States and other large nations to do things they do not want to do (Maxwell, 2005), especially when they are not in a position to gain anything directly from making concessions. There is always a mental/emotional benefit from 'doing the right thing' but this kind of benefit is not enough to constitute a collective action problem.

#### 4.2.2 Diffusion of Awareness

Awareness is very important when thinking about climate change or any other issue. How can one act on an issue if they do not know it is happening? Eveland et al. (2005) explain that political knowledge is often a function of social status, that those with higher incomes and education exhibit more political knowledge. In the case of the political actors who are involved within intergovernmental organizations, these are highly educated people, whether from a high social status group or not. It is their job to know about world affairs and within their employ are a staff of highly educated people whose role is to brief their superiors on new information and issues. In addition, interest groups tend to share technical and political information across borders (Boatright, 2009). Member state actors, who work within an IGO, do have meetings in

and outside of this particular structure. There are opportunities reasons to exchange such information. If a member state believes that its information can persuade others on a particular issue or it sees the necessity to form a negotiating bloc, comparing and sharing information is critical.

Getting back to the issue at hand, it is not simply that no one knows about climate migration or “climate refugees”, as they are often called; the cognizance of this topic is growing. The Association of Small Island States (AOSIS) has been making statements on their vulnerability to the UN General Assembly since 1991. In 1995, the United Nations Department of Economic and Social Affairs Division for Sustainable Development (UNDSEA) requested the development of a Small Island Developing States (SIDS) unit; its function being to support the work of AOSIS. This occurred after the Global Conference on the Sustainable Development of Small Island Developing States held in Barbados. The conference produced the Barbados Programme of Action (BPoA) which outlined the main developmental concerns of AOSIS members and other small island states. Its priority areas included climate change and sea-level rise, up front. The BPoA set forth actions to be taken at the national, regional, and international levels. In 1999, the United Nations General Assembly held the 22nd Special Session which adopted a state of progress which became BPoA+5. It specified priorities which need urgent attention in the next 5 years included (again) adapting to climate change. Additionally, the Mauritius Strategy of Implementation (MSI), a ten year review of the Barbados Plan of Action, was convened in January of 2005. It adopted a proactive strategy to further implement the priorities of the BPoA. The Mauritius Declaration emphasizes that small islands are among the most vulnerable regions to the impacts of natural and environmental disasters, especially as their frequency and intensity increase. This conference identified that the impacts of climate change,

including sea-level rise remains a top priority as well as the development of renewable energy and cleaner fossil fuels. The final meeting of this conference series was held in New York in September of 2010; the MSI +5. Thus, the world has not been in the dark about the vulnerabilities of those who live on small landmasses. In addition to the awareness raised at the UN level, the phenomenon of climate displacement has increased in the media in recent years as the plight of the Carterets has become a reality. Most of the background information provided in chapter one has come from this growing body of work. I am not suggesting that this is yet a widely known phenomenon, simply that those in positions of power have been exposed to the issue.

Being aware of an issue does not necessarily promote action. The international community is aware of many injustices which they do not/have not acted upon efficiently. There is global poverty, the Rwandan genocide, the violence in Darfur and many other examples. These problems are well known, but have not (did not) garner enough political salience to precipitate action. I argue that in terms of information, it is not so much that the phenomena is foreign, but that it is not well understood for what it actually is. The discourse of “climate migrants” and “sinking islands” provides doomsday scenarios which do not accurately articulate the larger process that is taking place. Sinking is highly dramatic, but not the actual impetus for movement. The problem is sustainability based on a habitat which has enough food stuffs and fresh water to support human life. If policy makers do not understand these complexities or how they translate into alternate timelines than those for “sinking”, they cannot provide solutions. Now, this does not propose that even if they did understand that they would act, as I already mentioned, many large issues go unresolved if they are not seen as politically salient. However,

an issue with this type of complexity does become difficult for leaders to grasp. It is harder to sell action on something complex than something simple.

#### 4.2.3 Concentrated Benefits, Disbursed Costs

As a theoretical frame, ‘concentrated benefits, disbursed costs’ can offer much. This label is intended to be an off shoot of basic cost benefit analysis. Often many physical investment projects are the objects of cost benefit analysis such as dams and large infrastructure (Gramlich, 2002). These projects tend to disrupt the few to benefit the many. This frame posits the opposite: why pass the cost onto the many only to benefit the few? The number of those who will need assistance due to being displaced is going to climb, but in the immediate future, the benefits are highly concentrated. What entices actors to contribute to something they will get no direct benefit from? One can argue that there are certain moral incentives which can make this happen. Taking care of those who can’t take care of themselves is a moral and humanitarian cause. The people that inhabit the “sinking islands” can’t fix their predicament on their own, thus need outside help. In the vein of welfare spending for individual countries, international aid is also given by large group of nations to smaller ones who cannot take care of their own citizens. One can also argue that this type of concentrated benefit with disbursed costs is not entirely benign. Aid is given with the desire to influence policy and people. Development, in the 1950’s and 1960’s was seen as the way to Westernize traditional societies; large scale capital-intensive development projects in developing countries accelerated the pace to a brighter and a better future (Robinson, 2003). The future however, usually required a commitment to either capitalism or communism. International aid during the Cold War also came with new sphere of interest and many strings attached.

In the case of climate migration, those who need help do not have much geopolitical value. They are small nations which already receive international aid and are looking to develop into the modern capitalist paradigm; there is no one to convince in order to form some sort of allegiance. If anything, these nations are looking for ways to develop in a more sustainable trajectory than that taken by the great powers thus, aside from capital; the influence of the developed world is not nearly on par with how it was in years past.

The global fund to assist climate adaptation is already paying for some technical projects, which can suggest that those paying for climate adaptation are not uncomfortable with contributing to ventures which concentrated benefits. However, migration plans are not yet covered by this fund. This is because migration is not yet seen as an accepted form of adaptation. If it were, one could argue that it would be the same as any other adaptation project. This may still take some convincing; the implications of building a sea wall are inherently different than organizing a mass exodus.

#### 4.2.4 Diffuse Responsibility

Responsibility is an incredibly important frame for climate change. One way in which it can be understood is using the old adage “you break it, you buy it”. Those who damage the environment are on the line to fix such damage. However, there are many parties to blame, some of which still refuse to alter their continuing contribution to the problem. While responsibility is diffuse, it is also uneven with some nations contributing to much more damage than others. Can this translate into proportional responsibility? If so, can it provide a basis for contribution to the solution? In what way would this be measured? Nations are only partly at fault here as it is their individual citizens and businesses which also add to the problem. Proportional could mean by nations or by person. However, environmental destruction through many means (climate change

being one) has been the consistent byproduct of capitalist development. This fact compounds the issue of responsibility in that many generations have created the problems we face today. Who is responsible for their part? Early industrialists created the machinery which transformed the world. Are those few to be held solely responsible or the millions who have followed their vision? The entire industrialized world is responsible for huge social injustices in the global South which have made it difficult for them to compete in the global marketplace. Yet, the global North does not necessarily take responsibility for this; it continues in its exploitation. Responsibility is important, but even its identification does not suggest action. Diffuse responsibility is, in essence, a collective action problem where a small nations' contribution to the solution may be too little to be noticed. For climate migrants, those who are most responsible for them may not care enough to do anything about it.

The problem at hand is not necessarily a simple one because responsibility cannot be found through a straight line of causality. This is an issue of structural injustice; it has pressured many to be complicit in their own destruction while ensuring distance between most sufferers and contributors (Schiff, 2008). The construct of structural injustice implicates anyone and everyone who cooperates in the ongoing schemes and structures which are responsible for climate change; it associates those who facilitate or benefit from the process without having to directly cause it. Thus everyone who uses products which have been made through processes which have contributed to climate change or benefit from such products is responsible. This means that those in the global South who work in factories which produce luxury goods which are purchased to supply a lifestyle in the North that facilitates climate change are also part of the problem. The islanders who have lost their ability to sustain their own livelihoods now buy the same prepackaged highly preserved food of the West which makes them contribute to their own

demise. Because fault lies all around, it becomes normalized in ways in which seem impossible to combat. What often happens is that this normalization is maintained without much thought at all, justifying the self-evident natural order which is perceived under systems of domination (Schiff, 2008).

The system is set up in a way in which implicates almost everyone in climate change in some way and the few which resist it (either through more sustainable enterprises or traditional subsistence) live in a world where it is very difficult to avoid. Because of this, the responsibility to migrants is diffused among all countries and all people which contribute to climate change. Dividing up this obligation means that all need to be accountable thus, responsibility in this situation, may be too diffuse. The frame is therefore overstretched and rendered useless.

#### 4.2.5 Political Time Horizons

As a frame, political time horizons are very relevant. Political actors make decisions based on how they will affect their political career. Thus, acting on climate change would assume that the project being proposed can be sold to their constituents in a manner that makes the actor look good. This does not necessarily assume that the constituents benefit directly from the actions of the politician, but that they believe the issue is important to them. This issue is also reflected in literature based on human nature as related to how we handle the future. The conventional wisdom in this area says that if left to our own devices, humans will satisfy their most urgent urges today and leave the future for another day. However, even biology argues that humans are possible of short and long term thinking. This is based on our connection with our older generations, and their tendency to think toward their old age and death. This capacity even increases as we age (Princen, 2009). This suggests that political office holders, who are usually at least in their middle age, have the ability to look to the future. The only thing holding them

back is a focus on their personal career which, as we continue to observe, necessitates shifting to a short term interpretation of policies and politics.

Thus if we focus solely on the political time line, one could argue that climate migration is not on the political agenda because it is not yet salient to constituencies. It is a new phenomenon which is still unfolding and has a time frame for action which is not in the immediate future. This is partly an information problem in that awareness of the need to migrate due to declining habitat is limited. However, just because an issue is not overwhelmingly salient does not mean there is no action. International aid is not necessarily a day to day issue, but large prosperous nations continue to spend money on it year after year. Aid is considered a humanitarian expense, one of altruism, and is still justified without unnecessary politicization. I am not suggesting that every aid is this benign, but that there is not always significant political influence on all aid. When a disaster hits, aid is pledged and assistance sent.

Most climate migration is a problem situated in the future which will affect the political careers of those not even in office yet. The leaders who have been arguing that something must be done are the leaders of the nations who will be directly affected. These politicians have taken up the cause even though their nations are still in good shape. They are interested in the long term consequences for their nations, while, for now, their fate is in the hands of those whose careers do not yet depend on this issue. But, even these leaders, do not have to push the issue as of yet, their tenure will be over when the time comes to move. In places like Tuvalu, the problem is not even salient with the public as a whole; they do not want to leave and have a religious belief system which supports a sense of spiritual optimism then it comes to their 'sinking'. They are a highly Christian nation and believe in the promise that God made after the great flood, that he would never do such a thing again (Patel, 2006 and Morris, 2009). The leaders in the Pacific

are looking to the international community to assist in a solution even when their people hold out religious hope which suggests that long term planning beyond political timelines is possible. Even in non-affected nations, the Nansen conference on Climate Change and Displacement held in Oslo 2011 brought together many foreign ministries to begin to plot out a direction on this emerging issue. Hosted by Norway, which is not going to ‘sink’, this conference is a step in the direction of making the issue politically salient. Political time horizons may play a role in nations where discussion or inaction is still the norm, but the focus of this inquiry is the intergovernmental realm. Agreements in this political space do need to be incorporated at the national level but there is also the ability of nations who do see it as salient to win over those who yet do not. Political time horizons are not as relevant at the international level; but considering the nations who are making progress regardless of them, it is not a frame which can explain away inaction at this level of governance.

#### **4.3 Human Rights and Climate Change Induced Migration and Displacement**

The phenomenon of migration and displacement are as old as humanity. The ancient Mediterranean civilizations often granted asylum to those fleeing violence as a form of hospitality. Examples of Greek hospitality go back to *The Odyssey*; it was treating any foreigner as one of ones’ own providing food, shelter and any other assistance asked for. In this time, people often did not travel far from their home lands, thus if a stranger had made such a journey out it was for a reason such as fleeing violence, or disaster. This was considered a humanitarian gesture recognizing the desire for liberty and protection. Hospitality was the first form of international protection, had no special regulations, bureaucratic processes, or formalities; it was an informal civil pact of profound importance in that it continues to serve as one of the oldest international norms. Krenz (1966) explains it as the rule of “minimum standards” which grants

foreigners the same treatment as nationals in cases of conflict in terms of their persons and property. These standards prevailed over many centuries and developed into treaties from the 1815 Congress of Vienna, and continued by virtue through the Treaties of Versailles and into the United Nations system after WWII. Hugo Grotius (1625) argues that those driven from their home have the right to acquire permanent residence in another country as long as they submit to the established government and observe its laws. His reference to the concept of being “driven” from ones’ home is interesting as it is open to interpretation; being driven like being displaced, can come from many causes besides war. The difficulty for those displaced from small islands is that they will lose their homeland entirely and become stateless. The rights of the stateless are even less clear as Hannah Arendt (1951) points out; she contends that it is not that they are not equal before the law, but that no law exists for them. In a world where the modern state secures ones rights as a citizen, those who lose theirs, even by no fault of their own, may have serious difficulties. The right to a homeland recurrently emerged as pivotal to human rights issues in the twentieth century. The sovereign state is central to the final authority in human rights as reiterated by the United Nations (Ishay, 2004). Even today’s legal scholars have yet to come to a consensus about whether a state which loses its land can still be understood as having the other properties which makes it sovereign besides its territory.

The right to free movement has been codified by several UN agreements considering internal and external migration. The United Nations Universal Declaration of Human Rights (1948) recognizes the right to life and security of person, the freedom of movement within each state, the right to seek and enjoy asylum from persecution. For those displaced by climate change, this protects from personal harm those in transit within or through another country, and

the right to seek asylum and be considered a refugee<sup>15</sup>. But the implications for climate migration go much further in other corroborating documents.

#### 4.3.1 The Right to Nationality

The right to a nationality is discussed in the United Nations Declarations of Human Rights (1948) and The American Convention on Human Rights (1969). The right to a nationality is the right to be a citizen in the country of ones' place of birth and cannot be arbitrarily deprived of this; each person has the exclusive right to it and the right to change or reject it. For those currently living on an island which will no longer exist in the near future, the right to such a nationality may also cease to be real. As I mentioned in the last section, legal scholars have not yet decided if a nation cannot be without its land. Peoples without a land, or have been deprived of it, are all over the globe with questionable nationalities. This has been the fate of many indigenous peoples under the territorial rule of a state which is not their own, but has usurped their land. These people have already been deprived of this right as their status under the nation in which they live is not full citizenship. Will this also be the fate of those losing their lands due to climate change? The nations who are losing their territories are already considered sovereign and accepted in the international community without prejudice. What recourse will they have to be able to recoup their territorial loss? Our current understandings of international law and human rights couple ones nationality with a literal landmass. The loss of national territory means losing ones' nationality and this is a direct violation of the human rights of those being displaced by climate change.

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<sup>15</sup> This depends on the interpretation of those processing such a request. If someone fleeing from climate change can receive refugee status will be discussed in chapter 5.

#### 4.3.2 The Right Not to Be Expelled or Deprived of the Entrance of Ones' Territory of Nationality

The right not to be expelled from the territory in which one is a national or to be deprived of the right to enter such territory is outlined in the Fourth Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1963). This right also affects those whose entire nations will disappear. Those who inhabit this land has the right not to be expelled either by “an individual or of a collective measure”. The effects of climate change can be certainly argued to be a collective measure. Collectively, all the nations of the world who have initiated the types of development which has ushered in the changes in climate we now see and every other nation who has since decided to develop in the same vein of technology is responsible by “collective measure” for the expulsion of those from their sovereign islands. Not only is this another way in which the human right of those living in vulnerable places are being threatened, but they are also accorded the right not to be deprived of entrance into this territory. If sea levels have risen as to inundate a land, then one is deprived of such an entrance; being ankle deep in a sand bar is not the same as going home.

#### 4.3.3 Right to Subsistence

Additionally, the right of a people not to be deprived on its “own means of subsistence” is outlined in the United Nations International Covenant on Economic, Social, and Cultural Rights (1966). Sea level rise, desertification, the salinization of agricultural lands, and ocean acidification (among other phenomenon) will permanently deprive millions around the globe of their means of subsistence again, ultimately depriving them of the right to life which is the first right mentioned in all of these documents as well as others. One cannot subsist without the basic ability to cultivate ones' own food supply. Many people also rely on foodstuffs imported to them instead of growing ones' own, but the lands and oceans in which currently produce edibles for

export will also be affected making the subsistence of those without the ability to access such requisites in any other manner even more dire. I am speaking of the growing amounts of people living in urban areas.

Because climate change is happening and slowly eroding the human rights of the many, IGOs are very important. Individual states have had no problems ignoring such rights to continue to provide ample space and incentives to develop in ways which continues to add to climate deterioration. When individual states continue to act in a way that violates the rights of others, it is up to intergovernmental organizations to enforce the agreed upon commitments of their signatories. Recourse exists in the realm of international relations.

Those being displaced are in fact having their fundamental human rights violated. What is also clear is that major human rights conventions reiterate similar rights and that additionally, their signatories do not have the right to engage in any act which restricts the rights of any others. There is a human rights basis which can protect those who need to migrate due to the destruction of climate change; what is needed is an IGO to enforce them. There are IGOs which focus on migration and will be evaluated as to their ability to do this in subsequent chapters. This emerging issue has a solid base in comparative politics and international relations based on institutional governance and human rights respectively. Even though migration and displacement due to climate change has yet to be thoroughly investigated, it has a strong theoretical basis in the major fields of political science.

## **Chapter 5. Case Study: Office of the United Nations High Commissioner for Refugees (UNHCR)**

This case study will investigate the Office of the United Nations High Commissioner for Refugees or UNHCR. It will provide a background to the refugee regime and its evolution, any major extensions or expansions and how the institution has reacted to its implication toward climate and ecological “refugees”. UNHCR is arguably the most capable and successful institution when it comes to protecting and assisting forced migrants. However, its potential expansion to deal with these newly identified types of migration cannot be seen as a given. This chapter will demonstrate not only the mounting pressure toward UNHCR to participate in a dialogue about the effects of climate change on human migration, but also place it in political and historical context.

### **5.1. The Refugee Regime and Its Evolution**

As was mentioned in chapter 4, the modern legal designation of “refugee” originated in ancient times. A form of hospitality, Mediterranean and Near East civilizations often granted asylum to those fleeing violence. It was an early humanitarian gesture recognizing a human desire for liberty and protection (Krenz, 1966). This first form of international protection had no special regulations, bureaucratic processes, or formalities; it was an informal civil pact of profound importance in that it continues to serve as one of the oldest international norms. Krenz explains this as the rule of “minimum standards” which, in short, grants foreigners the same treatment as nationals in cases of conflict. Goodwin-Gill comments on this custom in his discussion of citizenship and the nation state. He explains that in the seventeenth century, foreigners were not to be denied local protection if they come within the territory and jurisdiction of a government not currently at war (Goodwin-Gil, 1989). These customs turned into law as

early as 1685 and the established a more modern system of asylum in Europe (Grahl-Madsen, 1966).

The World Wars created a burden on the old ways far more massive than ever before. This period also saw more exclusionary immigration policies by individual nations leaving millions of the displaced in limbo. Rubenstein (1936) calls this situation an “exodus” which created political, legal, social and humanitarian problems. Hathaway (1984) describes this phase as having three periods; juridical perspective, social perspective, and individualist perspective. They represent a changing definition of international refugees. The juridical perspective period (1920-1935) was primarily concerned with the refugee as a member of a group that has no freedom of international movement because its members have been deprived of the formal protection of their government. This relates to a nations’ drive for a homogeneous homeland and their use of what Adelman (2001) calls a population swap (or a less violent form of ethnic cleansing). These swaps allowed Turkish Christians to come to Greece and Muslim Greeks to flow into Turkey. The social perspective (1935-1938) shifted to encompass victims of broad based social and political upheaval no matter their legality. Finally, the individualist perspective (1938-1950) moved away from group disenfranchisement and toward a consideration of the relationship between the individual and the state. Essentially it was concerned with a fundamental incompatibility between the citizen and government. This was the prevailing understanding of refugees as WWII came to a close. Several refugee governance institutions came in and out of existence during this time leading to the development of the UNHCR. They will be briefly outlined below to demonstrate the structural evolution of refugee governance.

#### 5.1.1 Office of the High Commissioner for Russian Refugees

In the aftermath of the First World War, this office opened in 1921 with the expressed purpose to help those who had become refugees due to the Russian revolution. Headed by Dr. Fridtjof Nansen, it provided travel documents, sought employment opportunities, and delivered aid to displaced Russians and from the Ottoman Empire. It was an arm of the League of Nations and would be replaced by the High Commissioner for Refugees in 1938 (UNHCR, 2005).

#### 5.1.2 Office of the High Commissioner for Refugees Coming out of Germany

As a partner to the Office of the High Commissioner for Russian Refugees, the addition of this office became necessary when Jewish refugees began coming out of Germany in 1933. In two years the office resettled 80,000 refugees, mainly to Palestine. It was also replaced by the High Commissioner for Refugees in 1938 (UNHCR, 2005).

#### 5.1.3 High Commissioner for Refugees

Formed in 1938 as a conglomerate of the previous two offices, it placed a very limited role until 1946 (UNHCR, 2005).

#### 5.1.4 Intergovernmental Committee on Refugees

Founded in 1938, the Intergovernmental Committee on Refugees was formed with the responsibility for those who emigrated out of Germany and Austria on account of their political opinions, religious beliefs, or race and those within this group which had not yet settled (IO, 1947a). This organization supported a very specific mandate and resettled 240,000 refugees (defined as such) before the outbreak of WWII. Still in existence after the War, an initiative to expand came from the governments of the United Kingdom and United States which in 1944 included all persons, who had to leave their homes due to the events in Europe. Its second expansion came in 1946 to include those persons who were considered “non-repatriable”

refugees from Germany, Austria, and Italy (IO, 1947b). Additionally, the Committee worked with the United Nations on a draft constitution of the International Refugee Organization (IRO) which would take over its current functions (IO, 1947a). Its Executive Committee arranged for the transfer of all office equipment, vehicles, and stocks to the IRO. While under liquidation, final agreements allowed for the resettlement of refugees to Peru, Brazil, and Venezuela (IO, 1947c).

#### 5.1.5 United Nations Relief and Rehabilitation Administration (UNRRA)

Established by the Allies in 1944, the UNRRA was to provide emergency relief to the displaced. It organized the return on millions to their homes but was not designed or prepared to handle those who refused to go back (UNHCR, 2005).

#### 5.1.6 International Refugee Organization (IRO)

The International Refugee Organization (IRO), established by the United Nations, took over for the Intergovernmental Committee for Refugees to provide a permanent solution for Europe's refugees. Its primary task was defined as repatriation, followed in other cases by resettlement of those who cannot return to their countries of origin (IO, 1947d). The agreement and subsequent constitution it produced was far more comprehensive than the previous organization. Its constitution provides for a General Council which each are allotted one vote per country and must met at least once a year as well as an Executive committee which serves a two year term and consists of nine member states which are voted on by the Genera Council. The Director General, nominated by the Executive Committee and voted on by the General Council would handle day to day affairs as well as staff. It is also very clear about who will be considered a "refugee" of the purposes of its mandate. The IRO considers those who "has left, or who is outside of, his country of nationality or former habitual residence, and who, whether or not has

retained his nationality” and is a “victim of the Nazi or Fascist regimes or of regimes which took part on their side of the Second World War...Spanish Republicans and other victims of the Falangist regime in Spain...persons who were considered refugees before the outbreak of the Second World War” (UN, 1947). It also specifically outlined those who will be excluded such as war criminals, traitors, those who have assisted the enemy, ordinary criminals, ethnic Germans, those who already receive financial support, those who have attempted to overthrow their government by armed force, and those who are currently in the military or members of the civil service of a foreign state. In terms of mandate, these specificities are obviously time and incident related. Additionally, it was deemed a “non-permanent organization” (UN, 1947) suggesting that after those displaced by WWI and WWII were handled, it would be an unnecessary institution.

While highly tailored for a precise function, agreement on this was not without member state politics. A divide emerged between countries of origin and countries from the West. The Soviet Union preferred a policy of resettlement and a strict definition of “refugee” while others emphasized wide scale resettlement and a wider definition. The gap continued to be an issue for the institutions’ financial arrangements as well. Much of the expenses of repatriation were to be charged to the governments of Germany and Japan (UN, 1947). This consisted external and “heirless assets”. Some would come from German financial holdings in international bank accounts which was promised to the Intergovernmental Committee on Refugees, but was eventually allocated to the IRO (Rubin and Schwartz, 1951).

In its four and a half tenure, the governance structure dealt with more than one and a half million dislocated people. Of this group, 1,038,750 were resettled and 72,834 repatriated leaving some 362 cases without a satisfactory resolution (IO, 1952). It provided care and

maintenance rehabilitation, legal and political protection, counseling, vocational training and employment (Davie, 1957). As sir Arthur Rucker (1949) recounts, it did this work juggling three headquarters (in Geneva, Paris and London) and while nations paid their contributions very late in the year. As an insider, Sir Rucker's speech at Chatham House in 1948 represents a frustrated view from the inside which observes that its important work must have public support, more money, and nations willing to take the refugees.

#### 5.1.7 United Nations High Commissioner for Refugees (UNHCR)

The IRO began to fall out of favor by the late 1940s, but it was clear that there was still much to be done. The United Nations High Commissioner for Refugees scripted this as the standard to define and more effectively deal with the growing refugee problem at hand. A subsidiary body of the General Assembly, its original mandate provided for it to function for three years beginning in January 1951 (UNHCR, 2005).

The agency's mandate, drawn from previous experience, was as specific as possible as to the conditions which would cause one to be a refugee including "race," "religion," "nationality," and "membership of a particular social group or political opinion" which are antecedents of the period between the two World Wars (Gallagher, 1989). The Convention also specifically noted a time frame; refugees would be those displaced by events occurring before January 1, 1951. As is, the Convention provides for WWII refugees and very little else. The institution, itself, had only a restrictive budget; it was also explicitly prohibited from raising its own money (Barnett, 2011). However the Convention does stipulate that any contracting state can extend its obligations further than what is specified in the agreement. Its original signatories (those who signed and ratified the treaty before and in the same year as its effective date of April 22, 1954) are as follows: Australia, Austria, Belgium, Denmark, France, Germany, Israel, Italy, Luxembourg,

Monaco, Norway, Sweden, and the United Kingdom. It is clear that directly after WWII, UNHCR and its work was primarily the concern of the European continent.

## **5.2. Extensions of the Refugee Regime- National Policies and Regional Agreements**

Many state and regional agreements to govern refugee flows did spring up after the establishment of UNHCR. The Convention needed to be ratified by individual states in order for it to take force, but those states have the right to extend such obligations. Many did just that. In addition, regional agreements came into force in the areas in which conflict continued to emerge.

The United States passed the Refugee Relief Act of 1953 which also incorporated the reason of “natural calamity” under its definition of refugee (Wenk, 1968). The United States was not an original signatory to the 1951 Convention and decided to implement its own law. In doing so it expanded the definition of refugee which it would observe. While this move could be seen as benign due to the occurrence of hurricanes and the need for America to assist its neighbors in the Caribbean, accepting a larger definition of those labeled as “refugee” began to open the door to later expansion of the legal term.

Additionally, the Organization of African Unity (OAU) prepared a Convention in 1969 adding an additional category to the 1951 UN Convention; those fleeing their country to escape warfare of other manmade disasters (Grahls-Madsen, 1983). During this time, a manmade disaster tended to be understood as decolonization. The 1960’s saw a huge wave of nations calling for their independence from their colonial rulers. Specifically, it states, “The term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing the public order either in part or whole of the country”. Africa was extending its definition of “refugee” to apply to its changing landscape.

Central America eventually followed suit. In 1984 the Cartagena Declaration on Refugees also extended its refugee definition to those fleeing “other circumstances which have seriously disturbed the public order”. In this instance, America was militarily involved in this region trying to prop up right wing governments over popular socialist uprisings.

### **5.3. UNHCR Expansion to Date**

Academics have been arguing for expansion of the UNHCR definition since its inception. Grahl-Madsen (1983) explains the category of “de facto refugees” or a person not recognized by the convention but who is in a similar situation. These are people who eventually will be successfully recognized as refugees or those who cannot under the Convention but may be allowed entrance into another country under humanitarian grounds. The meaning of “humanitarian grounds” can also vary from country to country, but allows for receiving nations to expand their assistance for circumstances which may not exactly fall under the Convention’s definition. These critiques did not fall upon deaf ears.

While UNHCRs original mandate and funding mechanisms had solidly boxed it in, its officials were able to create some wiggle room. Signatory states had labeled the organization ‘humanitarian’ not only to describe the work it did, but in hopes that it would be resolutely apolitical. However, humanitarianism gave UNHCR moral authority. The body used this role to increase its influence to protect the weak and vulnerable extending its mission and principles to assist in ‘refugee like’ situations outside of Europe and toward events occurring after 1951 (Barnett, 2011). This initial expansion conceived by its own employees set the stage for further growth as international conditions began to change.

### 5.3.1. Expansion of the 1967 Protocol

The demands on UNHCR grew as the world continued to spar with the growing Communist threat in Europe and Southeast Asia and decolonization. Increasingly, people fled from Communist regimes in Eastern Europe and the USSR while many more were being affected by the conflicts in Korea and Vietnam. In 1967, the Protocol Relating to the Status of Refugees was added which formally applies the status of refugee to any person who fits the definition “as if” the date requirement had been omitted. This act had a huge effect on expanding UNHCR. Before the Protocol, its mandate only required that it provide legal assistance to those displaced because of the events of WWII. The Protocol opened the door to assist anyone displaced due to persecution and conflict. While nations continued to slowly ratify the 1951 Convention, those nations who became the first sign onto the Protocol demonstrated the acceptance of such humanitarian role. They include; Algeria, Argentina, Cameroon, Cyprus, Denmark, Finland, Gambia, Ghana, Greece, Guinea, Holy See, Iceland, Liechtenstein, Netherlands, Nigeria, Norway, Senegal, Sweden, Switzerland, Tanzania, Tunisia, Turkey, United Kingdom, and the United States<sup>16</sup>. Many of these nations were dealing with large refugee flows- especially on the African continent where the OAU would take this as a first step toward its own regional agreement mentioned in section 6.3.

### 5.3.2. Expansion to IDP Issues

Hakovirta (1993) explains that in the 1990’s UNHCR’s concerns broadened and prima facie group determination of refugee status largely takes the place of individual interviews. The circumstances which offer protection in this situation include persecution and insecurity as well as starvation and critical environmental conditions. During the Cold War, those searching for refugee status were often making claim on their own. After, UNHCR began to see the need to

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<sup>16</sup> These nations signed during the years of 1967 and 1968.

assist many groups even before they became refugees. This began with the displacement of the Iraqi Kurds during Operation Desert Storm. UNHCR became increasingly involved in providing assistance and protection- to the degree possible- in the midst of this conflict. The agency decided not to wait until the Kurds crossed an international border, but proactively help those who were internally displaced (Hammerstad, 2011).

Internally displaced persons, or IDPs, share many of the same difficulties as refugees, but have a different legal status. UNHCR drafted a new document entitled, *The Guiding Principles on Internal Displacement*. It explains that internally displaced persons cannot be granted a special legal status like refugees. Refugees are offered special international protections because they have lost the protection of their own country. As per the *Guiding Principles*, IDP's are "persons or groups of persons who have been forced or obliged to flee or to leave their home or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or manmade disasters and who have not crossed an internationally-recognized border." Defined as such, IDP's are a broad classification of those who would be considered refugees if they had crossed an international border (Robinson, 2003).

During this time (the 1990s) UNHCR was changing its bureaucratic agenda from specific legal assistance to a more on the ground, aid disbursing agency where it would be more central to the protection of forced migrants not just legal refugees. This period also saw a shift in the types of employees the organization hired as well. The number of staff hired to work around the world in conflict zones increased while the number of lawyers decreased. Hammerstad (2011) argues that this had much to do with the vision of the High Commissioner.

#### **5.4. Climate Change and UNHCR**

The previous sections have offered an overview of the ideological forces that have provided and contested the existing legal framework. The 1951 Convention and the 1967 Protocol outline a specific legal form of governance which is internationally recognized. It is also a confirmed obligation which guarantees a certain set of rights and privileges. Refugees have the right to seek asylum, cannot be returned to their country of origin and have a protected status unlike economic migrants/immigrants. They also need care and maintenance, reestablishment, and legal and political protection (Malin, 1947). Refugees, as defined by the Convention and Protocol and accepted by the signatories, are a recognized humanitarian commitment. They are internationally justified in their migration and are deemed worthy of assistance. However, not every desperate situation falls under the protection of the Conventions; this is why it is important to question the use of the label “refugee” on a certain group as they may not have a legally valid claim to it. Those who already are or will be affected by climate change to the extent that they will need to relocate are often called “climate refugees”. It is a term that is popular in the sensational vernacular of journalists and some academics (Trent, 2009 and Bierman and Boas, 2008). President Nasheed of the Maldives has made a specific call for the UNHCR to prepare a new treaty which would include those displaced by climate change as “refugees” (2008). Though, no progress has been made on this recommendation thus far. Others have made the case that it is not just the people, but entire islands that should be considered “ecological refugee states” due to the loss of their entire geographical territory (Nine, 2010). However, just calling such people “refugees” does not initiate the involvement of UNHCR.

#### 5.4.1 Climate “Refugees”

There are many important distinctions between those who fall under the refugee label and those who have been implicated due to climate change. The most important distinction is the ability to repatriate. Generally speaking, after a war or conflict refugees want to go home. The refugee regime, even before the advent of UNHCR, focused on repatriation as their primary solution. Refugees rebuild; they reconstitute communities. But climate change impedes this. The migration literature explains current problems with repatriation and other durable solutions. The three classic durable solutions are repatriation and resettlement either in the country of first asylum or a third country. Resettlement is the least used solution, as not all countries are equally open to all refugees (Stein, 1983). The decision to resettle is in the hands of the state and not the refugee. First, states can and do often refole asylum seekers in an attempt not to overburden their own society. UNHCR dubbed the 1990’s the “decade of repatriation” with an anticipated effort to return 3 million people in 21 countries. The agency faced several challenges in trying to return this many people. However, refugees were often returned to areas which were already politically fragile and protection was still necessary after return. A second issue surrounded material conditions. Many return to areas which are destroyed or where land mines are abundant. Third, refugees going back to agricultural production face rival claims to arable land. Fourth, when generations return with children who have known no other life other than a refugee camp, many necessary skills are lost to the community. Finally, repatriation has demonstrated the organizational gap between humanitarian efforts and development assistance (Rogers, 1992).

With all of these current issues, I turn to those of the climate change “refugee”. While there are great challenges to repatriation, those affected by climate change will not have the opportunity to overcome these. Those who leave early as the economy begins to irreversibly slip

will not want to return as they are already aware that their livelihood conditions will not improve. Those affected by reoccurring disasters will necessitate repeat emergency assistance and may also decide not to go home and face their destroyed material conditions again and again. Not only will it become undesirable for the residents to return to an environmentally vulnerable area, but it also poses questions of whether the international community or the national government will continue to put up the funds to allow this to happen. When the redevelopment of an unstable area becomes a burden, a nation may decide not to intercede anymore and look to resettle its residents in a safer area. Those who experience conflict over dwindling natural resources may be in a similar position as those who leave for economic reasons; they know that the situation will not improve and that they face hardship if they return.

Options for durable solutions for climate change “refugees” are not the same as for conventional refugees. With repatriation impractical due to continual environmental degradation, the only available option is resettlement. The difficulty here not only lies in the current issue of states choice, but in the extent to which settlements will need to shift. In the case of “sinking islands,” entire populations will need to be resettled which includes those who some nations may find undesirable. The 1951 Convention provides for exclusions for individuals who are unworthy of refugee status; those who commit war crimes, who had committed a serious non-political crime prior to his admission as a refugee, or who is guilty of “acts contrary to the purposes and principles of the United Nations”<sup>17</sup>. These exclusionary categories can complicate negotiations between sending and receiving nations in situations where it is necessary to move everyone.

Labels matter. They recognize a process of identification or identity that has been independently applied and chosen. Bureaucratic measures seek to prevent access to the label and

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<sup>17</sup> Article 1, Section B1, Subsection F.

ever decreasing numbers of people are afforded full refugee status (Zetter, 2007). The choice to use the term “climate refugee” is purposeful and imposes an identity. It suggests that those affected by climate change are victims of circumstances beyond their own control and thus are deserving of international protection. However, deserving a legal entitlement is not the same as having one. The refugee label can reinforce alienation and divisions within society as well. It can cause an exacerbation of welfare issues as refugees are afforded protections and assistance. More specifically, this label assumes a set of needs and a distributional apparatus (1991); food, shelter, protection and a way to receive them. But “refugee” means much more. Zetter also considers the broad ramifications of refugee labeling. The label originates within the confines of an extreme situation, but over time it becomes a permanent status. How long should a refugee be considered a refugee; how long does one have to be resettled or assimilate to be considered a citizen? Many protracted refugee situations encompass generations of “refugees.” Zetter’s work on Greek-Cypriot refugees demonstrates generations of assistance even after resettlement. While the label is necessary for assistance, when it becomes significantly longer lasting it can seem like a burden to a host society. In addition, many refugees may not want to be viewed solely as victims in need of “international charity” (Robbins, 1956).

Though somewhat controversial, the refugee definition has been argued to be the starting point for every discussion of international refugee law, though often the UN treaty definition is not adequate to meet today’s realities (Helton, 2002). There are many labels which fail the test of the Convention for legal status, many of which articulate very desperate situations; tsunami refugees, development refugees, environmental refugees. No matter who is called a “refugee”, all forced migration labels are ultimately tested against the Convention (Zetter, 2007). This section

will investigate if those displaced by climate change can legitimately receive the protection of the UNHCR based on its established legal mechanisms and expanded operations.

#### 5.4.2 Convention Analysis: Strict Definitional

The Conventions' definition of a refugee is structured around the concept of persecution with the only other clearly identified stipulation being that they must cross an international border. "...owing to well founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion is outside the country of his own nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable to or, owing to such fear, is unwilling to return to it." What needs to be established is if "climate change refugees" are being persecuted. The general conception of persecution is an individual threat. It can be a threat to ones person because of who he/she is; a threat to ones safety because of an inclusion in a specific group. Are "climate change refugees" a definable group? They are peoples living in the many places where the climate is shifting. This can include coastal communities, forest villages, and/or urban areas. It will affect people of varied cultures, societies and economic conditions. Because climate change affects the entire globe, there will be few, if any areas unaffected. However, the need to flee or become a "refugee" is only apparent in areas most severely affected. Therefore there may be pockets of displacees; the only commonality among them will be a deterioration of living situations due to environmental degradation. Thus the persecution could only be considered impersonal, as human environments are indiscriminately threatened in different ways. Climate change does not choose who to affect, anything in its path is fair game.

If we accept impersonal persecution, the question becomes, does an ‘Act of God’ translate into persecution by a non-state actor? That is, for those in the camp that climate change is solely a natural phenomenon. In this case, for what reason would nature persecute? I realize this line of thought is obviously extreme, but my point is simply that persons already uprooted by famine and flood are not included in the UN definition (Robbins, 1956), therefore the ‘Act of God’ explanation is insufficient to offer any significant international protections. For the vast majority, which credits science for the understanding that climate change is manmade, the question becomes, can a case be made for impersonal persecution by the developed world? Persecution in this case would be equitable to negligence on the part of industrialized nations. It can be argued that as soon as they understood the damage they were causing, the developed world was complicit in such negligence. However, the 1951 Convention and 1967 Protocol do not conceive of refugees being created by the unfortunate by products of industrialized nations. At this point, all nations either directly contribute to climate change through development or are complicit when buying products produced in damaging ways. There is then, much blame to go around. Carbon emissions span the globe and it is unlikely that any particular refugee can be sure of whose carbon caused their predicament. Again, the persecution would still be impersonal and direct causation impossible.

It is clear that the predicament of those displaced by climate change cannot simply fit under the legal mandate of the UNHCR as is currently written. However, UNHCRs humanitarian approach has expanded its reach to protect and assist those in ‘refugee like situations’. The next section will look at its self-defined role to consider whether UNHCRs expansion is far enough.

### 5.4.3 Conventional Analysis: Chain Reaction

In addition to the legal documents UNHCR relies on, it also provides a Handbook on the Procedures and Criteria for Determining Refugee Status under the 1951 Convention and 1967 Protocol relating to the Status of refugees. This document outlines definitions of terms used in each of these agreements and how to interpret a persons' situation into a status. As previously mentioned, the important thing to decipher is whether "climate refugees" are being persecuted. The Handbook states, "There is no universally accepted definition of 'persecution', and various attempts...have met with little success." Because there is no universal definition, UNHCR workers in processing interviews have some room to interpret individual situations and can decide if the reasons for the persecution feared is met. The Handbook also states that persecution is "normally related to action by the authorities of a country". Therefore, if the national government cannot protect its citizens from persecution, there is a case for refugeehood. In the case of climate change, and considering the previous example; is the Maldives at fault for not being able to protect its citizens from the effects of India's industrialization causing its population to become refugees? It may be impossible for any country to protect itself from the combined emissions of the world. Developing nations will also feel the effects of climate change before others, thus are they inadvertently persecuting their own people by not being able to protect them? Would all those living in regions susceptible to the worst damage from climate change be allowed prima facie group status as a refugee due to this protection inability? This is a difficult case to make because there would have to be agreement as to which areas are most at risk and what, if anything, a country would be expected to have done to protect its people.

However, the Handbook gives us one last chance to include "climate refugees," it is the concept of cumulative grounds. "In addition, an applicant may have been subjected to various

measures not in themselves amounting to persecution...in such situations, the various elements involved may, if taken together, produce an effect on the mind of the applicant that can reasonably justify a well founded fear of persecution on cumulative grounds....Needless to say, it is not possible to lay down a general rule as to what cumulative reasons can give rise to a valid claim to refugee status. This will necessarily depend on all the circumstances, including geographical, historical, and ethnological context". Cumulative grounds can include the ways in which climate change will affect the lives of many; its complications, chain reactions, and refugee-causing catastrophes. Recent academic work is beginning to discuss these linkages. There are currently at least forty case studies in which environmental resource scarcity has been cited as a contributing factor leading to violent conflict; environmental scarcity acts as an indirect cause of conflict by amplifying or triggering traditional causes of conflict (Martin, 2005). Global climate change will impact a regions' ability to produce agricultural goods, will expose more people to floods and drought, and threaten the integrity of certain island chains. Through a chain reaction analysis we can see how climate events can/will trigger many types of societal responses. I offer a general Climate Change Causal Chain (C4) model for clarification:

**Climate Event→ Destruction of Livelihood→ Natural/Community Resource shortages→ Conflict→ Refugee hood**

These event chains are long term in nature. Many of them will happen slowly and ultimately redistribute natural resources. Arable land and current sources of drinking water will have new geopolitical owners. This can easily create struggles for power and incite violence. Martin argues there is a growing concern that scarcity induced insecurities can contribute to the amplification of the perceived significance of ethnic differences. The model illustrates a natural progression of events which can cause people affected by climate change to become legal

refugees. However, they will have endured much hardship before that point. Two more specific examples are as follows:

- 1.) Desertification→ Loss of agricultural land→ inadequate food supplies→ Famine→ War between those with and without food access.**
- 2.) Sea Level rise→ Increased storm surge→ Salinization of agricultural land→ loss of livelihood→ illegal immigration→ xenophobic back lash in new residence.**

The C4 model offers five events which lead to a legal refugee status under the Convention. Actual event chains may contain more steps than five. These are general events which can take on complicated processes as they play out. The model's conceptions are an analytic frame that can be applied to any situation where a climate event is threatening to or has already created a deteriorating state of affairs. At the end of these chains, there will be refugees, but is it not particularly humanitarian to know what is going to happen, but make those in need go through this much hardship before assistance can be had. Besides, UNHCRs expansion in to IDP issues is an example of them not making those in need wait until they cross an international border to receive help. The implications of this will be explained below.

### **5.5 Climate displacement and Internally Displaced People (IDP's)**

Internal displacement continues to be a growing concern for UNHCR even since it decided to delve into the issue. While the discussion of "sinking islands" is provocative, the vast majority of people displaced by climate change will be displaced within the boundaries of their nation of residence. As such, a more proper discussion of the way in which UNHCR could assist those displaced by climate change under their current structure would be through its expansion into IDP issues.

In 2009, The United Nations Representative of the Secretary-General on the human rights of internally displaced persons presented a report to the General Assembly which outlined the way they interpret the nexus between climate change and internal displacement (A/64/214). The report credits climate change with the potential for voluntary and forced displacement, highlights the issue as one of humanitarian concern, and outlines a framework of protection under the Guiding Principles on Internal Displacement. The Report also clarifies that there is no legal basis for the term “environmental refugee” or “climate refugee” and argues that this term should be avoided in order not to undermine the legal regime for refugees.

On the surface, it appears that without expanding, UNHCR has included those displaced by climate into their fold. However, a closer examination of the Guiding Principles shows that in doing so, UNHCR is shifting responsibility of this group to the state level. Finalized in 2000, the Guiding Principles identify rights and guarantees relevant to those who are displaced in their country of residence. They are based in international human rights and humanitarian law and reflect previously established norms. The document consists of thirty principles relating to the treatment of those in a situation of displacement due to violence, human right violations, and those affected by natural or man-made disasters. While the Guiding Principles are thorough and based in law, they themselves are not law. The Guiding Principles are not a recognized treaty obligation to member states. They are, as is stated in the document itself, to “provide guidance” and “should be disseminated and applied as widely as possible”. The forward, written by the Under-Secretary for Humanitarian Affairs Sergio Vieira de Mello, emphasizes this point. He explains that these Principles are to serve as an “international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.” Guidance is helpful, but not obligatory. The Principles relate the needs of

the internally displaced to their current rights if the States in which the displacement is occurring adhere to The Universal Declaration of Human Rights, which is also a non-binding document even though it serves as the basis for human rights law. Thus, the Principles are more of a reminder as to how to act than an outline of anything new. The importance of its non-binding nature is that it allows each state to decide if it will choose to adhere to such principles on its own. Many indeed do, but as a soft law instrument, there is no mechanism for enforcement. In sum, invoking the Principles is a way of taking a stand on the issue of climate change displacement without offering material assistance, situating the issue outside UNHCR's mandate, and but relies on its moral authority in displacement situations for guidance.

This stance was strongly reiterated at The Nansen Conference: Climate Change and Displacement in the 21<sup>st</sup> Century held in Oslo, Norway in June of 2011. Antonio Guterres, the UN High Commissioner for Refugees, offered a statement to open the conference which parallels my assessment. Guterres posits that primary responsibility for the protection and wellbeing rest with the states in which displacement is occurring and encourages such states' responses to be consistent with the Guiding Principles. In addition, he states that UNHCR has refused to accept any label such as "climate refugee" or "environmental refugee" as it will confuse UNHCR's efforts to protect those who are persecuted. Finally, he recognized that it will not be easy to establish a new binding international treaty; therefore UNHCR offers its assistance in developing a "guiding framework" on the matter (Guterres, 2011). To restate, UNHCR is offering no material assistance, is placing this matter outside of its legal mandate, but is offering more guidance.

## **5.6 Conclusion**

The United Nations High Commissioner for Refugees is a highly developed governance structure for the protection and assistance of refugees. Its mandate and definitions which it utilized have developed through the World Wars and has come to be known as an organization with great experience and impact. Because of this, it is easy to see why many have called for it to weigh in on the matter of climate change displacement. Its mission has not, in fact, remained static over the years; the definition of refugee was expanded in 1967 and it has occasionally stepped in to assist populations before they became displaced. Former staff saw a need to expand its protection mechanisms as the political situation in the world changed. However, when it comes to displacement due to climate change, UNCHR has made a point (its High Commissioner Included) to posit this issue outside of its legal obligations, not offer specific material assistance, but provide its moral expertise when it comes to human rights. Its response has been hands off and there is no indication of this changing. Why this is the case will be examined in chapter eight looking more thoroughly at its political as well as its structural barriers.

## **Chapter 6. Case Study: The International Organization for Migration (IOM)**

This case study will investigate the International Organization for Migration or IOM. It will present the unique governance environment in which migration is situated. Unlike refugees, the bureaucratic term “migrant” represents a much broader group of emigrants and does not clearly implicate a regime. While migration has been a continuous part of the human existence, the development of any such governance in the international sphere has been relatively recent, leaving most border governance to the individual state. While IOM is a lesser known entity, as reflected in the lack of academic research about it, its work in facilitating all types of programs to assist migrants cannot be ignored. This chapter will outline its role within global migration governance, identify its expansion, and summarize its current activities toward those being displaced by climate change.

### **6.1. The Migration Regime?**

Migration is the story of humanity. From the earliest hominids to modern man, we follow our history through migration; it is in our blood. We have never remained static- which is the point often lost in many modern accounts of migration policy. Borders are a new development, and even though globalization has implied a free flow of information, goods, and capital, it has restricted the natural flow of people. Our earliest stories of origin come from the Rift Valley in Western Africa and demonstrate humanity’s amazing capacity for migration travelling to every corner of the globe to inhabit desert, ice, and small islands in the sea. Migration is also ingrained in many of the major religious traditions. The Judeo-Christian religions tell stories of Moses leading his people out of bondage in Egypt and then wandering the desert for forty years; one of the five pillars of Islam requires (if possible) for its followers to make a pilgrimage to Mecca once in their lives.

The human history of migration is not always benign. It is important to note that the English of today are not indigenous to England nor are the Malays to Malaysia or Turks to Turkey; migration and conquest put them where they are (Sowell 1996). Migration has also occurred by force; whether it is through slavery, indentured servitude, or military conquest that then expelled the current inhabitants of a geographic area. The European age of exploration beginning in the fifteenth century demonstrates all of these types of forced migration. Whether discussing the triangular slave trade, an aristocrat taking his/her servants to the New World, or the destruction of indigenous populations; migration facilitated all of these.

Migration is defined as a permanent or semi-permanent change of residence across some type of administrative boundary. A person can migrate many times for many reasons over his/her lifetime (Wood, 1994). Additionally, the same factors motivate those who migrate then and now. People migrate because of population growth, disparities in economic development, for salaries and living conditions, economic crisis, because of poverty, political instability, ethnic conflict, and ecological deterioration (Farrag, 1997). In addition, there is the thrill of being somewhere new, taking on a challenge and adventure. Each of the motivating factors listed above can be seen as individual causalities for movement, but more often they overlap. This dual and multiple causal relationships have made governance difficult. Many of the labels used to describe and categorize migrants only a single causality such as “economic” migrant, “environmental” migrant, and for the purposes of this paper “climate migrant”. The difficulty for governance is that once these factors become tangled, they cannot easily be separated. We know very little about how changes in the environment affect migration and lack to data to move beyond estimates (Warner and Laczko, 2008). In the previous chapter I provided the C4 model as way to temporally connect what could otherwise be multiple causalities. However, it is but one early

model which is only conceptual at this point in time and can help guide but additionally needs more research.

A major difference which characterizes the migrant from others who move is the idea that it is ones' choice. Shanmugaratnam et al. (2003) explains that while migration is often typologised, such as the types I suggested in the preceding paragraph, all those who conceptually use types go back to using the 'voluntary-forced' dichotomy. It has emerged in most recent studies of migration and plays a role in this in this inquiry albeit an inferred one. In life, the line that divides the choice to migrate is most often blurred. In academia, it is helpful in the conceptualization of movement. In this investigation, the divide exists between the previous chapter and this one; refugees are forced migrants while most others are considered voluntary. This is where certain labels can help and hurt such conceptualization. While the many who migrate in search of survival may argue that survival is not a choice, others do chose to stay behind suffering hunger or violence. This "choice" to stay can also be guided by the lack of resources to actually do so (Haug, 2003). The key factor is not necessarily to type of coercion applied, but he migrants belief that they must flee to survive (Wood 1994). IOM facilitates migration in many forms, both forced and voluntary which UNHCR is only concerned with forced. However, I do not presume to use these terms lightly. Without taking the time and space to reconceptualize this dichotomy, I use this dichotomy reluctantly. At a metaphysical level, there is always free will but there are many powers out of the control of most individuals which limit choices in such a way in which they can feel forced. Again, I will not get into the deep discussion of this issue, but only in so much as to say I do not endorse such a dichotomy and I wish the reader to keep in mind that these distinctions are not as clear cut as the terminology suggests. There are other dichotomies which blur conceptual distinctions and policies as well;

skilled or unskilled workers, permanent and temporary migrants. Individuals usually belong to one or more category at the same time or move from one to another- these fail to do justice to the complexity of international migration (Report on the Global Commission on International Migration, 2005). The simplicity of these dichotomies can be helpful when trying to make immigration policy, but do not allow for varied interpretations or complicated situations.

What becomes apparent when researching migration/ immigration is the lack of a clear regime; national sovereignty remains the deciding factor in immigration policy, subject only to treaty obligations to refugees (Report on the Global Commission on International Migration, 2005). Governance in this area is still almost entirely controlled at the level of the nation-state, and jealously guarded, although most governments recognize that they cannot control migration unilaterally. The reluctance has been seen as rather fascinating as employers, smugglers, workers, agents, and individuals continue to defy national policies. National governments are extremely reluctant to relinquish any formal regulatory authority beyond the regional level. It is ironic as states have never had full sovereign control of migration and have lost what little they've had through the forces of globalization (Newland, 2010). In many other policy spheres, national leaders acknowledge and use the international realm to cooperate on issues that are too large to handle on their own. The question is as posed by the former Commissioner of the Global Commission in International Migration; "why do we persist with national approaches to a phenomenon that is inherently transnational?" It appears that some governments find the global governance of migration intimidating and fear that it would involve the creation of a new supranational agency. There is a preference for soft governance and sharpening existing instruments in this area although it has not yet resulted in any coherence (Marchi, 2010). While

there may not be a conventional regime for migration, what has developed as far as international governance will be outlined below.

### **6.1.1 Governance Development**

The governance of migration has lacked a coherent institutional framework at the international level (Koser, 2010). Its development coincided with that of the refugee regime, but with different roots. Unlike the norms that accompanied refugees, any assistance awarded to a simple traveling a stranger does not have the same moral pull as does someone fleeing conflict and the current bureaucratic terminology continues to divide those who migrate as such.

From the beginning of humanity until the turn of the twentieth century, migration was mostly ungoverned. However, human history is dotted with ages of migration; from Greek colonies and Roman military conquests to the Byzantine and Ottoman Empires. Exploration and colonial territorial gains provided many places in which migrate. Many lands, even those occupied by indigenous peoples, were seen as virgin areas ready to be populated by European settlers. Yet, no matter how old and integral the process, virtually no society seems capable of managing it effectively. It can be described as a paradox, in that without proper management, the receiving country's sense of identity and capacity to maintain its own laws leads to political turmoil (Papademetriou, 2003).

Even though some countries began to regulate migrants as they continued to flow in (like the United States), international coordination came after the dramatic population shifts caused by World War I. The International Labor Organization (ILO) emerged in 1919 in the peace settlement of Versailles with a mandate to promote social justice, human and labor rights for migrant workers (Kneebone, 2010). It also assisted in the movement of refugees until the advent of the League of Nations' High Commissioner for Refugees was established. It facilitated a

conference in 1938 to enable collaboration on bilateral migration agreements. During the meeting, the Permanent Migration Committee was established which convened a meeting the next year on how these agreements could be financed. However, as WWII began the ILO realized that the issue of migration would be much greater than employment and settlement. Orderly migration would be necessary to realize the peace and social justice needed after such a war. The ILO suggested a plan which would establish an ILO Migration Administration and the constitution of a Migration Aid Fund (Karatani, 2005). The ILO saw the need to assist in migration not only across the European continent but across other regions as well. In talks, the proposal would not be accepted by the Americans. The ILO's operation emphasized providing non-binding standards which recognize the sovereign rights of all nations to determine their own migration policies, but their strategy is to "sell" individual rights to states and bypass their direct engagement (Kneebone, 2010). It could not bypass them the negotiations for its own expansion. ILO's suggested programs at the Naples negotiations were seen as expansive and too international, but the plan backed by the US and presented and the next meeting in Brussels was intergovernmental and had a much more limited mandate. The US backing established the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME) which would ultimately become IOM (Karatami, 2005).

The PICMME was established in 1951 but began its activities in 1952 under another name, the Intergovernmental Committee for European Migration (ICEM). Its constitution was adopted in 1953 and come into force on November 30 of 1954. The constitution outlines its purposes and functions as well as membership and its organization. The mandate as defined in Article 1 of its constitution explains that the organization shall make arrangements for the organized transfer of migrants to countries offering to house them, to assist refugees and other

displaced persons in the same manner, to provide medical assistance, language training, and assimilation services when requested by the states concerned for voluntary repatriation, and provides a forum for states and other international organizations to promote cooperation in the coordination of efforts and development of practical solutions (IOM ). This operating mandate is quite broad. Although its name change implies that the organization only works on European migration, its constitutional operations do not specify a timeline for assistance, who it can or cannot assist, or in what region it will work in.

## **6.2 IOM Expansion to Date**

### **6.2.1 Operational Expansion**

On the outset, the ICEM is situated to facilitate any migrants anywhere around the world and it did. While its first task was resettling those from World War II this did not limit its work to Europe. In its first decade of operations, ICEM arranged for the processing and emigration of over 406,000 refugees and displaced persons from Europe to other nations overseas such as Uruguay. During this time it also assumed responsibility for 180,000 Hungarian refugees. By the 1960s it had already assisted over a million displaced persons. In 1964, the ICEM developed a program to place highly skilled emigrants to the developing countries of Latin America and organizes the resettlement of 40,000 Czechoslovakian refugees from Austria (IOM). Unlike UNHCR, ICEMs mandate allowed for it to assist refugees and non-refugees which in Europe were also called ‘surplus workers’ (Karatani, 2005). Any populations in so called surplus are often considered an economic threat- especially in this time when Europe’s economy was in a slow recovery. ICEMs efforts expanded with the political turmoil of the 1970s. They begin to resettle Jews from the Soviet Union, 130,000 from Bangladesh and Nepal to Pakistan, they evacuated Asians from Uganda, helped resettle 31,000 Chileans in other countries, and initiated a

program to resettle Indo-Chinese refugees and displaced persons. By 1980, the organization had helped to transport and relocate over three million migrants (IOM). The expansion throughout the mid twentieth century has more to do with operations, less than mandate. The agency changes its name to the Intergovernmental Committee for Migration (ICM) to reflect its global operations. Operations continued to expand what are called “Migration for Development” programs to Africa and Asia. By 1985 ICM had assisted four million migrants. It would change its name again in 1989 to the International Organization for Migration (IOM). In the 1990s, IOM would become involved in the repatriation of migrants stranded by the Iraqi invasion of Kuwait including 800,000 Kurds, organize the return of the displaced from wars in Mozambique, those fleeing the Rwandan genocide, refugees from Chechnya, Hondurans needing assistance after Hurricane Mitch in 1997, and Kosovar refugees in 1998-1999. In the last decade, IOM has been there to assist with refugees and displacement in East Timor, India, Pakistan, Sierra Leone, Afghanistan, Somalis in Kenya, Thailand and Laos, Myanmar, Indonesia, Sudan, and many more (IOM). What is evident from this growing list of operations, which is only a part of IOMs work, is that as global crises increased, IOM has been to facilitate the movement of the displaced. What is also apparent in its growth into natural disaster displaces in addition to those affected by conflict. Most recently it responded to the Haitian earthquake and Pakistani floods in 2010.

### 6.2.2 Institutional Expansion

As referenced in section 6.2.1, the institution went through several name changes to reflect updates in its work and mandate. Weiner (1995) explains that IOM initially focused on the movements of populations from Europe to North America and Latin America. But by 1980, its work had expanded worldwide. An amendment to the constitution in 1989 eliminated all geographic limitations and broadened the range to its activities. In its institutional expansion,

there is some similarity to UNHCR. However, IOMs constitution does not activate the same type of mandate as UNHCR; its mandate is not legal or meant to protect migrants. IOM asserts that its activities do contribute to the protection of human rights. It also uses the language of humanitarian assistance to describe its work which has troubled some agencies which have a longstanding association with humanitarianism. The criticism stems from the fact that IOM lacks the proper mandate to act in this area and it engages in activities which violate the human rights of migrants (Andrijasevic and Walters, 2010). This can be seen in IOMs operations to assist in voluntary returns an area identified in the constitution. Assisted voluntary returns are facilitated by IOM and receiving countries which have denied asylum. It has often been described as a way to achieve justice for those who have been forced out by war but are not refugees. The assistance IOM provides is short term and piecemeal. It cannot reverse illegal expropriations or ensure that the returnee will be treated well upon return to his/her country or origin (Webber, 2011). In addition, there is only so much that is “voluntary” when a country threatens to forcibly repatriate; options are limited. IOM will not physically remove people, but their offer of temporary assistance is a better option than being forcibly deported. It is also in agreement with the many governments who view those who are rejected for asylum after the appropriate legal procedures as illegal aliens. Even though their bid for asylum was rejected it does not mean that the situation back home has in anyway improved thus they may face hardship or poor treatment if returned. While this is a concern for IOM and many of its member states, there is no legal recourse for returning someone if they are now an alien (Weiner 1995). As stated in section 6.1 IOM came from a bargain which needed the US backing; it was always intended to be an economic counter agency to humanitarian UNHCR. They are neighbors but serve different functions (Duvell,

2003). While IOM may be sympathetic to humanitarian interests, its institutional functions, even in its expansion, should not be misinterpreted.

A main reason for such a misinterpretation is although IOM is a major operator in the field of international migration, there is surprisingly little academic research on the agency itself. Migration scholars routinely use the research material it produces but rarely is the IOM the object of research (Andrijasevic and Walters, 2010). This fact is becoming more and more obvious as this research project has progressed. IOM's reports and policy recommendations have been used in this investigation, but research about the development and evolution of IOM has been hard to come by. Andrijasevic and Walters (2010) argue that carefully interrogating this agency will lead to a better understanding about the ethos and rationality of international governance. IOM's work represents power relations, tactics, and maneuvers. If immigration and migration is so highly researched, so should be the institutions which promote standards and communicate norms about border controls. This is especially important when trying to characterize the institutional expansion of an under researched organization.

Andrijasevic and Walters (2010) uses Duvell's discussion on IOM to explain how the institution sees itself and manages the role it has chosen. Without significant inspection of IOM by academia, it is easy to take the IGO at its word. However, Duvell challenges its technocratic self-representation with its sometimes violent activity of deporting people and calling it 'assisted voluntary returns'. He has also pointed out that its main goal is to align the migration policies of the global South with the control norms of the global North. Its task is sorting mobile populations into streams of the useful and useless, admissible and returnable, and employable and deportable. While Duvell's take is less than humanitarian, it may be a more accurate one. IOM is not under any mandate, nor has it expanded to adequately take human rights into account.

This is not to suggest that the organization does not care about migrants, but its work is more clearly understood as managing the processes of migration- not protecting migrants. These institutional goals are not mutually exclusive, but different. Andrijasevic and Walters insist that IOMs work shapes and defines the way in which states understand borders and create their policies; its institutional role has developed to be constructive and constitutive. In this way its open mandate has allowed it to act independently and expand its efforts to become a player beyond a consultative figure. One way that it has done this is through its commitment to what it calls ‘frontier strategies’ which incorporate control functions to non-border settings and include the harmonization of travel documents. The authors describe their role they have taken on is that of the entrepreneur when bringing together states and other actors to negotiate, identify opportunities, and implement support programs. In these ways, IOM has expanded its role from interstate facilitator to the specialist in migration management.

IOM has the broadest mandate for migration issues of any international institution. From this, there are strong voices from within and through member states which would like IOM to become a specialized agency within the UN system. This could actually happen either through a vote by the General Assembly and IOM Council or it could assume some functions of other agencies to emerge as the de facto migration agency. There appears to be several routes which allow for a strengthening of the IOM. While it has a large mandate, its capacity is limited by the financial contributions of its member states and that its mandate is not actually one for direct governance (Newland 2010). Its work is the facilitation of state governance and treaties. More and more voices are calling for its expansion, how this will happen is yet unknown.

### **6.3 Extensions of the Migration Regime**

Even though there is not much of a migration ‘regime’ certain tools have evolved to protect those on the move. Koser (2010) divides these into two sets of instruments. The first set includes the core human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Covenant Against Torture (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Each of these offers many freedoms such as life, liberty, the freedom from discrimination, to choose ones job, ect. The second consists of the 1990 UN International Convention on the Protection of All Migrant Workers and the Members of Their Families; the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; and the Protocol Against Smuggling of Migrants by land, Sea and Air. Even with all of these Conventions, the human rights protections of migrants are much less developed than those of the international refugee system. Moreover, these instruments are very broad and do not get into identifying migration other than for work. Again, economic opportunities are but one of the overlapping push factors for migration. One could argue their breadth should be enough to cover many forms/categories of migration. However, lack of specificity can ultimately ignore many who are not thought of as covered.

Koser adds that the Convention on the Protection of All Migrant Workers and the Members of Their Families has only been ratified by forty-two states, none of which are major destination countries for migrants. Thus even if the breadth assists the many, not enough states have ratified the agreements to bring them into any real force. As vastly unratified documents, they are little more than aspirations to protect migrants in any form.

## **6.4 Climate Change and IOM**

IOM has been publishing research on how climate change can affect migration since 2008. These papers and books include studies, brochures and informational sheets, and the Migration Research Series. A quick search of the term “climate change” through IOMs publication search engine will find thirty six products; some available for free download and others which have to be purchased. This search includes publications which are solely about climate change and migration while others include the search terms as a sub topic within the document. Primarily they are two types of publications which form IOMs archives; those which IOM publishes and does not officially endorse and those which are official IOM documents. The reason for the use of a dichotomy to describe IOMs publications on climate change is that it sets up a lens in which to view what IOM endorses and what actions it takes.

### **6.4.1 Non Official Publications**

IOMs Migration Research Series (MRS) “presents the findings of research projects managed by IOM’s Research Unit in Geneva, and studies prepared by IOM staff and its field offices. The series is designed to bring the results of policy-relevant migration research to the attention of a broader audience more quickly than would be possible in academic journals and books” (IOM). The series covers varied topics on migration and presents new research. The series has presented two documents on climate change. Another type of research that IOM publishes and are not always official is assessment reports. One was published in 2010 entailing environmental changes in and vulnerabilities in the islands of Mauritius. It is also part of the IOMs repertoire on climate change and will be discussed below.

What connects these publications as non-official is a disclaimer on the front of the work which states that “opinions expressed in the report are those of the authors and do not necessarily

reflect the views of the International Organization for Migration (IOM). The designations employed and presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or borders.” Some authors are IOM employees, yet this provides them space to explain/recommend actions or policies which may fall outside of IOMs directives.

#### 6.4.1.1 MRS

Migration and Climate (Brown, 2008) considers how climate change will affect forced migration, incorporates climate prediction, assesses implication for development, and policy responses. Its use of climate prediction scenarios allow for several situations to be proposed. There is a great difficulty in estimating the numbers climate migrants; Brown provides three options which exemplify scenarios which are possible based on the climate science. Each are treated separately for the sake of more clearly understanding the volume and types of social implications which will depend on the rate of greenhouse gas emissions. Most important is the section which discusses policy responses; as IOM assists with the facilitation of migration policy. Brown explains that climate induced migrants currently fall through the cracks of the refugee regime and immigration policy; they are not recognized as a problem in any binding treaty nor is there an international body whose job it is to provide for them. This leaves the “default” response of humanitarian aid after an extreme event happens. Additionally, he identifies that individual nations have not yet made climate change migration a priority and currently see migration as a failure of adaptation; however Swedish immigration policy provides a special category for environmental migrants and determines them in need of protection if they are unable to return to his/her native country due to environmental disaster. After the 2004 Indian

Ocean tsunami, countries relaxed their immigration policies on return but have not done much to build upon them since. Finally, the author recommends that the international community needs to formally acknowledge the predicament of forced climate migrants, development policies need to consider the vulnerabilities of this group, there is a need for more research, and the international community needs to develop incentives to so that developing countries can keep skilled migrants from leaving.

This publication skims the surface of the connection between climate change and migration, but represents the beginning of such research at IOM. With this in mind, its policy responses do identify the gaps through which those affected by fall. However, Brown's last recommendation does not specifically deal with climate change. He states that the international regulation of migration, adaptation to climate change, and capacity building in vulnerable countries are intertwined. Because of this, migration will be used by individuals to adapt to climate change. He advocates for policies which promote workers to stay in their home countries while not entirely closing the door on international labor mobility. While labor migration may very well be the first form of climate migration as certain livelihoods are eroded, there have been no connections made which implicate in this high skilled occupations. It appears to be a reference to the brain drain problem experienced by developing countries as their most educated leave for better opportunities in more developed countries. He appears to be concerned that opening borders to those affected by climate change will accelerate this drain. As the last conclusion in a publication about climate change and migration it seems a bit out of place. However, it can be seen as a political statement; it's a recognition that the implications of the report (i.e. the work and money necessary to fix the issues identified) are tied into current migration types and yet it's an assurance that there should be no disruption in the way that

individual nations' prioritize their border regulations. IOM is supposed to facilitate migration, this final point demonstrates a reluctance to tell member states who can and cannot come and go. Advocating for additional policies which incentivize not migrating is in opposition to IOMs mandate.

*Climate change, migration and critical international security considerations* (McLeman, 2010) is authored by a geographer from the University of Ottawa; not an IOM employee. This publication also considers how climate forecasts can assist in understanding climate migration and discusses this type of migration as a phenomenon; in contrast to the previous piece, the author more specifically identifies the regions that are at most risk for environmental damage and then subsequent migration. McLeman also briefly discusses the nexus between labor migration and climate migration, explaining them as those on the lowest end of the socioeconomic spectrum- not high skilled workers. He also goes on to present two different hypothesis scenarios of how climate induced changes in resources can incite violence the scarcity and abundance scenarios. Its section on policy specifically focuses on what can be done to avoid distress using policy as a tool for management. Political will is identified as the main barrier to action- not technological know-how or socioeconomic necessity; developed nations have what they need to mitigate climate damage. This is also a criticism of the governments of developing nations in Africa who lease out arable land and fishing rights to Asian conglomerates which essentially strip-mine these areas, killing their long term sustainability for local livelihoods. In addition, McLeman delves into the instruments which are commonly called upon for preliminary climate migration management. He disqualifies the use of the 1951 UN Convention on the Status of Refugees, and points out that although the Guiding Principles on Internal Displacement explicitly include those displaced by climate change, signatories to the Principles are not bound

to enforce them in any way which. This makes the document less practical. Finally, the author argues that national sovereignty in a more exclusive sense has taken priority over humanitarian principles; again the main problem being political will. He also advocates for an internationally binding treaty to protect those displaced by climate change. His last point is a personal statement about his work and the urgency of this issue.

It should be apparent that there is a considerable difference in tone between these two volumes of the IOM Migration Research Series. They both begin to connect climate science to migration literature and evaluate what kinds migration flows may be seen. However their approaches to evaluating policy are very different. Brown's MRS paper evaluates policy through a state centric lens while McLehman's approach favors the international. Additionally, McLeman's work is much more critical of the lack of action by individual nations and the international community. Brown's MRS report is more statement while McLeman's carries an edge of advocacy.

#### 6.4.1.2 Studies and Reports

Gemenne and Magnan (2010) produced an assessment report on the current migration issues due to environmental degradation in Mauritius. The report includes interviews and field visits to adequately evaluate the situation on the ground. It was funded by the IOM office in Mauritius, supported by its office in Geneva and the IOMs regional office located in Pretoria, South Africa. The study differentiates the impacts of climate change from other environmental changes, outlines vulnerabilities to climate change, and provides a thorough evaluation of the current ways in which those on Mauritius have had to migrate due to environmental changes. In terms of issues of migration caused by climate events and processes, the focus groups done by the study revealed that the sea has reclaimed enough beach in Riviere des Galets to have affected

the locals use of that area and tourists alike. They are aware of the eventual necessity of relocation, but are reluctant and generally unwilling. On the adjacent island of Rodrigues, the fishing has deteriorated and many have already thought about migrating to the mainland of Mauritius, but are reluctant due to cultural differences. In Cite Lumiere, the government has already in the process of resettling residents out of this slum as its increasing floods have posed health risks and difficult living conditions. In concluding the focus groups it is noted that some populations will need to be moved and others are already have already done so; resettlement schemes are ad hoc and do not apply the same standards evenly. Recommendations state that inter-island migration flows need to be better managed and harmonized. The report goes on to propose a framework for pilot projects for adaptation to current and future environmental changes. Previously, however, the study discusses that migration can be understood as a form of adaptation and the challenge ahead is to facilitate and manage such migration (Section 3.3.3). The point that is important here is that there are no migration projects suggested in the framework. The thirteen listed are explained as examples, but considering it has been noted that migration is already occurring, it is remarkable that none are for migration- coming from IOM the migration agency. The projects include sea salt production, mangrove restoration, eco-tourism, and roof-top gardening, to name a few. These are adaptation projects which will extend the time that the vulnerable areas in Mauritius are livable which deters and prevents migration, not facilitates it. What is unclear is why IOM would spend the time and money for such a study only for it to piece together a set of possible projects which have nothing to do with migration. I am not criticizing the projects proposed, as they will be very necessary. However, IOM seems to be focusing on the development of the kinds of mitigation and adaptation projects preferred by

environmentalists, not migration scholars. It could be argued that IOM is more interested in preventing migration than assisting it when it comes to climate change.

#### 6.4.1.3. Compendium of IOM's Activities in Migration, Climate Change and the Environment

Another significant publication that is not 'official' and yet is written and funded by IOM staff is the Compendium of IOM's Activities in Migration, Climate Change and the Environment (2009). The publication was compiled through 32 country offices and missions, the in conjunction with IOMs Migration and Policy Research, Emergency and Post-Crisis management, and Migration and Climate Change Focal Point. Its forward is written by the IOMs Director General, William Lacy Swing. It presents IOMs role in the area of migration, climate change, and the environment over the years and includes a country program profiles which include IOM responses in these countries including project proposals.

The Compendium begins with an evaluation of the nexus between climate change, environmental degradation and migration. It notes that even though predicting the details of climate change remains difficult, the probability is very high that we will see an increase in those migrating for environmental reasons. This will include more of which migrate due to gradual degradation than through increasing natural disasters. It also hails migration as a necessary strategy for adaptation as it alleviates pressure on population and land use; it needs to be adequately managed in so that large scale movements do not lead to the overexploitation of resources in other areas. Much of this is echoed in the other publications. However, it also states that migration, as a coping strategy, is not open to everyone; this depends on resources, information, social and personal factors. The most vulnerable are those who cannot move. While this is the case now, there is no indication that management, the way it is being used in this context, means including those who cannot move without further help. The word "management"

is continually used to indicate the role IOM sees itself having in climate change migration. Again it is emphasized, “IOM is making the case that migration in the context of climate change does not necessarily have to be a worst case scenario... Yet, for migration to become a viable alternative- an adaptation strategy that increases the resilience of vulnerable populations- environmental migration needs to be managed, in particular with a view of enhancing positive and sustainable outcomes.” At first glance, this is all very positive and gives the appearance that IOM is going to assist those who will need to move; they will be managed. Conversely, the approach outlined emphasizes IOMs objective that migration be a choice. If so, then their work on climate change and migration is reactionary- they already acknowledge that migration cannot be open to everyone, so IOM waits for individuals to move before they are managed. The opposite is true if IOM is to facilitate migration. This particular publication indicates that although 25 percent of IOMs funding for FY 2007 and 2008 went towards projects in response to slow and sudden onset disasters, the projects went through its Emergency and Post-Crisis Department which responds to displacement. For its funds to help with displacement, an emergency has to already have happened which includes some sort of out-migration. Again, IOM’s response to climate migration is currently in reaction to migration from an incident which has already happened.

The Compendium also consists of regional and state centric evaluations of IOMs activities in the realm of climate and migration. There are only two projects that have a direct connection to facilitating migration as opposed to responding to it; the voluntary relocation of vulnerable communities in Madagascar and the Framework to respond to mass migration in Trinidad and Tobago. Madagascar, located off the east coast of Africa, is very vulnerable to tropical cyclones. Their increasing intensity motivated several communities to relocate- even

through their attachment to ancestral land. Two entire communities submitted formal request for assistance to Madagascar's disaster bureau. In turn, the bureau solicited support from IOM. However, the project was first proposed as a part of the global early recovery plan led by the United Nations Development Programme (UNDP). For now, the Pilot Voluntary Relocation of Selected Communities Affected by Cyclones and at High Risk for future Flooding and Erosion in Madagascar is still a proposal with a proposed budget of 2,052,467USD. The Framework for Emergency Response to Standard Operating Procedures (SOP): Mass Migration Emergencies, however, is formally completed. In this case IOM, in consultation with the government of Trinidad and Tobago's Office of Disaster Management and Preparedness (ODPM) and the Ministry of National Security has developed a manual to guide the development of a framework for Standard Operating Procedures to assist in the building of technical capacity for migration management. The manual is specifically tailored to improving the response after a natural disaster forces those from Grenada and Guyana to migrate. Trinidad and Tobago is a destination country and one of the four Sub regional Focal points in the event of a disaster. It is a framework for orderly migration in states of emergency, which means it is for a sudden impact event.

While these projects are a starting place for IOM, they are still not clear examples of IOM taking on the challenge of climate migration head on. For Madagascar, IOM was invited to help but the project itself was initiated by UNDP. In Trinidad and Tobago, creating a manual which produces a framework for an SOP is different from working on the actual SOP. IOMs consultation here is not toward remedies or management for climate induced migration, but for emergency response. The manual provides training templates - it was not intended to assist with slow onset disasters.

## 6.4.2 IOM Authored Publications

The final set of publications related to climate change and migration, as per IOM, come from documents which can be considered official. These do not begin with any sort of disclaimer other than IOMs mission statement.

### 6.4.2.1 Disaster Risk Reduction and Climate Change Adaptation

*Disaster Risk Reduction, Climate Change Adaptation, and Environmental Migration* presents IOMs efforts to assist vulnerable communities affected by environmental hazards through disaster risk reduction (DRR) and climate change adaptation activities. It argues that migration and environmental migration need to be integrated into sustainable development strategies in order to it to be properly managed. The document itself is an informational piece for stakeholders and IOM members.

The piece openly acknowledges that IOM considers most current and developing environmental migration to be a part of a slow onset process and that in worst case scenarios, relocation, either internally or to a third country, may be needed. It also reiterates the point made in the non-official documents that migration is not an option open to everyone, that the most vulnerable are not able to move. IOM also points out that climate change is increasing the vulnerabilities of communities around the world and leading to increased migratory flows; because of this IOM states that it places high priority to addressing environmental migration. Here IOM demonstrates that it considers and integrates climate migration into the sphere of environmental migration; it is not addressed as a separate issue. In chapter two, it was argued that climate migration is usually seen under the conceptual umbrella of environmental migration which is not controversial. However, climate change does pose its own specific migration issues which are different from traditional environmental migrants. IOM explains its response efforts as

working to increase communities' resilience to risk factors and changes in their environment with an emphasis on empowering local actors to develop capacity. This response is based on its migration management cycle which consists of five steps: (1) preventing, (2) preparing, (3) managing, (4) mitigating, and (5) addressing migration. IOM conceptualizes this as a circular form with each step leading to the next. The diagram emphasizes under step 1 that, "IOM's foremost objective is to reduce unmanaged migration pressure preventing forced migration while also ensuring that the migration taking place is managed." Management, the buzz word also used in the non-official documents, is used to denote addressing humanitarian needs, protection, mitigating the impact of migrants on destination communities, looking for durable solutions. However, management, like in previous publications, is required and needed when only after displacement occurs.

The document also makes an important point about IOM's function. It states that the responsibility of IOM is to support States in strengthening capacity and institutions to respond; however it can and will substitute the State's role (upon request) in cases of "imminent or ongoing humanitarian emergency", this was the case after the devastating 2010 floods in Pakistan. Climate change, as it affects the slow deterioration of living conditions, is an imminent and ongoing humanitarian emergency. Considering it as such can put IOM in a position of taking the necessary proactive role of facilitating relocation if it so chooses.

What is most evident about the way IOM has begun to integrate climate change adaptation into its existing disaster response, is that while it appears to see that migration due to climate change is inevitable, it still emphasizes short term solutions. The majority of its activities serve as an alternative to permanent migration due to natural disasters such as suggesting temporary and circular migration strategies to support seasonal livelihoods. However, these

proposals are not viable for those whose land is eroding from underneath them due to sea level rise or desertification. Disaster risk reduction and management are important tools for sustainable development but fall short in terms of the slow onset disasters that IOM recognizes and the majority of what is happening.

#### 6.4.2.2 International Dialogue on Migration, Intersessional Workshop, March 2011

Most recently, this year's International Dialogue on Migration held in Geneva focused on the future of migration and contained a workshop on climate change, environmental degradation and migration. This meeting also produced a background paper and chair summary of the workshop. The background paper presented many of the same points already outlined; there needs to be a comprehensive approach to environmental migration which prevents forced unmanaged migration, emphasis needs to be placed on building capacities and linkages between migration management, climate change adaptation, disaster risk reduction and sustainable development. The chair's summary also identifies the need to collect better data and improve research on the phenomenon, strengthen institutional frameworks, and operational capacities.

### **6.5 Conclusion**

IOM, the migration agency, has a mandate to assist migrants and manage migration flows. In this way it is much better situated to deal with migration due to climate change than UNHCR whose main business is to legally protect refugees. Currently, it has 132 member states which has continued to grow over time. In its favor is increasing levels of expertise dealing with natural disasters; it has also taken an interest in migration due to climate change and sees it as a growing phenomenon which will need to be dealt with.

However, its integration of climate change adaptation into disaster risk reduction places its efforts in the short term acute efforts that IOM is used to. IOM and even its non-official

authors focus on building capacity for individual states to deal with migration. Additionally, its focus on management, even in this area, is not adequate when slow onset disasters are considered. Its reactionary response to managing displacement only involved IOM *after* something has forced people to migrate; it is playing catch up instead of facilitating a comprehensive response. Furthermore, it has emphasized that although it wants to allow migration as a chosen adaptation strategy for climate change, it repeatedly states that not everyone can migrate because of individual resources. Is migration a choice for those with money? If so, they are not preventing forced migration, but forcing many to be left behind.

The language of prevention and management are reminiscent of Chimi's (1998) discussion of how the global North views refugees; excess or unintended movement can be controlled. This indicates that the values and political discourse of the North is guiding IOM and its current 'response' to climate change; the goal is to keep unwanted migrants from coming, this can be achieved by investing there so they don't come here. This includes disaster risk reduction, management, infrastructure, and capacity- exactly what IOM is advocating for and simply adding climate change adaptation into.

Only McLeman, who is not attached to the organization, suggests that the problem of climate change induced migration may need a bigger international solution. Thus far IOM is not actively taking responsibility for future climate change displacements, using its expertise as leverage to negotiate regional or global migration agreements, or planning for orderly migration in areas that already acknowledge the need to move. It clearly stands ready only to react.

## **Chapter 7. Case Study: UN Office for the Coordination of Humanitarian Affairs: OCHA**

This case study will focus on the United Nations Office for the Coordination of Humanitarian Affairs or OCHA. Humanitarian agencies often deal with those displaced by environmental disasters and the effects of climate change will only exacerbate their work. Thus, the development of humanitarian structures and governance is crucial to determining if this regime is yet prepared to deal with the additional strain of climate change. The evolution of the modern humanitarian aid system is a recent phenomenon, but one that also has a hand in dealing with displacees by assisting in the restoration of their homes and livelihoods. This chapter will provide a history of humanitarian aid, the development of OCHA, its eventual expansion, and will summarize its activities and disposition towards climate change as a developing challenge.

### **7.1 The Evolution of Modern Humanitarianism**

Humanitarianism at its core does not decipher between who is on the side of ‘right’ or ‘wrong’ it seeks to eliminate the majority of suffering along the way. However, it does not attempt to alter the order of things, which is the job of politics. Pure humanitarianism works through several principles to assist all mankind; humanity, impartiality, neutrality and independence. These command attention to every human, separate humanitarianism from politics, and demands that assistance is based on need (Barnett, 2005). It is driven by human sympathy and the obligation to better the human condition and guided by the mantra of ‘do no harm’ (de Waal, 2010). Humanitarian aid is a function of compassion. It is also paradigmatically regarded as a state of exception (de Waal, 2010) or humanitarian space (Hilhorst and Jansen, 210) where humanitarians can work without the interruption of politics or outside forces to provide aid and follow humanitarian principles. This space is metaphorical and physical as it also marks the camps and tents in which aid is given.

Humanitarianism is also understood in two main veins; assisting those affected by both natural disaster and war. The much of the literature on humanitarianism intertwines the two scenarios in its discussion of “aid”. I will disaggregate them analytically here, but it is an important point to keep in mind throughout the rest of the chapter. A natural disaster impact is primarily the outcome of a physically uncompensated interaction between a natural event and a social system while a complex human emergency is the outcome of an institutionally uncompensated interaction between a societal event and a social system (Albala-Bertrand, 2000). Complex human emergencies are very much the effects of war; when societal structures collapse and their reconstitution is a threat to a particular vision. This is usually a violent and long lasting conflict which there in an eventual political aim. War destroys infrastructure and services, security and safety nets. The outcome is an unraveling of basic social fabric which necessitates aid to rebuild individuals as well as communities, and sometimes nations. On the other hand, natural disasters are not caused by any social or societal impetus; they simply consist of patterned responses to changes in atmospheric or geological pressure and temperature. Here aid in given to also rebuild societies, but their destruction is more physical than social. Additionally there is no ‘bad guy’ as disasters are not personal in nature. When climate change is considered, these two categories can blur together a bit. UNFCCC predictions clearly show the power of disasters will become larger and more frequent due to human action. In turn, we can consider anthropogenic climate change as form on complex human emergency due to indifference; large polluting nations are knowingly contributing to the destruction of vulnerable social systems by altering their long term viability. Thus, while the literature does not always delineate the humanitarian intervention in a war zone from a hurricane, this is not as problematic if we understand climate change as a function of the two.

Unlike the refugee regime which originated in ancient traditions, the humanitarian tradition, as an organized entity, is truly modern. The idea of doing something altruistic or philanthropic is not new, by any means, but an organized effort to alleviate suffering is. It can be argued that the 1860's produced such a turning point. The work of businessman Henry Dunant, who wrote about the suffering he saw at the Battle of Solferino in 1859, contributed to the founding of the International Committee for the Red Cross and the 1864 Geneva Convention on the Amelioration of the Condition of the Wounded Armies in the Field (Leebaw, 2007). Additionally, this was the same time of the American Civil War and Clara Barton's organization of nurses that eventually became the American Red Cross. These early humanitarian organizations were mostly concerned with treating injured soldiers- no matter which side of war they fought on. They exemplified humanitarian principles, but it is important to note that aid of this sort in the beginning was directed solely at medical need.

Slowly, two different versions of humanitarianism emerged; Dunantist and Wilsonian. Named for Henry Dunant, Dunantist organizations define humanitarianism as neutral, independent, and the impartial provision of relief to victims of conflict. These organizations are sometimes accused of being "high priests" of humanitarianism, which fear that the relaxation of its principles will endanger its purpose and effectiveness. Alternatively, Wilsonian organizations, named for Woodrow Wilson, believe that it is possible to transform political, economic, and cultural structures as to produce peace and progress. It seeks to attack the root causes that make populations vulnerable (Barnett, 2005). While both claim to be apolitical, the Dunantists would claim that the Wilsonian organizations are in fact political entities. The International Committee for the Red Cross is considered Dunantist while Oxfam would be classified as Wilsonian.

Ultimately, Wilsonian organizations see value in more than just temporary relief and while this form of relief is necessary; it can also be a constant reoccurrence.

Into the mid twentieth century, it was the belief that the responsibility, will, interest and capacity to assist individuals in a disaster situation are that of the national government of the affected area. Additionally, the significance of national sovereignty reinforced the separateness of each nation in this respect. International interventions occurred in the 1970's, but had proved uncoordinated and ineffective. At this time, international aid was not yet seen as a supplement to domestic aid (Kent, 2004). Kent describes the beginning of humanitarian aid as a "sideshow" to real political concerns; the crises of the 1970s and 1980s were not conceived of as having real political consequences. While there was considerable empathy for those affected in places such as East Pakistan, Guatemala, and Ethiopia, they were defined by the momentum of the Cold War. During the Cold War, the superpowers provided arms to various regimes but did not intervene directly for fear of direct confrontation with the enemy. In this era, aid agencies had a real necessity to be neutral, especially when assisting those in conflict zones; they could not be seen as Pro Russian or Pro American (Vaux, 2006). Agencies at this time were also highly unrefined. There were relatively few agencies providing relief, they had few interactions and did not conceive yet of professional standards. Operations were staffed by individuals with little or no experience who believed that all they needed was a can-do attitude and good intentions. In a sense, humanitarianism was not much of a field; those who participated in relief work treated it more like a craft than a profession (Barnett, 2005).

It was only after the Cold War subsided that fragile nations, vulnerable to humanitarian crises, lost their resources and political support. International collaborative support also fell to the way side as key governments began to disengage; this reflected a lack of interest in

continuing to work for the false harmony that existed in the bipolar Cold War world and the sense that unilateral action would be best for individual power interests. These tendencies undermined the role of humanitarian action- no matter the intentions of UN and other agencies- and allowed for them to become inadvertent instruments of post- Cold War politics. (Kent, 2004).

In the post-Cold War era, humanitarian action and space became politicized by several environmental factors. First, geopolitical shifts at the end of the war increased demand for humanitarian action; without state sponsored aid, unstable domestic situations threatened to become large emergencies (Barnett, 2005). Additionally, state spending on humanitarian aid increased dramatically as they began to show an interest in utilizing such aid in connection with political goals; it was also seen as a rationale for regime change (Leebaw, 2007). Second, these domestic breakdowns became ‘complex human emergencies’ or conflict related disasters which involve a high degree of social dislocation and requiring a system-wide aid response. Third, is the political economy of funding. Private contributions increased, but not nearly as fast as official assistance with the United States as the lead donor. Political motives fueled this increase in giving and conditions were often placed upon such aid. Finally, there was also a change in the legal environment; the concept of state sovereignty was becoming conditional based on accepted behavior to ones’ own people (Barnett, 2005).

Humanitarian aid began to be viewed by states as an opportunity. This was exemplified by the United States intervention into Mogadishu, Somalia in 1992. Provoked by the potential mass starvation of 500,000 Somalis, the US military prepared Operation Restore Hope to provide logistics, security, and support to relief agencies who were attempting to provide relief though the chaos civil strife. This in and of itself was not unpopular and garnered much international

support. However, the United State began to undertake measures to restore stability and governance in Somalia. This action was unwelcomed by the many warlords, and precipitated several skirmishes. One specific battle in Mogadishu garnered the world's attention in 1993 as 19 US soldiers were killed. This loss initiated the Clinton administrations' disengagement (Kent, 2004). Additionally, the United States' loss in Mogadishu served as a blow to humanitarian involvement/intervention by other nations as well. By 1994, no government was willing to step in and prevent the planned genocide in Rwanda and over 800,000 Tutsi's was slaughtered. In the aftermath, humanitarian assistance poured in and has been argued to have been used as an apology for the international community's unwillingness to act. Additionally, it was used as an alternative to political action in the former Yugoslavia. There it was used as filler, to plug policy gaps when the major powers could not agree on a course of action. One UN official called this 'Containment through charity' - a true politicization of humanitarian aid (Kent, 2004).

Politicization was not solely an issue that developed in state sponsored giving; it has also become a major driver of aid assistance from NGOs as well. Donor nations can and often do use subtle, indirect methods to guide aid where they wish it to be. These include bowing to pressure to be used in videos that favorably sell the war at home, to win hearts and minds; in this the United States has donated far much more than others and guides much humanitarian aid for its own interest (Barnett 2005). Individual donors have specific motives as well. Donors want to know that their money is being spent in accordance with their intentions- no matter if these do not align with need. For example, the Asian tsunami of 2004 evoked massive public support and response but such quantities of support are not seen for every humanitarian challenge. People suffering in situations which have a low media profile also get less help than others in the opposing situation and thus aid is more closely related to donors' interests than wider need

(Vaux, 2006); these interests include basic charity while others donate to assist one side over another. Donors wish to know that their money has been distributed in the manner they see fit which means they donate to a particular disaster of interest, not humanitarian aid as a whole. Thus while the highly visible disasters garner the aid they need and then some, other more serious situations can still struggle for funds. Humanitarian organizations do not survive on good intentions alone, thus are ultimately steered by resources controlled by others. Ultimately, the dissemination of ideas, allocation of resources, and implementation of projects all take place subtle power processes (Hilhorst and Jansen, 2010).

## **7.2 Humanitarianism and Human Rights**

As the humanitarian regime developed, the general conception of charity in which humanitarianism tends to be situated began to be questioned. The human ideal had been defined through the development of human rights instruments, which continue to fail to live up to the realities of the human condition (de Waal, 2010). Contemporary formulations of humanitarian intervention try to fuse the urgency and immediacy of rescue with claims of justice that are seen in human rights (Leebaw, 2007). Walzer (2011) describes ancient Hebrew political tradition of obligatory charity; the work used for “charity” comes from the same root as the word “justice” which is suggestive that charity is not only good but also right. He argues that if humanitarianism does not connect with justice then it is not what it should be; that it would be wrong not to act in such a fashion and in doing so it is more like justice rather than benevolence. Accordingly, intervening to assist those affected by a natural disaster or war is just and the idea of the right to humanitarian assistance was within reach (de Waal, 2010). Rights based programming is now used by many humanitarian organizations which highlight the degree to which a person is denied or enjoys their rights as a basis of vulnerability (Linde, 2009). Connecting justice and a

right to aid reflects the Wilsonian view of humanitarianism; real material improvement can be attained if aid is used to ensure ones rights.

Greenwood (2010) explains that humanitarian law is the older of the two legal frameworks; references go back into the Bible, early codes of Hindu law and the Koran. Its beginning principles were quite primitive and only applied when you were fighting people within your own community. Its' primary function was to provide guidance to the military as to how to protect human values in the most inhuman of environments- war. Although there are traces of human rights law in the early twentieth century, it is only since WWII and the Holocaust that a body of law has emerged that established how a state should treat its people. Both frameworks apply directly to individuals and impose obligations on them.

However, there is also a situational view of the application of humanitarian and human rights instruments. With the origination of the regime, international humanitarian law is often assumed to be applicable in times of war, while international human rights law in times of peace. (Laucci 2009). On the flip side, Barber (2009) argues that while humanitarian law does apply in times of conflict, human rights law applies in times of peace and times of war- it trumps humanitarian law. While this dichotomy in theory is the result of two extreme visions, the separation between them can be questionable. As to the separate applicability of each; first, no one knows when war begins and ends anymore; formal declarations of war and peace treaties have fallen out of fashion. Second, the theory does not reflect relevant human rights treaties, and finally the theory runs contrary to what international courts have stated- human and civil rights do not cease to exist in times of war. As for the theory of humanitarian law superseding all, if so it would impede warfare, states would never abolish the possibility of taking lawful military

action, and while human rights treaties do apply in warfare, they also take into account humanitarian provisions (Greenwood, 2010).

As one can clearly see, the debate between when to implicate human rights or humanitarian law directly relates to the area of war; not to other situations of humanitarian need. If one considers disasters such as famine or an earthquake, legal frameworks are still relevant, but in a different way. There is not the rift over which side has the prevailing moral high ground. The principles of humane treatment and basic rights overlap although the standards vary; humanitarian assistance is provided at a lower level than aspirations for human rights would propose. Humanitarian assistance is also a temporary solution, thus while this form aid aspires to provide for need, rights become important after needs are met; if levels of deprivation are considered. For humanitarian aid to develop into providing the physical components expressed as human rights, there needs to be long term cooperation with development, as per the Wilsonian view. Reflecting upon the numbers of people around the globe whose governments currently cannot provide them with their rights, there continues the need to implicate humanitarianism as a supplement to human rights. Thus they are intrinsically intertwined as legal regimes as in practice.

### **7.3 The Development of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)**

As previously mentioned, the development of institutions at the intergovernmental level to assist in the work of humanitarian efforts is truly a modern effort. The success of the United Nations in other endeavors allowed for some to question what more it could do. In October of 1983, an article came out heralding the need for an increase in the UN's capacity to deal with disasters and emergencies principally through coordinating humanitarian responses. This was in hopes of avoiding more of the crazy, ad hoc responses of the 1970's. The UN's charter provides

for three responsibilities: peace and security, economic development, and human rights. The addition of this fourth pillar was originally considered a dangerous development in that it could seriously jeopardize the effectiveness in its core functions (Kent, 2004). Chapter 5 discussed the evolution of the refugee regime and the expansion of UNHCR; as a reference for clarity, it was during this time that UNHCR was expanding its efforts to regions all over the globe. With Cold War conflicts and their inevitable displaced populations, UNHCR was struggling to keep up. Additionally, as this agency grew and professionalized it set a standard which others could see as useful in other areas; especially humanitarian responses.

This begins to change in the fall of 1991. There was a growing recognition that the UN system needed a stronger coordination mechanism; duplication of efforts from additional agencies had proven inefficient and yet humanitarian crises only got more complex. The political issue at hand was the right for humanitarian assistance to be delivered to individuals while still respecting national sovereignty. This ended in a General Assembly Resolution (46/182) adopted by consensus which set out guiding principles for UN assistance for those affected by natural disasters and other emergencies which fell outside the legal mandate of UNHCR (Helton, 2001). The 'guiding principles' include a reference to national sovereignty that assistance should be provided with the explicit consent of the affected country. It also affirms that it is first and foremost the responsibility for disaster victims is the state in which they reside; it has the primary role of initiation, organization, and implementation within its territory. Finally, it acknowledges that states whose populations are in need of humanitarian assistance need to facilitate the work of other organizations which will be implementing necessary assistance (Barber, 2009).

The resolution provided for a senior official to coordinate relief efforts and states that humanitarian assistance should be provided with the consent of the affected country and on the

basis of said country (Helton, 2001). To develop the leadership role the UN decided to take on, a separate department within the secretariat was established- the Department of Humanitarian Affairs led by and under-secretary general with the title of Emergency Relief Coordinator.

With the mounting challenges of Bosnia and Herzegovina and the Great lakes region connecting issues of humanitarian relief as well as growing numbers of refugees, the UN Secretary-General proposes a reform to this system; to integrate the Department of Humanitarian Affairs into the United Nations High Commissioner for Refugees. This would have made UNHCR the permanent lead agency for all humanitarian disasters. Many were in opposition to this proposal including the World Food Programme and UNICEF. Ultimately instead of creating an integrated institution, the Secretary-General decided to keep the agencies separate and the Department of Humanitarian Affairs was renamed the Office for the Coordination of Humanitarian Affairs (OCHA) in 1997. OCHA was to have three core functions: coordination of humanitarian emergency responses, policy development and coordination, and the advocacy of humanitarian issues (Helton, 2001). More specifically, in order to coordinate international response, its work includes contingency planning which includes consultation with the countries concerned to reach agreement on priorities. In terms of being an advocate, it is concerned with reflecting the need for recovery and peace building (WINN, 2000).

The reform package was also a way to push back the mission creep that others perceived with the Department of Humanitarian Affairs even when it was filling gaps between agencies as it was seen as competition with other similar institutions (Helton, 2001). Kent (2004) explains this political wrangling as a case of the UN becoming overly absorbed with its own domestic harmony rather than developing the leadership and coordination roles offered by the General Assembly. He also critiques the Emergency Relief Coordinator for rarely challenging the donor

community in order to provide more equitable and consistent relief. Ultimately, its development is mired in the basic drive for institutional survival.

#### **7.4 Extensions of the Humanitarian Regime**

The humanitarian regime is in constant flux and development as it is new and changing. There are several aspects that will be discussed in this section; general changes, the aid environment, coordination issues, and military incursion. Some of these extensions include OCHA as its role becomes hard to separate from the regime itself over time. As it executes its role as coordinator, it has become integral to most humanitarian work.

##### **7.4.1 General Changes**

While the humanitarian regime is still quite young, it has not developed without its share of growing pains. As previously mentioned, there began a distinct dichotomy between simple basic humanitarian aid and humanitarian intervention. This changed as the Cold War thawed. No longer were NGOs kept at a distance from conflict situations and the high politics of dealing with such areas. Aid itself began to have political and partisan prerogatives, or was at least perceived to be. Additionally, NGOs began to look critically at how their aid impacted the areas it was intended to help. In many cases such aid inadvertently exacerbated existing tensions and divisions between rival social/political groups (Bock, 2011).

Another major realization of humanitarian aid was that many large humanitarian NGOs encountered high staff turnover and frequent reassignment which makes organizational learning difficult. Such disruptions affect institutional memory especially when disasters pull people into emergency responses (Bock, 2011). This is exemplified through Messina's (2007) concerns with the Humanitarian Coordinator System. Humanitarian Coordinators as well as Regional Coordinators are essential to the organization of aid responses at the top down level. This system

is officially developed under OCHA, but is essentially important to all UN aid. Messina argues for the need to develop and understanding of how NGOs and the UN system work as they do cooperate. Also, she plans to revamp the format of the annual retreat which will allow peer to peer exchanges of information and experiences and integrating regional workshops to humanitarian coordination. Finally, Messina's department at OCHA will draft policy papers on key issues to further inform such employees.

#### 7.4.2 The Aid Environment

Humanitarian assistance has become highly competitive and has grown as a percentage of development assistance. It has increasingly become the only form of support some nations receive. And as these budgets increase; enterprises such as gender sensitization and livelihood support gets lumped into humanitarian aid. While not always 'humanitarian' but well intentioned, these additional projects can threaten traditional humanitarian projects in that they can stretch good hearted organizations too far. Additionally, donors may have objectives (such as projects that do not directly fit into traditional humanitarian project work) but can be funded through humanitarian budgets. This causes overlapping plans, duplication, and fissures where there should be coherence. Another issue that has come with growing aid budgets is that while it has been a great success, it has caused a demand for professionalization and well-rounded permanent structures which maintain their capacity between crises. This creates a circular dilemma; like a fire station, these structures need continuous money and resources to be able to be efficient (Kent, 2004).

#### 7.4.3 Issues of "Coordination"

In this investigation, 'coordination' has been an important concept. In part because it is an imbedded feature of OCHA, the meaning of coordination has been implied as the organization

of humanitarian efforts at the intergovernmental level. However, it can be more complicated than that. Helton (2001) explains that senior UN officials refer to coordination as the “C” word as it usually represents bureaucratic fights over money, personnel, and programs. It can also mean control over resources and programming or merely sharing information and consultation. Coordination has been a success, but one that comes with the risk of territorial disputes between UN entities and those on the outside. Appropriate and expedient responses require an active level of cooperation and coordination even if the parties involved are not always amenable to each other’s organizational whims. Coordination problems are not new to IGOs and certainly not humanitarian aid either. There is also a division between the objectives of those in offices and those in the field, the difference between strategic and operational coordination (Helton, 2001).

The Inter Agency Standing Committee (IASC) was developed to support the Department of Humanitarian Affairs by facilitating interagency decision making. The IASC consists of the FAO, OCHA, UNDP, UNFPA, UNHABITAT, UNHCR, UNICEF, WFP, and WHO.<sup>18</sup> Coordination of so many agencies is bound to be complicated. At the headquarters level, the head of OCHA has the dual responsibility as the Under-Secretary-General for Humanitarian Affairs and the Emergency Relief Coordinator who chairs the IASC. In essence OCHA is the over stretched coordinator of all coordinators.

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<sup>18</sup> In order these are: the Food and Agriculture Organization (FAO), the UN office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Program (UNDP), United Nations Population Fund (UNPFA), United Nations Human Settlements Programme (UNHABITAT), United Nations High Commissioner for Refugees (UNHCR), United Nations Childrens Fund (UNICEF), World Food Programme (WFP), and the World Health Organization (WHO). Standing invitees include: International Committee of the Red Cross (ICRC), International Council of Voluntary Agencies (ICVA), International Federation of the Red Cross and Red Crescent Societies (IFRC), InterAction, the International Organization for Migration (IOM), Office of the High Commission for Human Rights (OHCHR), Steering Committee for Humanitarian Response (SCHR), Office of the Special Rapporteur on the Human Rights of Internally Displaced Persons (SR on HR of IDPs), and the World bank (WB) (IASC.org).

#### 7.4.4 Military Incursion

A last expansion of the humanitarian regime is the incursion of the military. Recently, foreign military have assumed additional responsibility for the distribution of disaster aid and emergency assistance. Kent (2004) argues that this creates three problems in the humanitarian context. First, the mixed role of the military puts in jeopardy the very principles that lifesaving aid should be provided to everyone in need and are perceived to be impartial. Second, the lack of distinction between impartial and independent aid workers and the military can create security problems and tensions. Finally, despite the huge increase in humanitarian funding in recent decades, the involvement of the military increases the competition for finite resources.

The military and civilian groups are also structures in different ways; it can and often does result in a culture clash where the military sees any civilian as an NGO (Helton, 2001). This can undermine IGO governance if the military, which can be seen as a threat to certain humanitarian victims, takes primary control where IGS and NGO coordination is preferred. Competition between these two groups is highly counterproductive in a situation of real emergency.

#### **7.5 OCHA Expansion**

As OCHA is a relatively new entity, it has expanded but not nearly as extensively as the other institutions investigated. In essence, OCHA's mission allows for it to fill in assistance gaps to those who cannot receive international legal protections, but do need temporary assistance. One more gap that OCHA began to fill was supporting internally displaced persons (IDPs). In 1996, the UN General Assembly tasked the Emergency Relief Coordinator with a central role in the inter-agency coordination of assistance to IDPs. OCHA advocates IDP issues to member states, donors, and the media, ensure displacement issues are included in briefings to the Security

Council, and works with the IASC to address gaps in IDP policy and institutional arrangements (OCHA, 2010). Its work with IDPs can be considered collaborative in that UNHCR also heads and have developed IDP projects. However, this process garnered criticism and thus, in January of 2002, OCHA established a Unit for IDPs re-named in 2004 as the Internal Displacement Division (IDD) (McNamara 2005).

## **7.6 OCHA and Climate Change**

Like IOM, OCHA has begun to research and consider the implications that climate change will have on its work and on human migration. Several publications outline its recent work on the topic. While these papers are few and represent only a beginning, what they do demonstrate is a different attitude toward the impending situation at hand.

### **7.6.1 Joint Study by OCHA and the Internal Displacement Monitoring Centre**

This particular publication was a joint effort between OCHA and the Norwegian Refugee Council's Internal Displacement Monitoring Centre entitled, "Monitoring disaster displacement in the context of climate change". The aims of the study were provide an estimate of the number of people displaced by natural disasters in 2008, a methodology for ongoing monitoring of forced displacement from such disasters, and an indication of the resources required to implement the methodology. It does not seek to analyze how current levels of displacement will be affected by climate or what proportion of current displacement can be considered a direct effect of climate change, but to inform discussion by providing an indication of the scale of displacement from which to start from when considering the increasing influence of climate change. The report considers only hydrometeorological extreme hazard events<sup>19</sup>, those which

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<sup>19</sup> An IASC typology for climate change related drivers of migration. Others include: environmental degradation and/or slow onset extreme hazard events, significant permanent losses in state territory as a result of sea level rise, and armed conflict/violence over shrinking natural resources.

force temporary displacement. The results show that of the 322 sudden onset climate disasters (including hydrological, meteorological, and climatological- excluding drought) 20,293,413 people were displaced. Disasters associated with flooding and storms have been found most likely to be major drivers of displacement. Additionally, the mass majority of displacees came from Asia. While the study does not go so far as to attempt to predict how many people will be displaced by other drivers, it does indicate that sea level rise will be a significant driver in the future and highlight that 146 million people live in areas that are less than one meter above sea level. However, the study assumes that return to prior homes will be the most likely durable solution for those displaced by extreme hydrological events, but that resettlement will also be needed.

#### 7.6.2 Policy Development and Studies Branch: OCHA Occasional Policy Briefing Series

The policy development and studies branch presents research and papers which are both written by OCHA itself and its employees. The month before the joint research paper with the Norwegian Refugee Council was published, OCHA's Occasional Briefing Series published "Climate Change and Humanitarian Action: Key Emerging Trends and Challenges". It is a short paper, but identifies several ways in which climate change will affect humanitarian efforts. The paper recognizes the climate change will redraw the world's maps of populations, wealth, and resources and will generate higher demands for disaster assistance. It also finds that the results of climate change will contribute to massive movements in populations which have the potential to overwhelm state authorities and the international community; even threaten global stability. Because of the impending vulnerabilities and the consequences of complex interactions, it recognizes that carbon emissions may become a source of geo-political tension. Finally, it

recommends that humanitarian actors must be come proactive in order to assist in mitigating this task.

A few months later, in January of 2010, an additional paper on the topic came out this one with a disclaimer. However, it is different from the ones used by other IGOs. This disclaimer states that this is a “non-paper” and is produced primarily for internal circulation and with the intent of promoting further discussion on policy analysis and are not necessarily the official views of OCHA. The difference lies in the fact that OCHA identifies them as a spring board for discussion rather than simply backing away. Gelsdorf presents “Global Challenges and their Impact on International Humanitarian Action” which addresses the fact that the humanitarian community needs to broaden its view of vulnerability; insecurity will stem from non-traditional threats, and there in an increasing need to integrate humanitarianism and development. The paper identifies climate change and migration as global challenges and those implications for humanitarian work includes caseloads which do not have the legal or policy frameworks to support them- such as climate induced migration and displacement. Finally, the author calls for the humanitarian community to be more proactive- a sentiment already presented by OCHA itself.

## **7.7 Conclusion**

The humanitarian regime is a new and had been growing in significance since its inception. It is in constant tension in two ways; between those who would assist anyone in need and those who do not want to contribute to those who create such problems, those who promote humanitarian action to mitigate complex emergencies and those who see military intervention as the fix in those situations. When it comes to climate change, it is the responsibility of humanitarian organizations to reflect on its consequences (Braman, et al. 2010). This, OCHA has

begun to do. Its work on the subject is still in its infancy, but it does recognize that climate change will affect mass migration and it is evaluating how such actions will affect its work. It stands out from the other two organizations in that its organization and its employees see the need for proactive measures. While these are not in place as of yet, OCHA has, at least, more active messaging than the other two IGOs. Humanitarian actors are some of the first on any scene of great suffering- whether people are migrating yet or not. They appear to acknowledge that in this way, whether they like it or not, they are on the front lines of the response to climate change. However, as the joint research project demonstrates, it views much of climate induced movement as in the future. While current events may prove otherwise<sup>20</sup>, OCHA sees the need, but not that it is urgent as of yet.

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<sup>20</sup> As of the week of October 10, 2011, several islands in the South Pacific including Tuvalu were running out of clean water due to the compounded effects of sea level rise and La Nina. The UN and Australia were in talks as to how to handle the matter as I write this.

## **Chapter 8. Conclusion: Vision of a Way Forward**

The main debate of this investigation has been the political will of IGO member states and the flexibility of the mandates they seek to uphold. It is an important point of contention when trying to evaluate if the world is prepared to handle this new challenge to human mobility; the answer depends on both individual states and the governance apparatuses they have put in place. The ability of any of the IGOs investigated to expand depends on both. This section evaluates the structural and political constraints which have prevented the expansion of UNHCR, IOM, and OCHA from adding climate change displacement to their governance mechanisms. It will also evaluate if climate displacees can and should fit under the umbrella of any of these IGOs, and will suggest further research and a preliminary vision for a way forward.

### **8.1 Regimes**

Chapters 5, 6, and 7 provided an in depth look at the refugee regime and UNHCR, the migration regime and IOM, and the humanitarian regime and OCHA respectively. The regimes themselves offer a conceptual frame through which to begin to understand such preparedness. The refugee regime, although ancient in sentiment, was institutionalized for a very specific purpose; to assist those displaced due to World War II. It is important to remember this fact. Because UNHCR was developed to be the solution to a singular problem, in order for it to remain relevant it had to expand, thus the 1967 Protocol. This expansion was a very important historical moment. It was a critical acknowledgement that the 1951 Convention was too shortsighted; the need for protection was far broader than previous conceptions, and persecution would continue far beyond the Nazi or Communist regimes. The refugee regime was institutionalized as a Band-Aid which was only meant to be temporary. This is not to say that it was not a tremendous achievement even for a short term fix. It was not necessarily in the

monetary or national interest for nations to agree to take in WWII refugees. However, the loss of sovereignty ceded to the terms of the 1951 Convention allowed for a great leap forward in human rights. It is also important to note that the Convention and Protocol had overwhelming support by UN member states without clear compliance mechanisms. This was accomplished through a treaty which was integrated into national law thus, in essence, keeping sovereignty intact.

The migration regime, on the other hand, is still decentralized, bereft of any binding legal treaties, and is unceremoniously reactive to not only migration flows but displacement as well. This regime remains tied much closer to the issue of sovereignty; there has not been any one migration crisis large enough to relinquish immigration policy to a larger body. While the history of humanity is that of migration, in modern times the migration regime seeks to regulate a phenomenon which continuously finds its way around rules and borders. The borders of the world are not distinguished by fences and yet many nations continue to develop policies which could only be effective *if* this was the case. Individual states guard their sovereignty knowing full well that they cannot control their borders unilaterally. And instead of using this fact to orchestrate clear, binding regional treaties politicians use nationalist rhetoric with xenophobic undertones to criminalize those who seek to subvert their ill thought out policies. Globalization of trade without a restructuring of immigration and border controls has proven inefficient, but governments are still wary of any sort of hard law in this area. Development has necessitated in flows of migrants to create modernity and yet the modern state cannot cede control of its borders to keep up with the times.

The humanitarian regime, like the refugee regime is highly connected to the perils of war. Extending medical treatment to the 'other' or even the enemy rejects the notion of separateness

that borders ultimately create; additionally, refugees come from both sides of a conflict. Humanitarianism comes from a deep seeded connection to the suffering of all people and a view that as humans, we all deserve minimal standards. These fall apart during wartime and often after natural disasters. However the divide between Dunantans and Wilsonians does demonstrate a rift between the active and reactive forces within this regime. The Dunantanist sect holds a close parallel to both the refugee and migration response in that these are seen as imperative only after a situation arises; Wilsonians see that one disaster can lead to changes which can prevent or at least assuage the next. However, when states began to invest in humanitarian projects they did so with political concerns far from either of these veins and placed conditionality on needs based relief. One could argue that states could see the opportunity to be proactive if there was the chance of gaining stature or influence; but was reactive when no one could decide what to do otherwise. This discussion has focused on the concept of aid as relief which could be seen as different from aid as redevelopment, as per the Wilsonians. I believe it will also be a worthy investigation but could only be effective after a full evaluation of traditional humanitarian endeavors.

## **8.2 Institutionalization**

The institutionalization of these regimes allowed for individual efforts to assist those currently migrating or that have been displaced to become coordinated had have a much larger reach. Concrete organization at the international level has made this possible. While international governance structures have greater capabilities, they are not homogeneous across institutions. Each varies along several dimensions. The particular variables that I will employ give a clear outline of the basic structural and political differences between the IGOs in question.

Firstly, organizational structure is a necessary starting point. Structure allows one to see and understand how an organization functions. Organization can be centralized or decentralized which reflects either a hierarchical or lateral structure. Both the UN-based organizations (UNHCR and OCHA) have a clear hierarchical flow while IOM's structure is lateral. In UNHCR's office of the High Commissioner, a Deputy High Commissioner and two Assistant High Commissioners report directly to the High Commissioner. Each sub Commissioner's responsibility is clearly delineated; the only overlap concerns a connection between the regional bureaus and the Assistant High Commissioner for Operations and Assistant High Commissioner for Protection. For OCHA, the Corporate Programme Division, Coordination and Response Division, and Geneva Office report to Under Secretary General and Emergency response Coordinator with the Strategic Planning Unit as an additional offshoot; there is no overlap across subunits. With IOM, there is a stark difference. The Director General and Deputy General have eight offices reporting to them directly: the Office of the Inspector General, Office of Legal Affairs, Senior Regional Advisors, Spokesperson, Staff Security Unit, Ombudsperson, Gender Coordination Unit, and the Occupational Health Unit. Directly beneath is the Office of the Chief of Staff which has the Department of Operations and Emergencies, Department of Migration Management, department of International Coordination and Partnerships, department of Resources Management, and the Administrative Centres of Manila and Panama reporting to it. Below the Chief of Staff is an assortment of nine regional offices, then two Special Liaison offices, and finally Country offices. Clearly, each main office of IOM directly handles more horizontal units while UNHCR and OCHA are structured in a vertical fashion.

Origination of research is also an important piece. It demonstrates openness to new ideas and willingness to investigate how a particular issue will affect the IGO. While all three get their

scientific information from the IPCC among other sources, when it comes to research about climate change and their operations, again, they all invest in internal research either directly sponsored by the institution or contracted out to other academics which is still published internally. Thus each produces original research relating to their specific goals and mandates.

Sources of funding for all three are also similar coming from their member states and a handful of other outside sources which consists of the European Commission, the private sector, and individual donors. Most importantly to note is the desire of donors to have their money spent as they prefer. This point was noted in chapter 7 with humanitarian donors. Money can arguably be a form of soft or hard power depending on ones' interpretation. Each of these IGOs are intrinsically tied to its biggest donors of they are to survive and to fulfill their mandates. However, member states are not pure Dunantists seeking to do charitable work; they seek to affect the areas in which they chose to participate. Additionally, neither UNHCR nor IOM, have a balanced set of donations among its contributors; some pay much more than others and thus have a louder voice inside the institution. These particular donors are also the same ones in each organization. According to their 2010 financial reports, the United States is the top contributor by a significant amount. In this year the US accounted for 31% of the total budget of UNHCR and 31.8% of IOM. When it comes to OCHA, the US's contribution only accounts for 11%; its highest contributing member state in 2010 was Sweden and its other receipts are more evenly distributed at the top through Western Europe. The contribution to both UNHCR and IOM hover around 1.8 and 1.3 billion respectively, while OCHA only saw 186 million in 2010 and had to take out a Central Emergency Response Fund (CERF) loan from the General Assembly against its outstanding pledges.

Another point of comparison across the IGOs is their legal frameworks. This determines the flexibility of their mandates if backed up by some sort of hard or soft law. For UNHCR, the 1951 Convention and its update, the 1967 Protocol, are international law. For IOM and OCHA this is not so clear. IOM's International Migration Law Unit has compiled various sorts of migration related legal instruments, but Migration law is largely normative deriving from state sovereignty and the human rights of those migrating. It is not independent and/or binding. For OCHA, humanitarian law relates to actions taken in and during war as it relates to armies- the Geneva Convention. It does not regulate the way in which those responsible deal with crises within their territory or the actions of outside responders. Thus refugee law has a recognized legal structure while migration and responsive humanitarianism does not; refugee law is internationally binding while migration is at the individual nation level and humanitarianism is norm based. Additionally, legal frameworks also define the scope of responsibility which these IGOs have. Legal frames specifically define who the institution is responsible for. Refugee law includes a specific definition which qualifies a certain group due to particular circumstances. Migrants and those in humanitarian need vary; the mandates of both IOM and OCHA consider the breadth of these needs and vulnerabilities thus take a broader view of their responsibilities. Additionally, with a legal regime, should come some mechanisms for compliance to such laws. In the realm of international law there are very few methods for this as it creates pressure on state independence and sovereignty plus the process is very long. In recent years, Belgium was sanctioned by European Court of Human Rights (ECHR) for sending refugees back to Greece when it knew that Greece did not have the means to adequately support them<sup>21</sup>. But not every country gives authority to such a body and only three regional bodies exist: the ECHR, the Inter-

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<sup>21</sup> The case was presented to me in short form by Nicole DeMoor a lawyer and refugee scholar at the University of Ghent.

American Court of Human Rights (IACHR), and the African Court of Human and Peoples Rights (ACHPR). Thus even a legal mandate can only provide a thin level of compliance; as for the soft law instruments that govern the migration and humanitarian regimes, there is even less. Individual national law applies to migration treaties and while the Geneva Convention applies to actions committed in times of war, it cannot be considered a legal or compliance mechanism for humanitarianism in the frame that I have presented it here. What are really at stake are reputational costs more than legal sanctions. Taking care of refugees, migrants, and disaster victims demonstrates a country's dedication to certain values. If a nation does not follow through with promises in this area, this speaks to its character and international standing.

An assessment of member states is also in order. If IGOs are an extension of the desires of their member states, it is important to understand which ones belong to each organization. The numbers are essential to know as well. As branches of the UN, UNCHR and OCHA's member states are official UN members which now consist of 193. There have been suggestions to bring IOM into the UN Secretariat, but as of now it is still separate; its member state count stands at 132. The States in UN but not members of IOM are: Andorra, Antigua and Barbuda, Azerbaijan, Bahrain, Barbados, Bhutan, Brunei, Chad, China, Comoros, Cuba, Democratic Republic of Korea, Djibouti, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Grenada, Guyana, Iceland, Indonesia, Iraq, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lichtenstein, Macedonia, Malawi, Malaysia, Maldives, Marshall Islands, Micronesia, Monaco, Mozambique, Myanmar, Nauru, Oman, Palau, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint, Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Seychelles, Singapore, Solomon Islands, South Sudan, Suriname, Syria, Tonga, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, and Vanuatu. What becomes

apparent is the most of countries that are already experiencing migration due to climate processes or are most vulnerable to it are not members of IOM.

Chapter 1 discussed the present issues facing Papua New Guinea, Tuvalu, Maldives, and Kiribati- none of which are IOM members. This list has only grown and similar vulnerabilities are shared by many of the Caribbean islands, the rest of the South Pacific and Indian Ocean Island nations as well as low lying areas in Guyana and the mountains of Bhutan. This poses a problem for IOM’s operations as the projects that it funds are either proposed by member states or are geared toward them. A proactive migration program that takes into account the current needs of those already under climate-induced stress cannot come out of IOM. However, each IGO includes the world’s most powerful Western nations. Table 8.1 provides an overview of these structural components.

**Table 8.1 Overview of Case Study Structural Variables**

<b>Structural IGO Variables</b>			
<b>Variables</b>	<b>UNHCR</b>	<b>IOM</b>	<b>UN OCHA</b>
Organizational Structure	Vertical	Horizontal	Vertical
Origination of Research	Original	Original	Original
Primary Sources of Funding	USA	USA	Western Europe
Legal Frameworks	Yes	No	No
Scope of Responsibility	Specific	Broad	Broad
Compliance Mechanisms	ECHR, IACHR, ACHPR	National courts	None
Member States	192	132	192

### **8.3 Implications**

Taken together with the previous case studies, it becomes less likely that either UNHCR or IOM will be the governance mechanism that assists those displaced by climate change. It is understandable why many first look to UNHCR for guidance. Since its inception, it has assisted

millions of people fleeing the most desperate of situations; the vast majority of nations has signed its treaties and has acknowledged their responsibility to refugees. As a regime it is far reaching and as an institution it has specific compliance mechanisms underscored by international law. Additionally, the bureaucratic label of ‘refugee’ is universally recognized, if not for its correct legal meaning, at least for the implication of need and vulnerability that comes with being one. However, if those displaced by climate change are not being persecuted, do they need protection? This is the essential question to ask when analyzing this governance structure. The feature of refugee law that is most powerful is principle of non-refoulement; it is critical when administering protection as to keep those individuals under threat of harm. Although certain climate processes will hinder and in some cases prevent human existence in some areas, does returning them to these areas equate to an imminent threat? The threat under consideration is that from other humans, not the environment and its larger processes. Thus even refoulement as a protectionary measure does not exactly fit the circumstances of those displaced by climate change.

Additionally, the non-entrée regime now guides how refugees are treated, administered, and processed. Non-entrée refers to the ways in which Western states have made it more difficult for asylum seekers to enter and become refugees. Chimni (1998) outlines the actions through which makes this possible such as the strict scholarship in this area of the positivist tradition of refugee law interpretation and the difference thesis which justifies the different treatment of African refugees than European refugees due to the different reasons they have for flight. Together with the growth of detention centers, external border processing centers, and EU policies that only allow refugee petitions from one member state (such as the country of first arrival) it is clear that the refugee regime is attempting to shrink, not expand. This is due to the

pressure of member states. On the flip side, chapter 5 explains UNHCR's expansion into soft law instruments for internally displaced persons (IDPs). This juxtaposition of the tightening of the regime by member states while the bureaucracy of the institution is expanding demonstrates an operational rift. The bureaucracy sees that there is more to do and is offering solutions that are less demanding on the member states than a formal treaty. Soft law and formal recommendations offer a way to introduce member states to additional ideas without forcing them to formally act on them. This can be a good way to have trained professionals in the field introduce new topic of concern; but will member states listen? As referenced in chapter 5, in June of 2011, High Commissioner Guterres offered guidance in the form of another soft law instrument of guidance to assist those displaced by climate change. While this is not a form of concrete action, it may be all Guterres can do. With the increasing resistance toward refugees from member states of the global North, Guterres and other UNHCR employees that are exposed to a demand for help from UNHCR, can provide ideas and frameworks. This does not interfere with the current interpretation of its mandate or force member states to act. While protection based frameworks may prove to be useful, UNHCR does not appear to be the correct governance institution to do the job.

IOM faces different challenges, but is also no better prepared to assist those displaced by climate change. The main drawback with IOM is its lack of member states. It is not just that it is comprised of a lesser number of states as both UNHCR and OCHA, but it is *who* is missing that counts. As outlined above, almost all of the nations which are the first ones to feel the damaging effects of climate change are not members of IOM; including the island nations used as examples in chapter one: Papua New Guinea, Tuvalu, Kiribati, and Maldives. This is highly problematic because an IGO that governs migration is relatively confined in its actions if it does not include

all nations in which migration occurs; thus the states that are dealing with the effects of climate change on their populations have no say. Without their involvement the institution has little impetus to act; projects proposed will relate to only the needs of the member states. It would be prudent to further investigate why so many vulnerable states are not IOM members considering potential barriers to membership. Additionally, if IOM were to attempt to govern this new form of movement, those who did so would be placed under the migration regime which is largely considered voluntary. Adding to the discussion of forced versus voluntary migration in chapter 2, climate change migration is considerably different from climate change displacement. Choice here is key; to choose to migrate infers that one can also choose not to migrate. Many voluntary migrants choose to do so from a myriad of equally undesirable options; it is not a simple choice. Again, referring back to this conceptualization back in chapter 2, choice also equates to responsibility in that if seen through this lens, it may become more difficult to procure money to assist; regular voluntary migrants pay for their own journeys. Ultimately, climate processes will continue to deteriorate the ability of many areas to sustain human life and even early migration can be equated to displacement in that hot spots will not regain their viability. Because of this, it is necessary to equate all movement due to changes climate with displacement.

This is why labels and definitions matter. Choice in words precipitates governance; without the most accurate conceptions, the development of governance will be inadequate. Even though it has become obvious that globalization of trade and manufacturing has provided uneven community growth, many who have had to move to keep up have been on the losing end of these forces and, yet, are considered “voluntary migrants”. International business decisions are far from the control of the many that are affected by them. Economic migration, in this sense, is very much a form of displacement. But by referring to this phenomenon as

‘migration’ instead of ‘displacement’ it has shifted the responsibility for such movement from the companies which have changed the economic landscape to the migrants themselves. This, of course, separates consequences from causation and in doing so, assumes that it is the individuals job to adjust as if macroeconomic changes were a natural phenomenon. And this is the hurdle with the term ‘climate migrant’ or ‘climate migration’. This nomenclature will associate those being displaced by the climatic effects of greenhouse gas emissions with those whose agency has already been compromised. It is the difference between supposed ‘push’ and ‘pull’ mechanisms which have prevailed in the case of voluntary migration. By using the displacement label it is less likely that climate displacees will be equated to ‘voluntary’ economic migrants and the migration regime. But again, since the majority of those currently being displaced are not members of IOM to begin with much of the previous discussion on conceptualization is moot without a broader membership.

Finally, while IOM has done quite a bit of research on climate change and migration, much of the work that is specific to changes necessary comes from outside academics. Those written by the IOM bureaucracy tends to focus on how to extend the time people have in their communities- not migration alternatives. Here the bureaucracy is much more responsive to the values and desires of its member states. This IGO functions specifically for its member states’ needs, not for an established goal like UNHCR and OCHA. Because of this, it is less likely that IOM’s projects will move toward assisting migrants due to climate change until its member states believe that this is worthy project on their own.

Of the three institutions evaluated, OCHA has the best chance of being the international governance structure which could include those displaced by climate change processes. While OCHA uses soft law, like IOM, which is not conventionally considered as strong as hard law, as

chapter 3 illustrates, can still foster compliance through learning and self-regulation. Hard law with working compliance mechanisms is ideal. However, even refugee law lacks complete compliance mechanisms, ample international courts, and sufficient nations to give up their sovereignty to them for full compliance. Another feature which is helpful here is OCHA's broad mandate of responsibility. It necessitates no updates to be able to assist those who are labeled 'migrants' or 'displacees'. Many of those who it currently assists are at least temporarily living outside of their habitual residence due to generalized violence or the effects of a natural disaster, thus OCHA is no stranger to dealing with many forms of migration and displacement. If the adverse effects of climate change on human populations are considered a humanitarian issue, this will not be a problem.

OCHAs primary source of funding is also different from the other two. While UNHCR and IOM are primarily paid for by the United States, OCHA is primarily funded by Sweden. When the national culture of Sweden is considered, it can tell much about the values it places in humanitarian relief. Sweden and Norway (which is its second, fifth, and third leading contributor respectively from 2008-2010) have the most advanced and comprehensive welfare systems ever developed. They take care of their own citizens and share that sentiment in their charitable giving. It is assumed that certain member states often exercise a disproportionate influence over IGOs; additionally money is often the means of such power. In the case of UNHCR and IOM, it can be argued that this influence comes from the US due to its proportional contributions to these organizations. In the case of OCHA, it is the nations of Western Europe including the European Commission. While the United States' contributions have risen consecutively in the past few years (it was OCHAs fourth leading donor in 2008, third in 2009, and second in 2010) proportionally, Western Europe still contributes much more (OCHA, 2010). It is also in Western

Europe where interest in this topic is growing. In the summer of 2011, the Norwegian government and foreign ministry held the Nansen Conference on Climate Change and Displacement in the 21<sup>st</sup> century. The event included practitioners, policy makers, and high level representatives from each of these IGOs.

The interest and influence that Western Europe has in OCHA is promising; these countries are less resistant to welfare spending and already have a deep sense of cooperation between each other. However, they are also countries which have had significant challenges with immigration and tend to, like the United States; spend money overseas to 'fix' certain foreign policy challenges as a way to prevent migration. In this case, the need is to spend to facilitate migration and resettlement. If much of the West is currently participating policies which enable the non-entrée regime, political will be the largest constraint on any of these organizations. Each institution produces original research on climate and displacement and each acknowledge that it will be a challenge to the world and their work. This demonstrates that the bureaucracy within each institution recognizes future demands that their member states are not addressing as of yet. This research can inform their members, but the motivation to act will take more than a well written study. The bureaucracy may identify a need, but in the end it is the member state that will decide if to peruse and fund it.

#### **8.4 The Need for Alternative Governance Development**

Reemphasis of labels/definitions to begin- Aosis politics/lobby, unu paper suggestion, new igo- why an igo? b/c increasing vulnerabilities, rapid response mechanisms. What would it look like? Table

#### **8.5 Further Research (property rights)**

This investigation has only begun to evaluate all of the governance structures which may be implicated in assisting this new group of migrants. The literature that surrounds humanitarianism is often paired with development. One major criticism of impartial humanitarian efforts is that although it alleviates suffering, it does nothing to prevent situations that cause suffering in the first place- it is a band aid. This comes from the Wilsonian view which seeks to leave those assisted better off than they were before the incident in which the humanitarian aid was needed. This view ties easily into the development literature as well. Lautze (1996) explains that often the goal of humanitarian assistance is to put the lives of those affected by some sort of disaster back to the levels they were before the incident. However, because climate change will eventually make rebuilding more and more difficult, it will be imperative to investigate the extent to which development mechanisms can be used to rebuild communities in alternate sites. The literature that connects humanitarian assistance and development is also light and will need to be developed on conceptual and theoretical levels before it will support the addition of climate change. This connection will be an important next step in the development of this field.

On the structural side, further research needs to delve deeper into the funding of these organizations. For the purposes of this project, I used aggregate budget expenditures and the proportion of funding by certain nations. In the future development of governance, earmarked expenditures needs to be addressed. Many member states earmark their funds for only specific expenditures. This represents their willingness to participate in the entire mandate of the IGO and imposes particular constraints. Continuing research needs to take into consideration these earmarks and their influence over time on the IGO.

Additionally, the conceptualization of the differences between displacement and migration needs to be revisited and expanded. In the context of continual environmental deterioration, the free choice to stay or leave is complicated by one's survival instinct and the Declaration of Human rights. Migration can be much less voluntary in these situations. Current literature on voluntary versus forced migration comes from the refugee tradition which has a particular vision of this dichotomy. Taking into consideration new conditions such as climate change, globalization, and the view from the global South will better round out the literature and provide a base to move forward. Without adequate conceptualization, it becomes questionable as to how to provide adequate governance.

A reevaluation of land rights also needs to happen in this context. We live in a world where every inch of land has either been claimed, purchased, or taken by force. This makes resettlement very difficult as the climate continues to change. But it is not only sovereign national land which is vulnerable to new demands; the

Finally, this research needs to collaborate with that in the field of physical science. This cooperation can lead to the identification of a better timeline for displacement and the identification of hotspots. Accurate schedules for action can create a frame for appropriate responses which needs to be applied to the most vulnerable areas. Right now those academics who work on migration/displacement issues do not talk across disciplines to those in hydrology, climatology, and so forth. A strong connection will provide a sturdy bridge from science to policy and will connect the knowledge of environmental activity to how it will affect Earth's human inhabitants.

## Chapter 9. Epilogue

The COP 16 talks in Cancun, Mexico in December of 2010 has provided a small step forward. The United Nations University was able to negotiate a paragraph *into The Ad Hoc Working Group on long-term Cooperative Action under the Convention* which invites Parties to take specific action nationally to enact: “Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels;” (Draft decision - /CP.16). While this subsection, like the agreement, is not legally binding, it does ask individual nations to acknowledge the existence of climate change migration at several levels of governance.

**COP17 redux**

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