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# **How to protect and assist Environmental Displaced Persons (EDPs)?**

*A study about the gap in the UN refugee regime  
concerning EDPs and how to fill it*

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# Abstract

In today's world the protection gap in the 1951 Refugee Convention regarding the environmentally displaced persons (EDPs) has been discussed, claiming that EDPs international protection and assistance should be considered too. This thesis addresses the issue of displaced people due to environmental factors and the options that are suggested for their protection and assistance. With a starting point in the human security approach, it describes and criticises the gap in the UN refugee regime and examines the options to fill it. The first option is expanding the 1951 Refugee Convention to encompass EDPs as environmental refugees and the second one is creating a new and special international agreement which is all about the protection of EDPs. This study discusses the main arguments of these options and portrays the side effects of each claim. It illustrates the necessity to recognize the need to protect EDPs legally and physically through the exemplifications of sea level rise and Tuvalu. A justification to seek for an international resolution is demonstrated with the help of these illustrations. It also looks into the concept of “environmental refugees”.

**Key words:** Refugee definition, Human security, Environmentally Displaced Persons, Environmental Refugees, 1951 Refugee Convention, Tuvalu

**Words:** 19.802

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## List of Abbreviations

CAT	United Nations Convention against Torture
EDPs	Environmentally Displaced Persons
IDPs	Internally Displaced Persons
IPCC	Intergovernmental Panel on Climate Change
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	The United Nations High Commissioner for Refugees

## 1. Introduction

It was the fall 2009. National Geographic released a visual almanac called “State of Earth 2010”. In that almanac there was an article about “forced migration” which portrayed environmental degradation and global climate change driving the displacement of populations. It was projected that as a result of environmental effects like desertification, ice melt, storm surge, sea level rise, and hurricane/typhoon/cyclones; people living in Bangladesh, Gobi in China, Alaska in the U.S., Tuvalu in Pacific ocean and Haiti would flee their homes. By the end of the year 2010, 50 million people may be uprooted by environmental factors. It is projected that this number will triple by 2050 to become 150 million (National Geographic Earth Pulse, 2009: 18-19). I was intrigued by the idea and it was then that I decided to research this issue. The more I look into this problem I realise that there is a lack of protection of these displaced people in international refugee apparatus. There is a gap in the “1951 UNHCR Convention and 1967 Protocol Relating to the Status of Refugees”<sup>1</sup> in terms of protecting displaced people whose displacement is mainly because of environmental factors.

Refugee regime in the present-day is seen out of date. It was developed to meet the needs of post World War II Europe. Accordingly contemporary international law does not provide adequate protection any more in the case of environmentally displaced persons (EDPs) (Horne, 2006:1). People who flee because of natural or man-made disasters or people's ground of livelihood are weakened by the slow

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<sup>1</sup> I will call “1951 Refugee Convention” for depicting 1951 Convention and protocol relating to the status of refugees from now on.

oncoming of environmental degradation (for example range degradation, soil erosion, soil nutrient depletion etc.) (Kibreab, unspecified: 119).

In spite of the existence of the serious issue of displacement, the absence of a international protection mechanism makes this subject a hot topic to look into and examine the solutions to fill the protection gap cover the need of protection of EDPs. That is why I want to look at this subject. There are two dominant views to fill this gap. One of them is expanding the UN Refugee Convention to encompass EDPs as environmental refugees and the second one is creating a new and special international agreement which is all about the protection of EDPs. From now on, these two views will be explained and analysed to be able to comprehend which option would be feasible and better serve the protection and assistance of EDPs.

The study is based on the available resources such as books, international reports, scientific journals, drafts. It utilizes qualitative information and data to portray the debates in terms of the protection of EDPs. Emphasis is placed partly on the gap in the current refugee regime about the state of EDPs and assessing the two dominant options that suggesting a way to take care of the protection and assistance of EDPs.

As you are going to see later on, I have come across with different kinds of debates in the literature that illuminate our way for the following researches. We can count them in three categories. First one is the debate over the feasibility of identifying the environmental factors as main causes of displacement. The other debate is concerned with deciding who can be classified under the “environmental refugee” definition and which environmental factors can be counted as the root causes of displacement. It is important to have internationally agreed standards to solve the protection issue internationally. The last category of debate is of course about the way of the protection and assistance of EDPs that will be provided: modifying international apparatuses or treaties like the 1951 Refugee Convention

by including a new category of refugees for them or creating a new international agreement that would accredit environmental factors as the root causes of displacement of individuals and communities.

### ***1.1 Aim of the Study***

This study focuses on displacement of people mainly because of environmental disruption. It aims to examine the two dominating options that have been presented to provide protection by international law: Expanding the current regime or creating a new one. It also considers drawing attention to the protection gap in the 1951 Refugee Convention and elaborating the popularized term “environmental refugees”. I have decided to look into environmental refugees because scrutinizing the concept is needed in my study in order to comprehend the discussions in my thesis.

### ***1.2 Research Question***

The central aims of this paper can be formulated in the following research question:

“What can be the most applicable international protection option for environmentally displaced persons (EDPs)?”

### ***1.3 Outline***

The rest of the paper has been formed in 7 parts. Because of couple of concepts that are essential for this thesis, I will explain these concepts in order to present the analysis comprehensively. For example, the 1951 Refugee Convention's definition of “refugee” and association between environmental degradation and displacement will be explained there (Part 2). These will form a conceptual base of my analysis. Next part (Part 3) contains a theoretical discussion encompassing state-centric national security approach and human security approach that lay out

the theoretical foundations of the thesis. The other part (Part 4) continues with the methodological considerations of the thesis include an analysis. Part 5 begins with the illustrations of sea level rise and Tuvalu's experience of the failed solution options of the protection and assistance of its people. This part will help me to put the analysis on concrete stands. After this, the gap in the current refugee regime regarding the EDPs will be explained and discussed in Part 6. In Part 7, the options of filling the gap in the current refugee regime will be explained and side effects of these options will be revealed. In discussion part, I will discuss the two options of the protection and assistance of the EDPs. Finally, Part 8 brings us to rounding up the thesis' primal conclusions and demonstrates potential subjects of future researches.

#### ***1.4 Delimitations***

Before proceeding it is necessary to address certain delimitations of the thesis. This study is not concerned with offering new suggestions to the field of protection and assistance of EDPs. The aim of this thesis is not coming up with a brand new idea. This would be beyond the capacity of a study like this and size. Instead of offering new options, this paper aims to discuss the existing dominant suggestions in the literature and find out which one is more appropriate to apply.

## **2 Explaining the Concepts**

In order to proceed in my analysis it is needed to be clear about the concepts. Thus in this part there will be some explanations and definitions: the concept of “environmental refugee”, the basic environmental threats to humans and how these threats affecting people's displacement. So that, the environmental drivers behind the displacement of people can be apprehended distinctly. My intention of including the explanation of environmental refugees in my thesis, results from the need of portraying the definition of the terminology and draw attention to the lack of agreement about the concept. Black (2001) also agrees that there are so many categorisations of environmental refugees and environmental migrants but there is a lack of agreement on or understanding of what these classifications actually mean.

I will start explaining a couple of other concepts that will help us to comprehend the arguments. Then I will introduce different outlooks about the definition of environmental refugee concept and convey the classification of the causes of environmentally induced displacement. In order to solve the possible confusion between migrates and refugees on the basis of the causes they are impacted; I will explain different levels of migration decisions. This way I, I intend to reduce the mix-ups between the concepts.

### ***2. 1 The other concepts***

#### **2.1.1 “Refugee”**

Before starting to explain the environmental refugee concept, I want to make the “refugee” concept clear. The legal definition of a refugee that ultimately guides domestic and international policy centres “[...] on the crossing of an international

boundary and consequent need for protection that cannot be, or is not, provided by the country of origin” (Black, 2001:13). So, in domestic and international law, in order to be recognised as refugee, one should need protection outside his/her country of origin where he/she cannot or does not enjoy that protection.

### **2.1.2 Environmentally Displaced Persons (EDPs)**

There are also other concepts in the literature that I need to explain. In my study my focus is on environmentally displaced persons (EDPs), thus defining my focus is necessary for my study to present the arguments accurately. They are defined “[...] as persons who are displaced within their own country of habitual residence or who have crossed an international border and for whom environmental degradation, deterioration or destruction is a major cause of their displacement, although not necessarily the sole one” (International Organization of Migration as quoted in Kolmannskog, 2008:9). In other words, people who are displaced mainly (not exclusively) because of environmental disruptions within the country of origin or across international border are seen as EDPs. This concept is important in my study because it presents the perfect definition of people who are uprooted due to environmental disruption and represents the objective label for these people. Since I am going to discuss the best option for the protection and assistance of these people introducing a definition is crucial for the study. In the later stages, we are going to see whether it is the best option to designate EDPs in the 1951 Refugee Convention.

### **2.1.3 Environmental Migrants**

In order to proceed with my analysis I would like to reflect upon “environmental migrants”; because in the literature this label is preferred by the authors who do not want to call “environmental refugees” to the people fall under this definition. Environmental migrants are defined as the “persons or groups of persons who for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual

homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad” Brunson McKinley as quoted in Kolmannskog, 2008:9).

## **2.2 Environmental Refugee Term**

The term was first popularized in the 1970s by Lester Brown of the Worldwatch Institute, but El-Hinnawi and Jodi Jacobson have contributed to the subject the most. On the other hand it has been criticised for being poorly defined, for being legally meaningless and confusing (Black, 2001:1). I want to focus more on this term because I need to explain how it can be distinctive if it is acknowledged by international law.

There have been different categorizations of environmental refugees regarding the factors behind environmental displacement. El-Hinnawi and Jacobson divided environmental refugees into three sub-categories: temporary displacement due to temporary environmental stress; permanent displacement due to permanent environmental change, and temporary or permanent displacement due to progressive degradation of the resource base. Suhrke argued that the division can be drawn into migration stimulated by sea level rise, deforestation, desertification and drought, land, water and air degradation (Black, 2001:2).

There is couple of definitions about environmental refugees by different authors. There are two most well known definitions. One of them belongs to El-Hinnawi. Environmental refugees are:

[...] people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardised their existence and/or seriously affected the quality of their life. [...] By ‘environmental disruption’ in this definition is meant any physical, chemical and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently, unsuitable to support human life (as quoted in Kolmannskog, 2008:8).

The other one is constituted by Norman Myers: environmental refugees are the people

[...] who can no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation and other environmental problems, together with associated problems of population pressures and profound poverty. In their desperation, these people feel they have no alternative but to seek sanctuary elsewhere, however hazardous the attempt. Not all of them have fled their countries, many being internally displaced. But all have abandoned their homelands on a semi-permanent if not permanent basis, with little hope of a foreseeable return. (Myers et al, 1995: 14)

In addition to this, it is mentioned that in 1995, there were 25 million environmental refugees as opposed 27 million traditional refugees (people leaving their homelands because of political oppression, religious persecution and ethnic troubles). It is foreseen that this total number of environmental refugees could double between 1995 and 2010 (Myers et al, 1995:14-15). Global warming is found responsible with the increase of the number of environmental refugees through stimulating sea levels to rise and flooding numerous coastal regions. Also it is believed that global warming induces agricultural dislocations through droughts and disruption of rainfall systems (Myers et al, 1995:17).

Jacobson has also another typology of environmental refugees:

- Those temporarily displaced because of local disruption such as a landslide or earthquake
- Those that migrate because environmental degradation has undermined their livelihood or represents unacceptable risks to health
- Those who relocate because land degradation has triggered desertification or because of other permanent and indefensible changes in their habitat (Jacobson as seen in Renaud et. al, 2007: 13).

### **2.3 Which Environmental Events Can Cause Displacement**

As we can see, there are different kinds of definitions and categorizations. The difficulty about coping with this subject is that there is no agreement on the definition and typology of environmental refugees or migrants (Kolmannskog, 2008; Black, 2001; Renaud et. al, 2007). But a typology can be formulated basing upon environmental events or phenomena that may induce displacement. This way, it will be easier to comprehend the concept. These events or phenomena can be categorized as the following (Kolmannskog, 2008:8):

1. Natural disasters / sudden disasters
2. Gradual environmental degradation / slow-onset disasters
3. Environmental conflicts
4. Environmental destruction as a consequence of or as a weapon in conflicts
5. Environment conservation
6. Development projects (like dam projects)
7. Industrial accidents (like Bhopal and Chernobyl)

### **2.4 Levels of Migration**

It has been indicated that there are different levels of migration decisions. This classification is important to analyse what stands for environmental refugee and what is not. Bates (2002:467) mentions that, the decision which has been made at the individual or household level to leave homeland stands for *voluntary* migration. The motivation behind voluntary migration is usually about improving economic conditions. Other migrants are compelled or forced to leave by external forces. They are also known as *refugees*. She describes a continuum of control over migration decisions in situations of environmental change (see Figure 1). In this continuum, people who cannot control their displacement are depicted as

“involuntary” and also named as “environmental refugees”. On the other end of the continuum, people who have control over the decision to migrate are called voluntary migrants. This description overlaps with Astri Suhrke's. He distinguishes environmental refugees from migrants on the basis of the choice to leave the land. Migrants have a voluntary choice to leave their land in comparison with environmental refugees who have no choice, they are compelled to leave because of a sudden, irreversible environmental change (as seen in Horne, 2006:2).

<b>INVOLUNTARY</b>	<b>COMPELLED</b>	<b>VOLUNTARY</b>
<b>ENVIRONMENTAL REFUGEE</b>	<b>ENVIRONMENTAL EMIGRANT</b>	<b>MIGRANT</b>

Figure 1. Continuum of control over migration decisions in situations of environmental change (Bates, 2002: 468)

### **2.5 Criticisms about the term environmental refugee**

Several authors approach more sceptical towards the environmental refugee concept. And they argue indicate that refugee status can be gained as a result of exclusive conditions. Black (2001:4) argues that environmental decline should comprise the main reason for people fleeing their homelands in order to call them environmental refugees. Black (2001:13) adds that when a person fulfils the criteria for being designated as “refugee”, the term “environmental” turns redundant. Another sceptic is Kibreab. He argues that people who suffer from natural or man-made disaster need material assistance instead of a protection (Kibreab, 1994:119). And he points out that “the label “environmental refugees” is little more than a social construction designed to justify attempts by receiving states to relinquish their responsibility towards “political” refugees” (Kibreab as

quoted in Gemenne, 2006:6).

To be clear about the environmental refugee concept, looking at these classifications, it is possible to form an internationally accredited definition of environmental refugees. But currently, there is no definition that is agreed upon. The causes of displacement should all be described one by one and acknowledged by all parties. In my opinion the distinction between migrants and environmental refugees need to be done clearly. Environmental refugees can be distinguished from migrants on the basis of the choice to leave the land. While migrants have a voluntary choice to leave their land, environmental refugees have no choice and they are forced to leave because of a sudden, irreversible environmental change. The definition of environmental refugees and the causes compel them to flee are required to be made understandable, otherwise there will be more criticisms stating that environmental refugee concept is poorly defined, legally meaningless and confusing (Black, 2001). In addition to this, the concept should be clearly laid out in order not to serve for the justifying attempts of refugee receiving states to relinquish their responsibilities towards political refugees.

## ***2.6 The connection between environmental events and displacement***

In order to analyse the situation of the displaced people as a consequence of the environmental events or phenomena; there is a need to explore the connection between these events and how it is capable of displacing people. I think it will be appropriate to mention the basic environmental threats to humans and explain how these threats affect people's displacement. Here, I will indicate this connection between environmental threats and how it can induce displacement.

When we talk about displacement, we mean a condition where people are uprooted from their homes by an external incident or activity that they have no or

little control over (Kolmannskog, 2008:11). Environmental factor is known as one factor that may affect migration. It has been mentioned that all migration including forced migration has multiple causes. For example in the times of civil war in Angola, displaced people were mentioned due to the lack of infrastructure, lack of access to education and health care and as well as environmental degradation as the causes of their displacement (Kolmannskog, 2008: 11).

## **2.6.1 Major environmental pressures for migration**

Loss of ecosystem services, climate change, and environmental disasters are seen as the environmental pressures and impacts of environmental dangers that may pose as major root causes for migration due to environmental disruption (Renaud et al, 2007:22-23). Now I am going to explain the association between loss of ecosystem services (products like food, fuel; regulating factors; and spiritual and aesthetic benefits) and displacement.

### ***2.6.1.1 Loss of ecosystem services***

There are different interacting direct and indirect drivers that influence ecosystems. Climate change, over-exploitation, invasive species, land conversion causing habitat change and nutrient pollution are seen as the direct drivers. Economic, cultural, scientific, socio-political, technological and religious factors are counted among the indirect drivers. Even though ecosystems have their resilience, there is a limit that degradation can pass and thus the provision of ecosystem services is seriously endangered and may then function as one of the causes of migration (Renaud et al, 2007: 23). When the loss of ecosystem services coupled with droughts and loss of land productivity, they become crucial elements causing the movement of people from dry-lands to other places. It is viewed that the displaced people due to loss of ecosystem services are environmental refugees only when their decision of movement should be triggered by the degradation of

the resource base (Renaud et al, 2007:25).

### **2.6.1.2 Climate Change**

As a second environmental pressure that we can count as an element for displacement is climate change. Climate is the average state of weather over space and time. When we mention climate change, the most distinct signals of change are the seasonal cycle in temperature over wide regions and the mean temperature, as well as the pattern and amount of rain and snow. Climate change can be partly natural due to processes on Earth like volcanic eruptions or variations in sunlight intensity. But, today the main cause is linked to human activities (Kolmannskog, 2008:6). Sarwar and Khan (2007:376) explain that carbon dioxide (CO<sub>2</sub>) and other greenhouse gases that accumulate in the atmosphere are just one factor which leads to climate change. Among the natural factors, we can count motion of tectonic plates and continental drift, volcanic eruptions, orbital variations, solar variations etc. Human activities like deforestation, overuse of natural resources, consumerism, overpopulation (Siddiqui: unspecified: 4) and burning fossil fuels (coal, oil etc.) are responsible contributing to current CO<sub>2</sub> emissions (Sarwar and Khan, 2007: 376). And the increase in the amount of atmospheric CO<sub>2</sub> causes global warming (Siddiqui, unspecified: 4).

The change in the global climate system is expected to continue during 21<sup>st</sup> century even more than 20<sup>th</sup> century. These anticipations suggest that growing number of people around the world will have to confront more extreme weather events, sea-level rise and more aggravated weather related dangers in the future (Renaud et al, 2007:25).

Since around 1900 the earth has warmed by 0.7°C (Cugusi and Piccarozzi, 2009:3). Kolmannskog (2008:6) draws attention to the fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC). He mentions that this report shows global warming is accelerating. And he also indicates the connection

between climate change and displacement of people like this: “The warming is unequivocal and [...] increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising sea level. Climate change is expected to have considerable effects on environment [...]. This, in turn can trigger conflict and displacement of people” (Kolmannskog, 2008: 6). Because of the emission of green house gases, IPCC proposed that the world would be 3.3°C warmer by 2100 that will induce around one metre sea level rise from thermal expansion and melting of glaciers (Hossain, 2008:1). In addition to this, the consequences like decrease of average river runoff and water availability, increasing high intensity precipitations thus flood risk and decrease in crop productivity will also conduce largely to migration flows (Renaud et al, 2007: 26).

### **2.6.1.3 Environmental Disasters**

As a third element, increasing trends in environmental disasters affects mostly the poorest people living in coastal regions or vulnerable regions to land degradation. Environmental disasters cause \$100 billion loss annually. To be more specific, three main categories of disasters (floods, earthquakes, and tropical cyclones) have caused 90% of the world's direct losses. Highest risk areas that are also the most populous (for example India, China and South-east Asia); confront high risk of seismic activity, typhoons, floods and cyclones. (Renaud et al, 2007: 26-27).

When the factors (like poor planning, poor governance and monitoring, poor infrastructure, the misuse of resources) that lead to environmental degradation are superimposed on global environmental change like climate change, more of the world population will be subjected to environmental tensions in the future. Environmental degradation can also accelerate with the enhanced exposure to environmental dangers such as hurricanes, floods and droughts will eventually increase the risks of these dangers affecting the people (Renaud et al, 2007: 22).

## **2.6.2 Classifications of Environmental Factors**

After root causes, another way to link environmental factors and migration I want to mention Myers and Kent's classification. There are so many classifications of environmental factors that contribute people to migrate. Myers et al (Myers et al: 1995: 24-26) categorizes the environmental factors that cause people to migrate into two major groups: the main environmental factors and associated factors. They count long-term environmental degradation (desertification, deforestation and forms of land degradation, drought, water deficits, large-scale pollution, global warming), natural disasters (rather short-term phenomena including floods, cyclones and earthquakes), major environmental accidents (e.g. Chernobyl nuclear reactor accident), and development disruptions of environments (large scale projects like large dams) as the main environment factors. Population growth, pervasive famine and poverty are seen as associated factors. They are intensified if not partly induced by environmental degradation. Even migration may be triggered by the main causes and in alignment with an associated factor, it can also be motivated by non-environmental kind of factors like economic and political deficiencies in homeland country and the prospect of supportive reception in a host country or area (Myers et al: 1995: 26). So the decision of migration is not so simple as to make over just one factor. There are different dynamics behind deciding to migrate. In the literature it is mostly perceived as multi-causal. But a lot of authors agree that there is a link between migration and environmental factors in certain cases. All these factors above can be potential pressure points for acknowledging a modification in the current refugee regime. Accordingly, UNHCR identified root causes of refugee flows in the 1993 "State of the World's Refugees": political instability, economic tensions, ethnic conflict and environmental degradation. In that way environmental factors have been recognized as one of the root causes of forced migration that have stimulated what has been more and more delineated as "environmental refugees" (Flintan, 2001:1).

What we have seen in this chapter will help us to interpret the next chapters of

analysis which are about sea level rise as a cause of displacement, the gap in the current refugee regime about EDPs and the suggestions to fill this gap. Tuvalu example in the part 5, will better serve my study as an illustration of the condition of the people in possible need of protection.

### **3 Theoretical Framework**

In the theoretical part of my study I will explain two main security approaches: national security approach and human security approach. My aim in explaining the two approaches is drawing attention to the human security and finding supportive explanation for why it is the most appropriate security approach to analyse the condition of environmentally displaced persons. In other words, I want to highlight the importance of human security approach in my study through this comparison.

As an environmental degradation factor, climate change portrays various kinds of threats for human life. Cyclones, storms surge, sea level rise, land erosion, flood drainage congestion, salinity intrusion, drought and deteriorating coastal ecosystems related to climate change have an impact on in life in every sense and also restrict the people's choice about their livelihoods. A circumstance of insecurity which is created by these vulnerabilities fosters discouragement for investors, restricts economic activity and tightens the opportunities of employment (Siddiqui, unspecified: 20).

Firstly, I want to make an overall comparison of national security and human security as a foundation. To begin with, I want to compare the two approaches to security and how they look at climate change. In national security approach, climate change is depicted as a threat to the existence of the state which cannot be deterred anyhow. For example in a situation like sea level rise in Bangladesh, states are threatened because of their geographical conditions that can be flooded by 1 meter sea level rise. In other words, according to state-centred security approach, state itself is important in any threatening condition such as sea level rise. On the contrary, according to human security approach, in the sea level rise example, the people of the vulnerable coastal areas are the main concern. And

these people are portrayed as they are the ones who always confront the awful effects. As a result of a flood, tens of thousands of people may be displaced, lost their livelihood and they may have to deal with increasing social insecurity. The problem with insufficient basic needs that ensure survival may force people to leave their lands and migrate both internationally and internally (Siddiqui, unspecified: 22). So the state centric perspective is concerned with the endurance of the state and permanence of state's survival. On the other hand, human security's main interest is in the people within these state borders. Their insecurity is the biggest concern in every aspect. People who lose their lands and who are subject to threats against their livelihoods, fall under the interest of human security approach. Human security perspective is appropriate to apply to my study where I am going to discuss the people who are displaced because of environmental factors. Thus, in my study, I will use human security as a theoretical framework. I think human security is capable of explaining the areas of my research such as the people who lose their lands and livelihoods due to climate change, UN refugee regime and the way of filling the gap in it.

### ***3.1 National Security Approach***

Like Wilkin (2002:634) stresses, traditional security thinking has been connected with realism. This is why I want to mention this association between realism and national security approach. Otherwise my theoretical part would be incomplete.

Realism dominated international relations from late 1930s till late 1980s through a limited security definition where state was the most important actor. During the Cold War, military strategy and capability was at the focus of security studies which was more about deterrence and preventing a nuclear war. In that bipolar system, security was an issue of “keeping the bad guys out” through the threat of use of force (Dalby, 2000:3). The main concern was state and military power and

state was needed to be secured through manipulation of military capability towards actual or potential opponents. Consequently, the concept of security was regularly referred as “national security”. In this Cold War period, military statecraft was at the focal point of events. And security issues were taken seriously only those for which military statecraft was at issue (Sheehan, 2005:5-6).

The realist concept of power and national security is placed in the thought of “international anarchy” where there is no central government in the world. And the world is dominated by struggle for power (Sheehan, 2005:12, 15). In this anarchical system there is no overriding autonomy above states. Considering the states surviving in this environment, in order to be secure and to survive in anarchic international stage, they need military capability. And when every state prepares itself against its opponents a cycle called “security dilemma” emerges. In this anarchic system “every man is for himself”. And this forces states to take care of their security requirements and states feel threatened by other states' capabilities. In other words “the self-help attempts of states to look after their security needs, tend, regardless of intention to lead to rising insecurity for others as each interprets its own measures as defensive and the measures of others as potentially threatening” (Herz as quoted in Sheehan, 2005: 8).

To defend national interest, states need to maintain their national security through military capabilities. A state's national security is the top priority. In order to keep national independence, states should focus on their national security. Therefore the main objective of states is pursuit of national security. And since the national security is maintained through military power, states seek to increase power, most importantly military power, as their first motivation (Sheehan, 2005:11-12).

### **3.1.1 Critique of National Security Approach**

National security perspective can be useful if it is applied to appeal the concern of United States military that may require “to guard the border with Mexico, as it is expected that problems may result from environmental refugees fleeing from the Third World” (Betterton as cited in Lonergan, 1998: 5). This situation may be seen as threat to the security, but national security. However my concern in this study is not the security of the borders of a state, it is the people who live within these borders or have to live within these borders.

Moreover national security approach may have some side effects on environmental security which is an element in human security approach. (Barnett, 2001:87). Barnett demonstrates that the most serious danger of associating the concept of environmental security with national security is promoting business by military and security elite. At the end of the analysis he says that “The concept of environmental security therefore needs to be understood in such a way that non-national – particularly human – referents take precedence over the national referent. In such policy becomes the means to secure *people* rather than the means to secure the state.” (Barnett, 2001:91). In addition to this side effect the main element of national security, military power is a problem more than an answer to environmental insecurity. Barnett (2003:13) explains this with the emission of greenhouse gases by militaries. He adds that the share of a country's GNP for military expenditures can represent the military's share of that country's total greenhouse gas emissions.

Since environmental degradation negatively influences humans' health and well-being, it is perceived as a security problem. Environmental degradation stands for a direct experiential threat to humans and thus induces an outlook that considers human and natural systems' well-being as being decisively linked (Sheehan, 2005:102). But this security problem should not be seen as a national security issue. Sheehan (2005) explains this argument with the mentality of the national security which makes an “us/them” aspect. And he thinks this mentality is

inappropriate for coping with environmental issues because there is no “enemy” in particular like a hostile “other”. Moreover, coping environmental issues with the state-centered national security perspective is hard. For example, acid rain and pollution respect no national boundaries (Sheehan, 2005:106-107). Barnett (2003) also indicates that security is about the people who live on atolls, in drought-prone places and other regions that are apt to go through negative impacts of climate change. He simply states “Security in this sense is human security” (2003:13). What is more, because of sea level rise (which we are going to look into in more detail), available fresh water, fisheries and agricultural production are reduced, coastal land is eroded, biodiversity is lost and health hazards are increased. All these effects of sea level rise create a dangerous condition for people's survival. In the sea level rise impacted countries people will lose their land and livelihood that in the end this will force them to migrate internally and/or internationally (Siddiqui, unspecified: 2-3). And, since these consequences respect no national boundaries and the direct impact is on humans, a human-centered security perspective is needed to deal with environmental issues and its consequences. State-centred security approach will be limited and inappropriate to apply environmental issues and its effects.

### ***3.2 Broader Form of Security: Shift from National Security Approach to Human Security Approach***

End of the Cold War, the collapse of the Soviet Union and the ongoing disputes in the peripheries of the international system, call for alternatives for considering security. Regarding that, more peaceful world or a place where military issues will not go on to involve in the security approach, was invalid after the end of the Cold War (Tickner, 1996:194).

Regarding the advocates of this security approach, besides military and political approaches to state security which realism relies on, economic, social,

environmental subjects should be contributed into a broader context of security. The dichotomies created by national security can be eliminated by focusing on the need of security for individuals due to threats posed by newly arisen menaces which have replaced the Cold War's nuclear deterrence – MAD. Taking into consideration that the direction of the threats is heading towards the lives of the people living within any state, instead of the state's itself. These threats can be poverty, diseases, drought, famine, environmental degradation, terrorism and other crimes against humanity, rise of intra-state wars, social security problems like decreasing the rate of free health care, rapid growth of population and so on... Since there is no major war among states and no major threat from one state and another unlikely in the Cold War, states are supposed to pay attention and take caution to these threats directed to the people of the world. For this reason, a concept of 'human security' introduced as an alternative to maintain security against these multidimensional threats.

Hossain (2008:1) argues that climate change fills the highest environmental concerns that hinder improvement in socio-economic development and threatens human security. To cover these areas of concerns, there should be a shift of the perspective of security that we apply. In other words the focus on state-centred approach should be moved to human-centred one. The concern of security of state borders should yield to concern of security of the people that are living within the borders (Siddiqui, unspecified: 2).

Barnett, Matthew and O'Brien (2010:7) explain that national security does not correspond to better livelihoods for the most people has invoked the rising of the human security concept. The question of "Whose security" weakens the hegemonic discourse of security in terms of national security through giving a way to think thoroughly other strategies for attaining security.

In UNDP's Human Development Report (1994:22) national security approach is portrayed as a narrow perspective which interprets security as "security of

territory [...] or as protection of national interests or as global security from the threat of nuclear holocaust [...] Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives". In addition to this, Thomas (2007: 119) points out that an analysis based on "one size fits all" national security approach is limited. On the contrary, she thinks that analysis based on human security is more compatible with the multiple components that have an effect on the well-being of people.

It has been suggested that there are at least five "sectors" in a broadened agenda of security that are applicable to world politics. According to Buzan, Waever, and de Wilde, these sectors can be seen as interacting.

In this view, military sector is about relationships of forceful coercion; the political sector is about relationships of authority, governing status and recognition; the economic sector is about relationships of trade, production, and finance; the societal sector is about relationships of collective identity; and the environmental sector is about relationships between human activity and planetary biosphere (Buzan et. al, 1998:7)

Dalby (2000) interprets this broader form of agenda of security issues in a way that the state cannot be the only element which is a "referent object" of security. When it comes to environmental security, the referent object is the planetary concepts that are required to sustain civilization (Dalby, 2000:4).

Emma Rothschild sums up the multiple expansion of security in four topics. The first topic is expansion "downwards". "The concept of security is extended from the security of nations to the security of groups and individuals". The second one is "upwards", security is" [...] extended from the security of nations to the security of international system, or of a supranational physical environment [...]" The third extension is "horizontally" from militarily to political, economic, social, environmental, or "human" security." The fourth topic is,

the political responsibility for ensuring security [...] is itself extended: it is diffused

in all directions from national states, including upwards to international institutions, downwards to regional or local government, and sideways to non-governmental organizations, to public opinion and the press, and to the abstract forces of nature and the market (Rothschild as seen and quoted in Dalby, 2000:6).

### **3.2.1 Human Security Approach**

According to Kofi Annan, “No shift in the way we think or act is more crucial than that of putting people at the centre of everything we do. That is the essence of human security.” (as quoted in Thomas, 2007: 115). To conceptualize human security, one can mention two components: freedom from want and freedom from fear. It has been mostly agreed that human security covers both of these aspects. Human security as freedom from want draws a state of existence in which fundamental material needs are fulfilled thus nothing threatens survival. Human security as freedom from fear draws a state of existence in which human dignity is recognized, encompassing not only physical safety but also significant involvement in the community life, power over one's life (Thomas, 2007:108-109). Aspects concerning “freedom from want” and “freedom from fear” of human security is the most applicable part of the theory for my thesis. As we are going to see in the later stages in my study, basic needs like food and shelter are very likely to be threatened by environmental factors like in Tuvalu by sea level rise. My aim is to apply these aspects of human security to form a base for why it is needed to protect and assist environmentally displaced persons. Sea level rise and Tuvalu example will be the examples of my reasoning.

Contrariwise, human insecurity denotes a state of vulnerability, in which material or physical welfare of human beings is threatened. In terms of environmental issues, these threats might be due to natural disasters, like cyclones or volcanic eruptions; or man-made disasters, like sea level rise, mudslides, nuclear or

chemical explosions (Thomas, 2007:109).

Kaldor (2007:182) contributes to the literature with her idea that human security combines both human rights and human development. She also indicates that human security is about individual's and communities' security rather than states' security. Security is not only about confronting vulnerabilities at war time, but also confronting the weaknesses in natural and man-made disasters. Kaldor (2007:183) thinks that the indication which comes nearest to a standard of human security is displaced people. They are seen as the distinctive characteristic of current crises, both wars and natural disasters. People who have to leave their lands because of natural disasters are the victims of both physical and material insecurity. She points out the importance of two approaches in human security. One of them is taken by Canadian government which picked out the concept and founded a network with like-minded states. The network's vision upon human security is revealed in the Human Security Report, published in 2005, that has some resemblance to the concept of “responsibility to protect”. The security of the individual is underscored instead of the state's. The other approach she mentions is the UNDP approach (Kaldor, 2007:183). In addition to Kaldor's perspective, I am going to include one more approach in human security. I wanted to mention different approaches to make the theoretical part of my thesis stronger and richer.

### ***3.2.1.1 Mahbub ul Haq on Human Security***

To Haq human security is not related to states and nations, but related to individuals and people. Hence, he posits that the world is “entering a new era of human security” in which “the entire concept of security will change – and change dramatically”. In this new context, security will be as equal as the “security of individuals, not just security of their nations” or, in other words, “security of people, not just security of territory.” Elsewhere, he writes, “We need to fashion a

new concept of human security that is reflected in the lives of our people, not in the weapons of our country.”(Mahbud ul Haq, as quoted in Bajpai, 2000:10).

1. According to Mahbud ul Haq, human security is a concern which deals with a universal, global, and indivisible matter through: Security of people, not just security of territory
2. Security of individuals, not just security of their nations
3. Security through development, not security through arms
4. Security of all people everywhere – in their homes, in their jobs, in their streets, in their communities, in their environment. (Edström, 2003: 211)

From ul Haq’s attempt to scrutinize the meaning of human security it is easy to grasp that the focus is taken from the level of the state to that of the individual. The primary emphasis is on people. Security has been broadened by adding well-being of people and their feeling about being secure when experiencing to meet their fundamental needs (Edström, 2003: 211).

### **3.2.1.2 The UNDP on Human Security**

The Report underlines that the human security is about individual or people. To underpin this emphasis, the Report refers security as “freedom from fear” as also “freedom from want” and “the equal weight to territories and to people”. It is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities – and whether they live in conflict or in peace.”(Bajpai, 2000:14)

“Human security is *people-centred*. It is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities – and whether they live in

conflict or in peace.” What the logic that human security relies on is “The world will never be secure from war if men and women have no security in their homes and in their jobs” (UNDP, 1994: 22-24).

According to UNDP report (1994: 23)

Human Security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life.

The Report (1994:25-27) denotes the threats to human security as multidimensional. Under the frame of components of the human security, the seven following security areas are listed: economic, food, health, environmental, personal, community and political security. Since I am going to utilize the first four components of human security, I want to elucidate them more. For example, economic security refers to an assured basic income or income from some publicly financed, feeling secure about finding a job easily. Threats are lack of productive and remunerative employment, precarious employment, and absence of publicly financed safety nets. Food security is about accessing basic foods physically and economically at any time and by anyone. Threats regarding to food security are, lack of food entitlements, work, and assured incomes. Health security pays attention to the freedom of any individual from diseases and illnesses and increasing access to health care. Threats are infectious and parasitic diseases, diseases of the circulatory system and cancers, lack of safe water, air pollution, and lack of access to health care facilities. Environmental security includes good health of the environment, which makes human inhabitation possible. Threats are diminution of water availability, water pollution, air pollution, declining arable field, desertification, natural disasters (UNDP, 1994). Barnett (2003:14) explains “Environmental security was originally written with the intention of exposing the inadequacy of militarised practices of security, the porous nature of sovereignty in the face of environmental change, and the elevate

environmental problems from the level of “low politics” to “high politics” so that states would commit as much energy and resources to address environmental problems as they do to other security problems”. But he is not pleased with the result as environmental change problems have been militarized because of the perception of a cause of violent conflict rather than human security.

In the Report (UNDP, 1994:34-36), it is mentioned that “the real threats to human security in the next century will arise more from the actions of millions of people than from aggression by a few nations [...]”. Global threats that will spread beyond the borders of any state are listed under 6 groups:

1. Unchecked population growth
2. Disparities in economic opportunities
3. Excessive international migration
4. Environmental degradation
5. Drug production and trafficking
6. International terrorism

As we see, environmental degradation is one of the global threats to human security. Dalby (2002:98) associates “environment” with threats like transboundary air pollution, ozone depletion, climate change, etc... He agrees that in numerous locations, the most distressful variable for human security is environmental disruption (UNDP, 1994: 100).

We have seen that national security approach is no longer appropriate when applied to contemporary issues like environmental degradation which has an impact on humans' lives in a way that can cause displacement, famine, diseases and so on. It is not the states' territories that matter; it is the people and their livelihood that should be at the focus in this issue. It should be borne in mind that, people comprise the existence of a state. Plus, just like Sheehan (2005) mentions it is not appropriate for dealing with environmental issues; because there

is not any “enemy” specifically like a hostile “other”. Since we are not going through Cold War and the biggest threat in our lives is not coming from another state, we should step back from national security approach and put the individuals and communities into our focus. After all, they are at the focus of environmental dangers. Human security approach is more appropriate to understand and explain why it is needed to fill the gap in the current refugee regime to cover the protection of EDPs. The aspects like “freedom from want” and “freedom from fear” can be applied to the reasoning of the need to cover the protection of EDPs. Every human being deserves to live where his/her basic material needs are consummated so that nothing threatens his/her survival where he /she involves into the community life significantly and has power over his/her life. Like we are going to see, in today's world, where the environmental degradation is among the global threats to human security (UNDP, 1994), it is not easy to have full control over one's life and live freely from threats like hunger, diseases and displacement.

## **4 Methodology**

In my study, the purpose is to draw attention to the protection gap in the 1951 Refugee Convention about the status of refugees and to explore the best and most feasible international protection and assistance option for environmentally displaced persons in the literature. In order to do this, I need to follow a methodology. I carry out my research from the discussions in the literature.

For the data collection procedures, I am going to utilize documents and literature. Documents are depicted as standardized artifacts which appear in specific formats. Notes, case reports, drafts, remarks, annual reports, certificates, expert opinions, contracts, remarks can be counted as documents (Wolff as seen in Flick, 2009: 255). I will make use of available secondary resources such as international reports, drafts, and expert opinions. I will look into the literature in books and scientific journals. It is useful to keep in mind that documents are not only a plain representation of reality or facts. Like Flick (2009:257) indicates “Someone (or an institution) produces them for some (practical) purpose and for some form of use (which also includes a definition of who is meant to have access to them)”. That is why throughout my study, I have always evaluated the source, the intention and the target of the international reports, annual reports. Besides considering this, when selecting the documents, I have not included all the documents I have found. I pay attention to the credibility and the meaning of the documents like I have come across in the Uwe Flick's book of Introduction to Qualitative Research (2009:258). I have tried to include accurate documents from reliable producers. Also, it is important for me to employ clear and comprehensive documents.

Using documents as data provides some advantages as Creswell (2003:187) indicates. Documents are advantageous because they are able to reach at a time convenient to researchers. I think these public documents are beneficial for my study because they are easy to access. I do not have to spend time to gather data.

This way I will be able to channel my time to different parts of my thesis. I am thinking about basing my analysis on the discussion in the literature and these documents. I can fulfil my aim through an analysis of the documents and literature.

I want to mention about the illustrations we are going to look into in the next chapters. I will use sea level rise as an environmental disruption and Tuvalu an atoll state in Pacific Ocean as an exemplification in relevance with sea level rise. These will help me to lay the groundwork for the need of protection for EDPs legally by UNHCR. Tuvalu example is important for me demonstrate that it has tried to solve the displacement issue of people residing in Tuvalu; however the attempts has been unsuccessful. This will help my study to reassert that an international measure is needed to be adopted in the case of EDPs. In short these illustrations will be the justification of my focus on the protection of EDPs.

#### ***4.1 Limitations and other considerations***

There are some limitations too. Accordingly, Flick (2009:259) mentions there can be problem at availability and accessibility of documents one needs. However, since the documents I have utilized are all public documents; I have not gone through that kind of difficulty. In the name of criticising my preference of the source of data, I can say that employing documents in my thesis may look like specific and limited approach like Flick (2009:261) indicates. Nevertheless, in this study, I will carry out a literature review that I am going to use books, scientific journals, and articles as well. My main aim is to examine the most suitable option for the protection and assistance of environmentally displaced persons. But, of course, I deliberated other options. For example, I though about carrying out an expert interview for supporting the documents and literature review I was going to implement. The expert that I was thinking to include in my study was a person who was especially qualified as authorities on a specific matter of facts (Deeke as seen in Flick, 2009:165). This person can be a staff member of an organization

with a particular role, knowledge and experience. This interview could have helped me to build up a theory about a subject like the gaps and contents in the people's knowledge that take part in particular institutions about the needs of a special target group (Flick, 2009:166). I considered conducting an expert interview with a staff member in UNHCR but then I asked myself what contributions this interview can provide my study beside the documents. What was this interview supposed to add to my thesis? Beside these uncertainties there were of course limitations that kept me thinking. According to Flick (2009:167) the expert usually alters his/her role between expert and private person, thus interviewer receives more information about him or her as a private person instead of his or her expert knowledge. The other limitation can be the attempts of the expert of focusing on the internal issues and neglect the topic of the interview. These could have been the disadvantages of an expert interview which I was contemplating to conduct. But then I changed my mind. After all, the expert that I might have chosen could not be the right person that is relevant to my thesis. I put the “relevance” first in the context of the sources of data. Furthermore, since I could only have conducted this interview via email or the best case scenario via telephone, the information that I could receive would not be the way I would like it to be. I most probably could not have gathered the relevant and useful data for my analysis.

## ***4.2 Reviewing the literature***

Lastly, I want to mention about the extensive literature review that I employ in my thesis. Like Flick (2009:49) indicates, I want to use the existing literature to find out about the information and insights as context knowledge. Various statements and observations from diverse producers are important in my analysis.

As Flick (2009:54) mentions the use of existing literature has become more and more relevant in qualitative research. A literature review will help me gather

information about the subject I am interested in (Flick, 2009:49). In my case this is the most practicable option for the protection of the EDPs legally; choosing among the two dominant suggestions in the literature: expanding the current refugee regime or creating a new apparatus for EDPs. Literature has helped me discover the concepts that are used and disputed about. In addition to these I have highlighted the debates in this subject about the concepts such as environmental refugees. Plus, I have realised that some aspects are needed to be studied further like how to achieve the consensus among states to distinguish the environmental factors that have major impact on displacement.

Reviewing the literature has showed me which subjects have been studied, the issues that have been focused on and the topics that have been left out. Already existing knowledge has inspired me and supplied me with an orientation in the area that I am studying. Also, a literature review has been relevant for basing my discussion (Flick, 2009:51-53). It serves for the aim of the paper. I intend to explore the suggestions in the literature about the protection of EDPs and to look into the gap in the 1951 Refugee Convention. And literature review featuring with the relevant documents takes the thesis where it aims to proceed.

## **5 Illustrations of Sea Level Rise and Tuvalu**

In this chapter of my thesis, I will elaborate sea level rise and how it affects Tuvalu as an environmental factor of displacement. Sea level rise and Tuvalu will be my illustrations to make sure that the arguments in the next parts will be based on concrete grounds. My aim in this chapter to show that there has been couple of attempts of assisting and protecting the people of Tuvalu, a sinking atoll state, however these small scale attempts have taken the issue nowhere. This base will constitute my justification to act internationally in the case of assistance and protection of environmentally displaced persons. I will start with establishing the base of why I have chosen sea level rise as an illustration. Then I will explain sea level rise and its effects. After that I look into Tuvalu example and how it is affected by sea level rise. Next, I will demonstrate what attempts have not worked in order to protect people of Tuvalu. This way I will have laid the groundwork for the next parts of my study: the international options for the protection of environmentally displaced persons.

### ***5.1 Sea level rise: one of the most threatening cause of displacement***

The connection between climate and migration is more obvious in the report of Intergovernmental Panel on Climate Change (IPCC) for the end of 21<sup>st</sup> century. It has shown that there are three consequences of climate warming that seem to be the most threatening potential reasons of migrations:

- The growth in the intensity of tropical hurricanes and the frequency of heavy rains and flooding - because of the rise in evaporation with increased temperatures.
- The increase in the amount of droughts with evaporation contributing to a lessening in soil humidity, much related with food shortages.

- Sea level rise as a consequence of both water expansion and melting ice (Piguet, 2008:5).

Even though there are associations with short term and short distance migration; the first two factors are still doubted to be constituted as long-term and long-distance migration provokers. Migration is seen as the last choice when all other survival plans of action have been exhausted. It has been debated whether it is completely appreciable and accurate to forecast the migrations related to hurricanes, drought or desertification. But sea level rise and its association with migration is seen more considerable; because contrary to hurricanes, rains and droughts; sea level rise is nearly irreversible and manifest itself over an extended period of time. Consequently, this could cause migration as the only possible choice for the people affected. Moreover, the difficulty of figuring the number of populations at risk because of global warming induced droughts is relatively overcome in the situation of sea level rise. The configuration of coastlines and their population are long-familiar and therefore it is simple to integrate into geographical information systems (GIS) which makes it possible to simulate and forecast. Thus, it becomes achievable to estimate the magnitude of people living in low elevation coastal areas and threatened by water level rise, higher tides or far-reaching waves (Piguet, 2008: 6-7). It is very probable for sea level rise to stimulate a displacement and large scale migration in low lying coastal areas (Barnett, 2003: 12; Bates, 2002:474).

Since other phenomenons are highly debated and their affects are relative short-term; sea level rise seems like the only consequence of climate warming that is most considered to cause a migration flow. Contrary to droughts and hurricanes, locating the potential victims is ascertainable in the matter of sea level rise. Plus, if any measure of moderation is not taken and unless any attempt is made to protect the vulnerable people to sea level rise; these people at risk will have no option but migration (Piguet, 2008:8). That is why I have chosen sea level rise as

part of the illustration with Tuvalu in this study. We can observe the impacts of sea level rise strikingly thus it is worthwhile to pay attention to this issue. It can present a clear illustration featuring with Tuvalu. It is nearly irreversible and could leave the inhabitants with only option: migration.

### **5.1.1 Sea level rise and its effects**

Again, I find it useful to define what sea level means first. Aung, Singh and Prasad (2009: 1171) define the mean sea level as “[...] the arithmetic mean of hourly water heights observed over the 18.61 years period”. There are combined influences that affect sea level: Daily tides, Thermal effect (increase in the volume of water due to global warming, land ice melting), Meteorological effects (evaporation, precipitation, atmospheric pressure and winds), Oceanographic effects (e.g. density changes, El Niño), Seismic activity (tsunami, underwater earthquake) and vertical land movement (Aung et al, 2009: 1171-1172).

Now I will shortly describe what would happen in a case of a rise of mean sea level: it would more and more lift the area of flooding and change magnitude the effect of storm waves, decay areas so far thought safe. Another consequence can be the increase in the coastal erosion. As a result of the loss of the lands, there can be decrease in the agricultural production, increase in the rivalry for scarce land, and weakened accessibility of resources like wood. Lagoon ecology would be disturbed due to erosion of fringing reefs. The other damage can be given to mangrove habitats. And fishing potential would be decreased (Connell, 2003:91). Rising sea level would shift the location of the river body of water, leading a big alteration in fish habitat and breeding land (Siddiqui, unspecified: 11). All these consequences have an impact on every aspect of life and restrict livelihood decision making of the people. Therefore, these vulnerabilities stimulate a circumstance of insecurity, and thus deter investments, restrict economic activities and limits employment opportunities (Siddiqui, unspecified: 20).

From the 2007 Climate Change report of IPCC, it is stated that global sea level rise has been between 10 and 25 cm over the past 100 years and mostly this rise can be associated with the growth in the global mean temperature (Sarwar and Khan, 2007:376). In addition to this, the total 20<sup>th</sup> century sea level rise is figured to be bigger than the numbers from the 19<sup>th</sup> century. (Aung et al, 2009: 1172). And it has been estimated that the sea level rise would take place from 28 cm to 34 cm (Sarwar and Khan, 2007: 376).

“Low elevation coastal zones” is defined for the areas which are located at an altitude of less than 10 metres. These zones comprise 10.5 per cent of the world population which equals to 602 million people majority from Asia and poorest countries in the world. (Piguet, 2008: 7).

### **5.1.2 The impact of sea level rise on vulnerable countries**

It is logical to view people living at an altitude of less than 1 metre as being directly threatened by the sea level rise in the next century. It has been estimated that 146 million people placed in the major rivers, estuaries and deltas, the flood zones which are especially located in South Asia (Ganges-Brahmaputra, Indus, etc.) and East Asia (Pearl River, Mekong, Yangtze, etc.). Certain small island states like Maldives, Kiribati, the Marshalls or Tuvalu are among the most threatened in the short-term; since they are populated only few metres above the sea level (Piguet, 2008:8; Gemenne, 2006:9; Biermann and Boas, 2008: 10; Myers et al, 1995:146). Connell (2003:90) shares the argument and points out that low-lying islands and coasts, particularly coral atolls, which are not placed often more than a couple of metres above sea level, would be the most threatened. Although the president of Kiribati is concerned about his county's future as we can understand from his words: “my country will not be there”; many of the island residents favour to refuse the threat because they believe that admitting the threat

may deter investment and national development.

## **5.2 Tuvalu Example**

What do we know about the example that I am going to use in my study: Tuvalu? Its population is 11,000 with the density approximately 440 persons per square kilometre. It has one of the highest population densities in the Pacific region. Most areas in the country are just a couple of metres above the sea level, the highest point is no more than four metres above sea level. The country goes through most of the conventional disadvantages of being a small island state, further stressed by very small size, extraordinary isolation and fragmentation (Connell, 2003:92; Gemenne, 2006: 9). Currently, Tuvalu frequently goes through flooding when tides are high (Renaud, 2007: 20). Problems like floods and tornadoes that Tuvaluan people are faced with, are aggravated by some other factors like overpopulation, a poor garbage disposal infrastructure and the construction of American military platform during the World War II that has substantially flattened the island (Gemenne, 2006: 9).

Farbatko (2005: 279, 281), Patel (2006:734) and Gemenne (2006:2) agree that sea level rise is an important issue and threat for Tuvalu. And sea level rise is apt to further salt water intrusion into ground water, coastal erosion and land loss in the long term, increased salt water flooding and soil salinization, harm to livelihoods, agriculture and ecosystems, biophysical systems (such as enhanced frequency of coral bleaching in reef systems). Sea level rise would endanger food and housing of the people (Farbatko, 2005; Patel; 2006; Myers, 1995). Agricultural production will be diminished by salinity intrusion due to sea level rise through with the soil degradation and lack of fresh water (Sarwar and Khan, 2007:382). Thus, people suffer from famine. The flood will not stimulate merely the loss of agricultural land; it will cause the loss of existing estates, roads and other communication system. Plus, the risk of health hazards through spreading water born diseases

(like diarrhoea or cholera) may be also increased by sea level rise due to deficiency of pure drinking water. People would be compelled to drink contaminated water causing cholera, diarrhoea and other water born diseases. Cholera germs can find favourable conditions and thus spread in the coastal area through the enhanced density and dispersion of salinity. Therefore, sea level the risk of cholera outbreak is increased by the sea level rise, with the increased salinity intrusion (Hossain, 2008:4-5; Sarwar and Khan, 2007:384-385; Siddiqui, unspecified: 15). All of these consequences endangers the survival of people and constrains the basic needs of the population in the countries and regions that are impacted (Siddiqui, unspecified: 2). At this point human security is the appropriate way to conceptualize the insecurity of these populations. As a result of soil degradation, loss of agricultural land due to salinity intrusion, people could face with famine and water scarcity which are the basic needs of any human. In this case, it is hard to tell that people are living in a secure environment. They need protection and assistance that can provide these basic needs. Since it is projected that Tuvalu will be uninhabitable by 2050, people will lose their homes, their lands. Considering shelter is among the basic needs, human insecurity can be clearly detected. As being one of the aspects of human security, freedom from want, which depicts a state of existence where basic material needs are consummated, cannot be maintained any more. At this point environmental degradation endangers survival of humans. Humans' lives and livelihood are at the focal point of this hazard. While UNDP report (1994) necessitates safety from extended threats like diseases, and hunger in the context of human security, it is obvious that an environmental disruption like sea level rise certainly endangers this safety.

In the case of freedom from fear, as the other aspect of human security, that entails significant involvement of a person in the community life and have power over his/her life; we see that when there is an environmental factor like sea level rise people may have to leave everything behind and flee for their survival. This

demonstrates, in that scenario, this cannot be the perfect control over one's life. Like UNDP report (1994) has shown, human security necessitates a protection from harmful and sudden disruption in the practices of daily life. As opposed to this, a sudden disruption like sea level rise threatens this security and makes impossible to practice one's activities in daily life.

Looking at these two aspects of human security and how it can be applied to environmental disruptions, we can see why human security gains grounds in this study, and it becomes important to employ this concept. In today's world, security of individuals and communities is threatened more than security of the nations. After all, it is the people who constitute their nations and fill those territories. This is why the gap in the UN refugee regime needs to be taken care of.

Sea level rise could result in the uninhabitation of Tuvalu. In 2000, the Prime Minister of Tuvalu, Ionata Ionata stated that “Tuvaluans are seeking a place they can permanently migrate to should the high tides eventually make our homes uninhabitable” (as quoted in Barnett, 2003: 12).

This is not the end of sea level rise for Tuvalu or the earth. According to IPCC, global warming will evoke a global sea level rise constituted between 9 and 88 centimetres by 2100. In other words, most of the coastal and deltaic regions, which have also the highest population density in the world, will be influenced by this change (Gemenne, 2006: 5).

In our example of Tuvalu, several solution options for the protection of the people of Tuvalu have been attempted. However, none of them have been fully successful. I have chosen Tuvalu as an illustration because it is highly vulnerable to the threat of sea level rise. Plus, Tuvalu went through a couple of solution steps which ended up in failure. For my study it is important to justify the necessity of the transformation in the international law. That is why Tuvalu as an example

undergoing sea level rise is important and needed in my study. The other aspect is to draw attention to this small atoll state since few people knows what is going on there.

Next, I am going to introduce the solution options and show what did not work in the name of solution for protection of the Tuvaluan people in international law terms. Through this, I will be able base the motivation behind taking action in the international level for the assistance and protection of EDPs.

### ***5.3 What did not work in the example of Tuvalu***

Since it is expected for Tuvalu to be uninhabitable by 2050, its leaders are actively searching answers to these problems for the future. The most realistic choice appears to be relocation, in spite of the reluctance of the people of Tuvalu to leave the island, and their concern about losing their cultural heritage. But, still, no solution appears to be certain now like the future of the Tuvalu (Gemenne, 2006:10; Kolmannskog, 2008:27).

There is a couple of solutions that have been considered. But none of them is wholly embraced. They are just optional frameworks (Gemenne, 2006:10-11):

- Buying land: It is an idea about buying land to Australia or New Zealand, or a deserted island in the region. That would save cultural heritage of Tuvalu; but neither Australia nor New Zealand is determined to agree upon such a deal. Plus, the entire charge of the burden would likely depend on Tuvalu.
- Moving to Niue: Niue which is dependent on New Zealand is a self-governing state. No progress.
- Moving to Kioa, Fiji: Even there are some suggestions from campaigners to take this option; the government of Tuvalu does not consider this

solution as a priority for now, and also government of Fiji is very disinclined to the option.

- Burden-sharing agreements: This option is the most favourable one according to government of Tuvalu; just like Prime Minister Maatia Toafa stated in 2005: “There are global issues that are beyond our control for which Tuvalu needs the supporting hand of regional bodies in the Pacific, and the international community.” Tuvalu is not willing to cover the entire cost of relocation on its own. Although Tuvalu is a part of regional organizations like Alliance of Small Island States (AOSIS) or the network of Small Island Developing States (SIDS-Net); these organizations have not projected a burden sharing scheme yet (Gemenne, 2006:10-11). There are only some statements like “[...] the waves and flooding from sea-level rise triggered by global warming will not recede. The damage then will be unspeakable and we will all become environmental refugees.” (Mauritius International Meeting, 2005:5), “Coastal populations in all low lying countries face the risks of sea-level rise, hurricanes, floods and tsunamis; however, in small island developing States these threats are magnified as there is little space or opportunity to relocate people affected or provide alternative livelihoods.” (Mauritius International Meeting, 2005:2). Like Gemenne mentions there are only findings in those meetings but no projections for solution. However there have been couples of proposals by New Zealand and the Australia's Labor Party. Here is one of them:

**The Pacific Access Category (PAC)** is an immigration agreement between Tuvalu, Fiji, Kiribati, Tonga and New Zealand. The agreement enables environmentally displaced people due to climate change to move to a less threatened environment. Each country has been portioned limited number of citizens who can be given permanent residency in New Zealand each year. 75 residents are allowed from Tuvalu. But there are many conditions to be eligible for selection like a requirement to be between 18-45, a minimum income

requirement, a registration fee, a full-time employment offer in New Zealand and so on. With this kind of conditions and such limited number of immigrants, this agreement is not the definitive solution for relocation of people of Tuvalu. Moreover it does not bring up the climate change threat and does not recognize any responsibility of it for the displacement of these people. It is just a “special immigration agreement”. New Zealand has declined to give a status of “environmental refugee” because it is unwilling to make a legal precedent (Gemenne, 2006: 11-12).

The other proposal is **The Pacific Climate Change Alliance**. It is projection that has been put by Australia's Labor Party. Although Australian government has rejected to receive any migrant from Tuvalu, reasoning that this would be discriminative for other migrants, a policy paper is issued by the Labor Party. This policy paper proposes the formation of a Pacific climate observation centre, for assisting the neighbours of Australia in their adaptation, assistance to maintain cultural heritage and more basically an international alliance to accept environmental refugees (Gemenne, 2006: 12).

Sea level rise poses a great threat to the people of Tuvalu. Like we have seen above, sea level rise is likely to further salt water intrusion, coastal erosion and land loss. In addition to this, sea level rise would endanger food, fresh water availability and housing of the people. Plus, the risk of health hazards like diarrhoea or cholera may also be increased by sea level rise. Considering all these dangers couple of solution options was taken into consideration. However none of them supplied any solutions for the Tuvaluans. And there is no legal protection in the international law for their status to be eligible for protection. As we have seen in this Tuvalu illustration, although the people of Tuvalu encounter a serious sea level rise threat, the current refugee regime does not provide any protection for them. That is why it is needed to transform the refugee regime in international law.

In the next chapter, I will present the current state of refugee regime considering the refugees and the status of EDPs. Tuvalu example will help us to comprehend the seriousness of the gap in the UN refugee regime.

## **6 UN Refugee Regime**

There are few subjects I want to cover to fully figure what is missing in the 1951 Refugee Convention that constitute the gap in the protection of EDPs. This chapter is needed in my study to convey the possible modifications to the convention that has been presented for the protection of EDPs.

I will begin with describing the convention presenting the definition of refugee in International Law. After introducing the current state of International Law; I will start presenting the gaps in the 1951 Refugee Convention about the protection of EDPs.

### ***6.1 The 1951 Refugee Convention and the 1967 Protocol***

There is a debate over international protection of environmentally displaced people under the term of “refugee”. I want to go over the history of the political use of the term in order to fully comprehend the debate.

The League of Nations founded the Office of High Commissioner for Russian Refugees in 1917. Its aim was to authorize legal protection only for Russian migrants who were fleeing from the Russian Revolution. The first essential and all-encompassing attempt to address the subject came up with the 1951 Refugee Convention, being a solution to refugee problems in Europe as a consequence of World War II. In the Convention it was concluded that, refugees are the people who were viewed as refugees before the Convention (Myers et al, 1995:22).

A new protocol to this 1951 Convention was adopted in 1967 that incorporated all features of the Convention's definition of “refugee”, and it only removed the limitation that only refugees before 1951 conflicts were allowed protection

(Horne, 2006:7).

### **6.1.2 The definition of “Refugee” in the Convention**

A “refugee” in international law is described as a person who has fled persecution and has no protection in their country. The term has legal implications. Thus refugees are seen to be in special need of international protection and have a specific legal status with definite pertaining rights (Kolmannskog, 2008:25).

In the Article 1A of the 1951 Convention, it is concluded that, the term “refugee” should apply to any person who:

owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his 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 or, owing to such fear, is unwilling to return to it (UNHCR, 1979:11).

We can examine the important aspects of this definition under several branches (Renaud et al, 2007:12 and Horne, 2006:7):

- The refugee is a person who is out of his/her country of nationality or previous accustomed residence
- They must be unable or unwilling to assist themselves of the protection of their country or return there
- This kind of unwillingness or inability is required to be ascribable to a well founded fear of being persecuted
- This fear must be for causes of one of the five convention grounds (membership of a particular social group, political opinion, race, religion or nationality).

Migrants that suit to criteria are known as Convention refugees, whereas all others are counted as voluntary migrants (Bates, 2002:467).

There has been progress since then of course. The UNHCR in the 1993 State of the World's Refugees, named four main causes of refugee flows. These causes were: economic tensions, ethnic conflict, political instability and environmental degradation. The assertion that environmental degradation was a main cause of refugee flows was interpreted as a direct response to a increasing number of articles putting forward a connection between environmental degradation and population movement, and a acknowledgement that the numbers of displaced people internally were much bigger than the pointed by the statistics on refugee flows (Lonergan, 1998:5) This is a positive step towards the legal and physical protection of EDPs. But of course an annual report of UNHCR is not sufficient for the legal and physical protection and assistance of EDPs. It is required to have state parties' consensus to achieve that.

## ***6.2 Gap in the refugee regime***

The refugee convention has been subjected to heavy criticism for not covering the contemporary problems of the world, like mass displacement because of war and generalised violence in various developing countries. A big part of people who need protection is not counted as refugees. There is no instrument that explicitly grants refugee status on climate or environmental change grounds. Also, the majority of authors agree that environmental change related displaced people do not fulfil the requirements to be able to be delineated as “refugees” (Kolmannskog, 2008: 25-26). The scope of the refugee regime is too narrow to encompass the various categories of people who have been displaced because of man-made and natural environmental factors (Kibreab, unspecified: 118).

The only limitation about the refugee regime is not the gap in the protection of

EDPs. UNHCR is under pressure of donors to limit its activities and resources to the categories of people under its ability (Kibreab, unspecified: 118).

Where does this gap come from? Where is the limitation? I can start with the persecution concept. Persecution is a key term to be defined as a refugee. The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status paragraph 51 (1979:14) holds that “[...] a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights – for the same reasons – would also constitute persecution.” This definition encompasses the conditions when someone is persecuted for one of the acknowledged grounds (by a non-state actor) and the state does not cater for protection (Kolmannskog, 2008:27). In this definition, it is hard to fit EDPs in the context of fear of persecution. There is a difficulty to depict the persecutor and describe the way the group being persecuted as opposed to confronting a threat, observing that the term persecution entails a factor of intent to hurt or non-accomplishment to keep from harm. If we view the rigid definition above; the term refugee does not seem appropriate for defining the people displaced by environmental causes, unless “nature” or “environment” is taken as persecutors (Renaud et al, 2007:14). Indeed, there is a gap in this definition about environmentally displaced people. And this gap creates a lack of international protection for this people. Environmental conditions do not comprise a foundation for international protection, even though it has been argued that “[...] environmental conditions should be considered as one element forcing people to flee their places of origin and such should be afforded similar rights and protection as refugees fleeing because of other causes.” (Renaud et al, 2007:14).

In addition to this gap in the protection in refugee regime, another gap is about the internally displaced persons (IDPs). As it is mentioned above to be able to be qualified as a refugee one must be “outside the country of his nationality”

according to the 1951 Refugee Convention. In the IDPs case, they flee their homes, however unlike refugees; they do not cross an international border. There is a need of protection for IDPs that has not been distinctly provided in refugee regime. The main difficulty about the protection of IDPs is that national governments are primarily responsible for the people within their boundaries (Kolmannskog, 2008:27). So, in case of an inability of a state to cater for the IDPs, who suffer environmental or climate change, there is a protection gap in the refugee regime because they are not “outside the country of his nationality”. As I have already mentioned when I define EDPs; they can be displaced within the boundaries of their country of origin. So beside the persecution gap the lack of protection towards IDPs presents insufficiency of the current refugee regime to cover EDPs. Like Kolmannskog (2008:32) mentions, even though many of the environmentally forced migrants will fit the definition of IDPs, due to the gap in the protection, their protection will, for the most part, rely on whether or not the international organizations consider them in their mandates. So the current UN refugee regime is insufficient on the grounds of EDPs.

For specifically our case Tuvalu, as one of the island states which has the risk of sinking, there can be a severe protection gap in current law on statelessness ( Kolmannskog, 2008:31-32).

Biermann and Boas (2008:11) agree that the existing refugee protection regime of the UN appears to be insufficiently prepared, in the light of the rising environmental displacement crisis. There is a lack of comprehensiveness that the regime's existing mandate which only covers political refugees who have fled their countries due to state-led persecution settled on race, political opinion, religion or ethnicity (Biermann et al, 2008:11).

### **6.3 Regional Conventions**

I want to touch upon couple of regional conventions; because I want to show how conventions may differ from each other on the basis of refugee definition and in which way it can be extended.

There are some regional conventions which have broadened the scope of the refugee definition that are described in the 1951 Refugee Convention. 1969 Organisation of African Unity/African Union Convention (OAU Convention) and 1984 Cartagena Declaration on Refugees (the Cartagena Declaration) are among these regional conventions. OAU Convention regulates particular aspects of refugee issues in Africa and the Cartagena Declaration is occupied with Latin America. Both of them are based on the 1951 Refugee Convention definition of refugees to cover also the people that have been challenged to flee their countries because of the incidents which have severely interrupted public order. Probably, this explanation of a position of badly interrupted public order reaches closest to some kind of international official recognition which could possibly cover the people challenged to flee their country of origin because of environmental causes (Renaud et al, 2007:12). “Refugee” is defined as a person who “owing to external aggression, occupation, or foreign domination, or events seriously disturbing public order in either part of whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (as quoted in Myers et al, 1995: 22). So, according to 1969 OAU Convention, a person who may be in danger of return to a condition of severe disturbance of public order (instead of the more serious fear of persecution) is under the protection (Junnilla, 1995:11). Here, we can see an extension to the definition of UNHCR. One does not need to have a fear of persecution for the specific grounds to be provided with protection. Nevertheless, these Conventions apply only to people living in the African and Latin American regions and do not attract attention to environmental matters particularly (Renaud et al, 2007:12).

Piguet (2008:2) argues that, if environmental degradation because of human impact on the climate brings forth forced migration flows, then the issue of the rights of victims to a kind of protection will be inescapable.

To sum up this chapter, evidently EDPs who need assistance and protection are not counted as refugees. There is no instrument that explicitly provides protection as a refugee on climate or environmental change grounds. It is difficult to fit EDPs into the context of fear of persecution to receive protection. In the current refugee regime, the term “refugee” does not look like suitable for describing the people displaced by environmental causes, unless “nature” or “environment” is perceived as persecutors. Besides, EDPs displaced internally cannot enjoy the protection since one must be “outside the country of his nationality” to be granted the status of refugee. Although there are some promising regional conventions, an international apparatus is needed in order to have an adequate protection recognized world-wide.

In the following part, for the first view, I will look at the suggestion regarding an expansion to the 1951 Refugee Convention and discuss the feasibility of any extension within it regarding a transformation in the definition of “refugee”s or making amendment to the convention. For the second view, I will discuss creating a new and specific international apparatus for the protection of EDPs.

## **7 The suggestions for the protection and assistance of EDPs**

EDPs cannot be protected by the means of the present-day refugee law. Accordingly, various outlooks have been discussed regarding protection and care of EDPs. As I have already mentioned, two views come forth: Expanding the definition of refugees in the UN Refugee Convention to encompass environmental refugees as well and creating a new and special international agreement which is all about environmental refugees. From now on, these two views will be explained and analysed to be able to comprehend which option would better serve the protection of EDPs.

### ***7.1 Expansion in the current refugee regime to cover EDPs***

Taking into consideration the refugee definition, that has taken its roots from an international document existing for fifty years, it is hard to conceptualize how the term “refugee” can be expanded to include the people who have fled their homes because of environmental causes (Horne, 2006:12).

There are several suggestions in what ways it may be conceivable to expand the 1951 Refugee Convention to embrace environmentally displaced persons. One of these suggestions is about extending the definition of refugee along human rights lines. The other suggestion portrays an amendment to the refugee regime.

#### **7.1.1 Extending the definition of refugee**

The Refugee Convention recognizes that refugee status ensues from the disaffirmation of human rights. Since the five freedoms included in the definition are all rights elaborated in the Universal Declaration of Human Rights (UDHR); the Refugee Convention can also acknowledge the right to look for safety as included in the UDHR. Therefore, this suggestion of extension would be in line

with the sections in human rights law (Horne, 2006:7-8). It is suggested to extend to definition to “anyone forced to leave their habitat because of environmental destruction” (Lazarus as quoted in Kibreab, unspecified: 121). However this definition looks extremely vague and shallowly prepared. If it is desired to extend the definition to recognizable scope, the factors of environmental destruction should be clearly depicted and the conditions must be stated. Otherwise state parties that will ratify the transformed definition would be even more hesitant to agree upon such terms.

Cooper argues that the expansion of refugee definition in order to cover environmental refugees may necessitate simply a soft expansion of human rights policy. She states that “Since the 1951 refugee definition is heavily imbued with human rights notions, and environmental refugees are no less entitled to their basic rights and needs than their traditional counterparts, using human rights concepts to expand the refugee definition has natural appeal.” (Cooper, 1996:6).

#### ***7.1.1.1 Side effects of extending the definition of refugee***

As Horne (2006:9) points out there would be serious resistance from states against a possible expansion of the 1951 Refugee Convention definition of refugees.

As a first side effect of expansion, Horne elaborates this intention of resistance as the following: such an expansion would induce a devaluation of the present-day protection for refugees. Secondly, any extension of the refugee definition in the 1951 Refugee Convention to cover all EDPs would lead to a flood of refugees that cannot be handled by international community (Horne, 2006:8-9). States are hesitant to handle this huge flood of refugees under extended version of the 1951 Refugee Convention.

For the first argument, we can say, when the term “environmental refugee” mixes

the context of disaster victim and refugee, its use induces the risk that the important aspects of refugee protection might be weakened and the worst mutual denominator adopted. Since “environmental” might entail a field outside politics, use of the term “environmental refugee” may encourage refugee accepting states to handle the term in the same manner as economic migrants to cut back their responsibility to assist and protect (MacGregor as seen in Piguet, 2008: 3 and Kibreab,1997). This outlook is important because it lays the groundwork of the most serious “side effect” so to say that can be induced by extending the existing Refugee Convention. Through extension, the position of reluctant refugee receiving states would be reinforced, and thus they might have more closed borders and become aggressive against already existing Convention refugees also (Piguet, 2008:3; Myers et al, 1995:19). The concept of environmental refugee in the Refugee Convention can be used as a justification by states for their restrictive refugee policies. And this makes the situation harder for involuntary migrants who are displaced environmentally in terms of the attitudes and policies against them (Kibreab, 1997:21).

Kolmannskog (2008:9) also supports these arguments through indicating that it can help the actors that are attempting to confine asylum policies so long as there is not a public consensus to expand assistance and protection.

For the second argument, it is indicated that, developed countries are panicked about the possible flood of environmental refugees. The end of the Cold War has conveyed an attention shift from super-power rivalry and it has started to view environment as a potential cause for conflict and forced migration. And thus, this has catered new issue for conflict and security studies. Through “securitizing” the subject of climate change, environmentalists and others might have achieved in bringing into decision-makers' minds and on the international agenda. However, this contemporary securitization can help to develop new spheres applicable to military concerns and further repressive inclinations. In the north-south discourse,

since “environmental security” is considered as a colonisation of the environmental issues; there is a perception that the underdeveloped south constitutes a physical threat to the prosperous north through population explosion, violent conflict, resource scarcity and mass migration. (Kolmannskog, 2008:9-10). So labelling millions of people as refugees can compel the state parties to be reluctant about agreeing upon such an extension.

Furthermore, it is argued that (Horne, 2006:10) the protection provided to refugees by the 1951 Refugee Convention is very specific, and existing international human rights and environmental documents do not furnish any alike protections to EDPs. Thus, extending the existing definition of refugee to encompass EDPs is not achievable on the basis of the formulation of the definition when it presently stands in international law. Moreover, while the solution concerns perception of causes as well as the effects; modifying the definition to particularly include a phrase protecting environmentally displaced persons is not the resolution as well. The resolution might necessitate searching further than only within the limits of the existing refugee mechanisms to assure all of the fundamental issues are rectified (Horne, 2006:10).

### **7.1.2 Expansion through making an amendment**

The second suggestion for expansion was revealed in 2006 at the Maldives meeting. It was proposed to make an amendment to the 1951 Refugee Convention Relating to the Status of Refugees that would expand the authorization of the UN refugee regime to cover people who are displaced because of environmental factors (Biermann et al, 2008:11).

#### **7.1.2.1 Side effects of an amendment**

But this has been debated by Biermann and Boas (2008) in terms of the

effectiveness of this amendment to solve the upcoming environmental refugee crisis. This amendment is viewed as politically impracticable. Since the UN refugee regime is already pressured constantly by industrialized countries that look for confining interpretation of its conditions; Biermann et al (2008) believe that, it is extremely improbable that the states will accept expanding the same degree of protection to a new group of 20 times bigger than those already under UN control. In addition to this, Biermann et al (2008) think expanding the present-day UN refugee regime will trigger moral problems in the forms of unnecessary hostility and trade-offs between the persons under the protection of 1951 Refugee Convention and the newcomers of environmental refugees.

Plus, Renaud et al (2007:34) do not agree on a potential amendment to the 1951 Refugee Convention on refugees through appending a new category of refugees; because they worry about weakening the situation of refugees currently protected by it.

To sum up this part, it is acknowledged that the term “refugee” no longer works to define today's rising issue of forced migration in all its expressions, meaning in turn that dictated and historically constrictive answers are turning out to be incompetent. Thus, according to one outlook, it is fruitful to expand the definition or make an amendment to the convention to engage the assistance of policy-makers who cope with environmental and developmental issues (Myers et al, 1995:23). However, there are others who believe there will be severe side effects as a consequence of a possible expansion in the 1951 Refugee Convention.

## ***7.2 Creating a New Convention***

So after demonstrating the expansion options and what they may invoke as side effects, I want to draw attention to other policy option of formulation to get EDPs under protection of international law. The main option as opposed to including a

new category of refugees within 1951 Refugee Convention is to create a new international apparatus that recognizes the people whose displacement is mainly caused by environmental factors.

In the literature, there are different suggestions about the new convention for the protection of EDPs. Renaud et al (2007) agree that environmentally displaced persons should be recognized and protected sufficiently by an international mechanism. This mechanism can be achieved by either a separate convention or empowering relevant entities in the United Nations System to protect environmentally displaced people. For example, creation of an International Coordinating Mechanism for Environment Displacement can handle the “prevention-preparedness-mitigation-rehabilitation-resettlement” chain with coordinating international and intergovernmental agencies that are specialized and effective about the issue.

There will be several focus points in this chapter about how the new convention can look like. The first suggestion of the separate treaty is about a convention framework that can be taken as a model in order to adopt a separate document for protection of environmentally displaced persons: UN Convention Against Torture (CAT). The second one is about creating a protocol based on the political support from nearly all states as parties to the United Nations Framework Convention on Climate Change.

### **7.2.1 UN Convention Against Torture (CAT) inspired new Agreement**

A similar framework to the framework of the UN Convention Against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment suggests that “a treaty could be drafted offering both temporary protections for those displaced

people due to environmental problems, and requiring the state parties to work towards ensuring that similar types of environmental problems do not recur” (Falstrom as quoted in Horne, 2006:14).

Why is the CAT considered as a model? It has been indicated that since the relationship between the affirmative duties for signatory states and the rights that it awards to persons is balanced, the Convention Against Torture is seen as the ideal treaty for the solution for environmental refugees. Article 3 of the CAT particularly shows this balance (Horne, 2006:14). I think it would be helpful to mention the core of this article in order to make an association with the argument of why CAT is the ideal convention for a new apparatus concerning EDPs.

In the Article 3 of the CAT it is concluded that

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Fundamentally, under the CAT it is prohibited for states from returning, expelling a person to a State where it is probable that this person would be subjected to torture, regardless of whether he or she has committed a crime. This person should prove that there are substantial grounds for fearing of torture. Unlike the 1951 Refugee Convention, there is no affirmative necessity under the CAT. He or she does not have to have a “well founded fear” of torture in terms of one of the five grounds (race, religion, nationality, membership of a particular social group, or political opinion) that are required for refugees (Horne, 2006).

To talk about the balance in the convention; the protection is balanced through keeping this protection temporarily, lasting as long as the threat of torture. The convention does not guarantee the right to stay in the country in which he or she

looks for protection (Horne, 2006).

Horne (2006:15) interprets the framework of the convention as a unique entity that protects persons from torture and necessities state parties to guarantee that the states' domestic legal structure supports the provisions of the convention adequately.

#### ***7.2.1.1 Convention on the Protection of Environmentally Displaced Persons***

Through looking at the framework of the CAT, it might be possible to form a new convention for EDPs. However, as Horne (2006) mentions there are several obstacles to get over in order to create a treaty like that. Firstly, EDPs must be recognized that their international protection is essential. Recognition in international law is needed for the success of the potential treaty. Next, the main causes of the environmental degradation must be labelled. So, it is possible to protect and assist the increasing amount of environmental refugees when states would be compelled to label main causes. The potential convention would initially define EDPs and the kinds of environmental degradation which comprise a ground for categorization under the convention. EDPs should be promptly identifiable, thus protection can be only provided to people in real need. There is a difficulty about this. Because there might be a failure to estimate all kinds of environmental disasters; not considering a kind of environmental degradation as a main cause may mean refusing the protection for individuals in legitimate need of international protection (Horne, 2006: 16).

In order to achieve the development of the new convention, it is also required for states to make administrative, legislative or judicial procedures to protect the people who come to their country due to an environmental degradation that is described within the definition under the new treaty like CAT.

As an example of what the new convention can look like; the language of the provision above can be as below:

No state party shall expel, return or extradite an environmentally displaced person to any state where there are substantial grounds for believing that he or she would be in danger due to one of the environmental problems listed in the Convention (Dana Zartner Falstrom as quoted in Horne, 2006:17)

This language gives no right to reside permanently in receiving state like CAT. States are bound with protecting temporarily the people come to their country. However, when the ground for the protection has ceased, states may re-evaluate the condition and return the person to his or her country if it is viewed as safe (Horne, 2006: 17) I think this temporarily protecting condition will help to reduce the cold-feet of the ratifying states for protecting environmentally displaced persons. Horne (2006) agrees with that and indicates that this will make this kind of treaty more attractive to the states and thus, these modest requirements might achieve broader reaching social entailments. That is why I think instead of putting a provision about permanent protection, temporarily protecting and assisting EDPs, lasting as long as the threat, would be more helpful to create such a convention.

How can be the assistance and protection look like? Firstly, the supplementing convention needs to contain broad provisions drawing state responsibility to detect, counterbalance and prevent the events of environmental degradation and wipe-out the grounds that displace people. Each state can have requirements to educate and inform the people, corporations and governments to show how to make less of an environmental effect. Lastly, the convention may form a supervision structure, reporting mechanisms, sanction conditions and resolution processes to promote active abidance by each and every state (Horne, 2006:18).

### **7.2.2 Second Suggestion: The Climate Refugee Protocol**

The second suggestion comes from Biermann and Boas (2008). They outline an independent, separate legal document and political regime developed under a protocol for recognizing, protecting and resettling those displaced by environmental factors. They emphasize on “climate refugee” concept instead of environmental refugees; because they want this protocol to be based on the political support from nearly all states as parties to the United Nations Framework Convention on Climate Change. The protocol can assist “climate refugees” through associating their protection with the whole climate regime. They mention several principles that this protocol would work under (Biermann et al, 2008:12-13):

- Essentially, the objective of the protocol should be maintaining a planned and voluntary resettlement and reintegration of displaced people over a long period of time instead of a just disaster relief and emergency reaction.
- They need to be perceived and treated as permanent immigrants in the receiving countries or regions. They cannot go back to their home countries.
- The whole groups of people like populations of provinces should be taken as a basis for the needs for the creation of the new regime, rather than the individually persecuted people (like in the current UN refugee regime).
- The new regime will be directed less toward the protection of people outside their home countries than toward the support of national bodies, local governments and communities to protect people within their boundaries.
- The protection should be viewed as a global issue and a global responsibility.

To compare the CAT inspired convention suggestion and Biermann and Boas' Protocol outline; like CAT based convention, Biermann and Boas' protocol is also

created not only to protect and assist the displaced people but also to support national bodies for the protection of the people within their borders. The most important difference between the initial proposal and this protocol that has attracted my attention is that the protection and treatment of people in need would be permanent in the countries, once they have been received. In theory, they continue to indicate that, displaced persons cannot return to their homes.

In conclusion, as the second dominating option in the literature concerning the protection of EDPs, suggests creating a new apparatus that deals with EDPs protection and assistance. There two suggestions for this option. First one takes Convention Against Torture as a model document for the new convention for protecting people whose displacement is mainly caused by environmental factors. It is principally planned to protect the people in need not permanently but temporarily, lasting as long as the life-threatening conditions. In my opinion, this temporarily protecting condition would encourage to reduce the cold-feet of the state parties for protecting and assisting environmentally displaced persons.

### ***7.3 Discussion***

There are various side effects for the suggestions of expanding the scope of 1951 Refugee Regime. Myers et al (1995:23) summarize the three main points of those who argue against expanding the 1951 Refugee Convention. First one is recognition of environmental refugees under the authorization of Convention would dilute the Convention and the long and accepted history to the concept of “refugee”. The second point is, when the definition of refugee is expanded, it will make the response process to this issue inefficient as it becomes swamped. Last but not the least, when forced migration has grown and while receiving countries have been pressured with the issue, tendencies to confine immigration and to cut down assistance have come up. States would become hesitant to deal with this huge additional flood of refugees under extended version of the 1951 Refugee

Convention. Therefore, expanding the definition of refugee will put the receiving countries into a sense of isolation. Accordingly, Kibreab (unspecified: 126), mentions that expansion of current concepts to such a “breaking point” would leave both refugees and the people in refugee-like conditions worse off in the end. Moreover, due to the lack of agreement upon who can be classified under “environmental refugee” definition the first suggestion of expanding the definition of refugees or making an amendment to the convention does not look sensible. In my opinion, decision makers should not constrict themselves with just contemplating a modification within the 1951 Refugee Convention.

If we consider the other suggestion of creating a new document; in the second principle of the suggestion of Biermann and Boas, it is indicated that the protection and treatment of people in need would be permanent in the countries, once they have been received. It is perceived, just because of this, as less practicable than the first suggestion; in which it is suggested to develop a new convention that protects EDPs as long as the existence of the threat.

Since the states that are parties to the 1951 Refugee Convention are ready to restrict their responsibilities and reluctant to agree upon an extension in 1951 Refugee Convention regarding the refugee status of EDPs; knowingly suggesting an apparatus which is not nearly appealing does no make the situation any better. In addition to that, insisting on the term “refugee” will continue to sound vague and meaningless to state parties and this will make a projected protocol difficult to get signed and ratified. In the first suggestion we have seen how distant the state parties would be a projected extension in the current definition of refugees through including a new category of refugees. In order to remove the cold feet of the states and provide protection and assistance to the people in need the most applicable option looks like a balanced protection through maintaining this protection temporarily, lasting as long as the existence of threat. In a state of affairs where states seek for relieving their present responsibilities, suggesting

expanding their present responsibilities to cover EDPs would be like going against the tide. To furnish EDPs with protection and assistance that they need, there should be an intention to present more applicable options to state parties. In short, it is perceived more reasonable to propose the development of new apparatus which would protect EDPs instead of proposing an expansion in the definition of current concepts like refugees.

It might be achievable to form a new convention for EDPs. However, as Horne (2006) mentions there are several obstacles to get over in order to create a treaty like that. Firstly, EDPs must be recognized that their international protection is essential. Recognition in international law is needed for the success of the potential treaty.

## **8. Conclusion**

My journey has started with an article in a journal. My aim was to examine the two dominating options that had been presented to provide protection by international law and coming up with an analysis about the most applicable approach towards protection of environmentally displaced persons: Expanding the current regime or creating a new one. It also considers drawing attention to the protection gap in the 1951 Refugee Convention. In the first part I formulated the theoretical part through discussing the two approaches to demonstrate why human security approach is appropriate to apply to the analysis. Then I laid out the conceptual framework of the paper to fully comprehend the analysis. In the following part, I mentioned about the methodological considerations of the paper. After that, I employed sea level rise and Tuvalu as illustrations as a way to put my analysis on more concrete grounds. That would make to show the gap in the definition of refugees in the 1951 Refugee Convention. Finally, I examined the options of filling the gap in the current refugee regime and discussed the side effects of these options.

In today's world like the UNDP report (1994) the real threats to human security originate more from the activities of millions of people than from hostility of few nations. Unlike Cold War Era, since there is no major war among states and no major threat from one state and another, states need to consider the threats directed to the people of the world and be cautious and protective. There are numbers of environmental threats endangering people's livelihood and daily lives. They all comprise threats against human security. Environmental, food and health components of human security are important in my study. We have seen in Tuvalu example that they are all intertwined in a way that shows sea level rise as a threatening environmental factor endangers people's livelihoods, homes, and healthiness.

Environmental dangers affect lives and livelihood of humans very deeply. The aspects like “freedom from want” and “freedom from fear” of human security can be applied to realise that it is needed to take care of the gap in the current refugee regime about the protection of EDPs. Everyone deserves to live where the basic material needs are consummated so that nothing threatens the survival where everyone involves into the community life in a great deal and has power over their life. When we think about in the human security context, we can see that people's lives are threatened by hurricanes, floods, droughts, seismic activity, sea level rise and so on. An approach which takes security of people not only security of territories, security through development not security through arms as a priority can be applied to the protection of EDPs who are facing with displacement, hunger and diseases and do not have the full control over their lives for example they have to migrate not voluntarily.

I have come across with the ideas that what is displacing people is not environmental but economical. But as we have seen in sea level rise and Tuvalu example people may have no choice but to migrate. Plus, the conditions they could face with are more life-threatening than simply being economical. Difficulty

to access fresh water, being vulnerable to water born diseases like diarrhoea or cholera, risk of famine because of diminishing agricultural production demonstrates people affected with sea level rise have little or no choice about leaving their lands. It is not hard to tell that people are facing with insecurity concerning human security. The aspects of food, health and environmental security are highly expected to be threatened in case of a sea level rise. Tuvalu example has demonstrated that people are vulnerable to famine, diseases and the environmental factors that make their inhabitation impossible. After all, their country is expected to become uninhabitable by 2050. They might have no choice; because they are compelled to leave due to a sudden, irreversible environmental change.

Advocates who support environmental factors to be defined as driving components of displacement, look like one step further. But it should be kept in mind that not all of the environmental factors can be the main cause of displacement. This is why it is important to have an agreement upon which environmental factors can be the root causes of displacement. It is also crucial to label the main causes of the environmental degradation in this sense. So, it is possible to assist the increasing amount of EDPs. In order to cater for protection to the people who are in actual need, EDPs need to be identifiable. Evaluating all forms of environmental degradation that have an ability to cause displacement is essential. Since, not evaluating a form of environmental degradation as a root cause of displacement may mean turning down the protection of people in the real need of international protection; it is required to be deliberate and cautious when distinguishing the displacement driving environmental factor.

On the overall of the study it is apparent that beside the gap in the current refugee regime about environmentally displaced persons, there is a lack of agreement in referring to the internationally displaced persons because of environmental factors as environmental refugees. The lack of agreement is not only with the referring

part; in addition to this there is a disagreement with how to fill the gap in the refugee regime.

In the final analysis, it can be concluded that, in order to cover the protection and assistance of EDPs; extending the current refugee regime through expanding the definition of refugees in the 1951 Refugee Convention would be problematic when states are already ready to limit their responsibilities towards convention refugees. As being the other dominating option in the literature, creating a new convention seems more applicable. But not all suggestions are appropriate for the protection of EDPs. Creating a new agreement through including responsibilities for state parties to be responsible for the protection and assistance of the EDPs permanently and calling them another type of refugee is not the suitable suggestion for state parties. Instead, creating a new convention that adopts the principle of maintaining the protection and assistance temporarily, lasting as long as the existence of the environmental threat; can be more achievable and proper for covering the protection and assistance of EDPs. Since there is no agreement on the term of “environmental refugee”, it would be pointless to come up with a suggestion involving environmental refugee concept.

As we have seen, there are various debates in the literature that can be useful for further researches. One of them is the debate over the practicability of distinguishing the environmental factors as main causes of displacement. This discussion is about whether it is feasible to identify environmental factors as a driving component behind displacement. In the first debate, advocates who support environmental factors to be defined as driving components of displacement, look like one step further. But this does not make the other arguments unreasonable; because not all of the environmental factors can be the main cause of displacement. At this point, the second debate is concerned with which environmental factors can be counted as the root causes of displacement. It is important to have internationally agreed standards to solve the protection issue

internationally. For the further researches it can be explored to find out how it can be managed to maintain an international consensus about these standards.

## **Executive Summary**

Refugee regime in today's world, which was developed to meet the needs of post World War II Europe, is seen out of date. Consequently contemporary international law does not provide adequate protection any more in the case of environmentally displaced persons (EDPs).

This study focuses on displacement of people mainly because environmental disruption. It aims to examine the two dominating options that have been presented to provide protection by international law: One of them is expanding the UN Refugee Convention to encompass EDPs as environmental refugees and the second one is creating a new and special international agreement which is all about the protection of EDPs. In this paper these two views are explained and analysed to be able to comprehend which option would be applicable and better serve the protection and assistance of EDPs. This thesis poses the question of “What can be the most applicable international protection option for environmentally displaced persons (EDPs)?”

This study is not concerned with offering new suggestions to the field of protection and assistance of EDPs. The aim of this thesis is not about coming up with a brand new idea.

There are different views about the popular term environmental refugees but there is a lack of agreement on or understanding of environmental refugees. The lack of agreement is not only about environmental refugees; there is also a lack of agreement about which environmental events or phenomena can cause

displacement.

The importance of human security approach is highlighted in this study through a comparison with national security approach. Humans are put at the focus of environmental dangers. Through human security approach it has been understood and explained why it is necessary to fill the gap in the current refugee regime to cover the protection of EDPs. The aspects like “freedom from want” and “freedom from fear” are mainly applied to the reasoning of the need to cover the protection of EDPs.

Sea level rise as an environmental factor of displacement and how it affects Tuvalu have been elaborated to put the study on concrete stands. They are used as illustrations to justify the need for an international resolution to this protection issue. There has been couple of attempts of assisting and protecting the people of Tuvalu, a sinking atoll state, however these small scale attempts have taken the issue nowhere.

It has been revealed that there is not any international legal document that explicitly provides protection as a refugee on climate or environmental change grounds. Even though there are some bright regional conventions, an international instrument is needed in order to have sufficient protection recognized internationally.

There are two dominant options that are described and discussed. First one consists of extending the definition of refugees in the 1951 Refugee Convention and making amendment to the convention. But the main side effect to this is the possibility of using that movement as a justification by states for their restrictive refugee policies. The reason is developed countries are panicked about the possible flood of environmental refugees. And they may cut back their responsibility to assist and protect in that case. It is seen unlikely that the states

will accept extending the same degree of protection to a new group of 20 times bigger than those already under UN control. Moreover, through appending a new category of refugees can weaken the situation of refugees currently protected by the convention.

The other option of protecting and assisting the EDPs internationally suggests developing a new international instrument that recognizes the people whose displacement is mainly caused by environmental factors and protect them. UN Convention Against Torture (CAT) framework is taken as a model in order to adopt a separate document for protection of environmentally displaced persons. According to this suggestion, environmentally threatened people can be protected as long as the threat continues to exist. The protection is balanced through keeping this protection temporarily, lasting as long as the threat. The projected convention does not guarantee the right to stay in the country in which he or she looks for protection. This is why it is argued that this can remove the state parties' reluctance against taking action against EDPs. In the other suggestion under the option of creating a new document for EDPs it is argued that "climate refugees" can be protected and assisted under a protocol through associating their protection with United Nations Framework Convention on Climate Change. Like CAT based convention, this protocol is also developed not only to protect and assist the displaced people but also to support national bodies for the protection of the people within their territories. The most important difference between the initial convention proposal and this protocol is that the protection and treatment of people in need would be permanent in the countries, once they have been received. This temporarily protecting condition of the initial convention is perceived as encouraging for the reduction of the cold-feet of the state parties for protecting and assisting EDPs.

It is examined that because of the lack of agreement upon who can be classified under "environmental refugee" definition, the first suggestion of expanding the definition of refugees or making an amendment to the convention is found

unreasonable. In a situation where states search for letting off their present responsibilities, suggesting an extension their present responsibilities to cover EDPs would be very difficult to achieve.

In the final analysis, it can be concluded that, creating a new convention that adopts the principle of maintaining the protection and assistance temporarily, lasting as long as the existence of the environmental threat; can be more achievable and proper for covering the protection and assistance of EDPs.

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