

Law professor believes that people should be protected against the consequences of climate change

May 16 2016, by Peter Hergersberg

Walter Kälin is retired Professor of Public Law at the University of Bern. His interest in human rights issues is focused mainly on migration and refugees. Among other things, he acts as Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons and Envoy of the Chairmanship of the Nansen Initiative on cross-border displacement. We talked with him about the influence of climate change on migration and the possible means of preventing climate change-induced displacement.

Professor Kälin, what role does climate change currently play as a cause of migration?

We know that since 2008 around 22 million [people](#) per year have been forced to flee at least temporarily as a result of sudden weather events such as storms or floods. What we do not know is how many of them seek refuge abroad. Similarly, the number of persons who come to us as a result of creeping environmental changes such as droughts or rising sea levels is also unknown. No one is going to cite a drought as grounds for asylum, because the law as it stands grants protection only for those fleeing from war or political persecution.

Must we expect substantially more climate refugees in the coming decades from North Africa and the

Middle East because the weather there is becoming too hot?

First of all, I should say that the term "climate refugee" is nowadays barely used in the social and legal sciences.

Why is that?

These people are not refugees in the legal sense, because the element of persecution and risk of violence at the hands of others is lacking. It is also a term that is rejected by many of those concerned. I recently took part in a consultation on the Pacific island of Kiribati, where a representative of a non-governmental organization told us quite clearly, "We don't want to become refugees! Refugees are sidelined and dependent on humanitarian aid. Even if we do have to leave our island, we want to be able to choose where we go." Instead of climate refugees, we speak of disaster-displaced persons...

... people who have been displaced by a disaster.

Where exactly does the terminological difference lie?

The term "disaster" takes into account the human factor. A disaster is defined as an event entailing loss or damage that a state or its population can no longer cope with. In such situations displacement is always multi-causal and dependent also on human factors.

What does that signify for the question of whether climate change and extreme heat waves in North Africa and the Middle East will lead to more migration?

The number of disaster-displaced persons will certainly rise, especially if we do nothing, but exact forecasts are difficult. The reasons for population movements vary widely, and [climate change](#) as such does not lead directly to sustained [migration](#). The deciding issue is how vulnerable people are, how sensitive they are to climate change and how well they adapt to it. In the rich Gulf states where life is nowadays largely lived in air-conditioned buildings, people will be far better able to adapt to heat waves than the poor populations in the surrounding regions, where heat and lack of moisture will affect people's health and lead to problems with agriculture. The more vulnerable people are, the more likely they are to leave.

So climate change will force poor people to migrate?

Even here there are distinctions to be made. In order to leave, there are certain resources that one must have available, but which the poorest of the poor do not possess. So they stay behind.

What can countries do, for example in North Africa and the Middle East, and indeed the global community, to protect people against the consequences of climate change?

Given that the more vulnerable people are, the more likely they are to migrate, we have a chance to intervene. We can reduce their vulnerability and improve people's ability to adapt. I appeal to the political communities to invest in adaptation. There is much that can be done.

What, exactly?

There are no finely honed plans as yet to deal with rapidly rising heat, but it surely conceivable that we could change the design of houses so it stays cool inside. The solar energy that is so plentiful the regions concerned could be used for air conditioning. And with changes to irrigation methods and more drought-resistant plants, agriculture could adapt to increasing water shortages.

But all of this is possible only to a certain degree.

That's surely true. So migration itself must become a means of adaptation. We need legal opportunities for migration. In the longer term, as sea levels rise, the only options open to the inhabitants of low-lying Pacific islands will be permanent emigration or relocation. Australia is already granting such people temporary work permits, so that their families can use the money to deal more effectively with the consequences of climate change. So migration can also adopt a circular pattern...

Which means?

When people migrate for a limited period of time to escape the effects of a disaster such as a storm, flood or drought, we describe that as circular migration. It might be a matter of months or years. Appropriate programmes must be set up for this purpose, as well as for people who have to leave their homeland permanently.

Does it make sense to create global rules for these people along the same lines as those laid down in the Geneva Convention for those fleeing from armed conflict?

In my opinion, a global convention is not realistic. It is also difficult to come up with rules that make equal sense both for the Pacific and for North Africa. However, 50 states already have rules that enable them to accommodate people following major disasters in their vicinity. An important step would be to harmonize these rules in order to facilitate action on a regional scale. We can then build on that in the longer term.

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