

Christel Cournil

Concerning environmental migrants, we have found that there is a very diverse vocabulary: environmental refugees, ecological refugees, migrants, internally displaced people, and environmentally displaced people. Which actors use what terms ? And why do these differences exist ?

Within the framework of the **EXCLIM project**¹, we did a summary table of definitions used by different actors. The UNHCR completely rejects the use of the word refugee because they want to strictly uphold the definition given by the Geneva Convention. They have mobilized their experts to get the word out that the people are « displaced ». Often, in the medias, the term refugee is used in order to incite compassion. In 2007, there was also a debate with GISTI over the meaning of the word « refugee ».

What is the GISTI ?

It is an association that defends the rights of emigrants. It is an NGO with a pretty standard agenda: human rights, rights of refugees, etc. GISTI says that the term refugee is not appropriate to the meaning of the word. But concerning values, the word refugee means « seeking refuge » therefore GISTI is for the use of this word.

If we take legal scholars on the environment, they first used, in Limoges, the term refugee. It wasn't in the framework of human rights law but more jurists who were focused on environmental protection work. They then published a proposition « **The international convention of environmentally displaced people** ». More and more, the term « environmentally displaced people » is being used. The IOM, in their work, uses the generic term « environmental migrant » with the definition given in 2008.

You just mentioned Limoges, in your articles, you speak of « the Call of Limoges ». Could you please tell us what happened ?

It was the first time that a law university questioned the subject of environmental displacement. It did a panel with specialists, demographers, economists, etc. and they discussed the importance of the subject. Some tracks were established but by the end of the meeting, the idea was to adopt a call agreed upon during the conference, which the participants had agreed upon unanimously. We are still working internally on a project to come up with concrete, normative proposals.

Do you know when this project will be implemented ?

I worked on the modification. It was published in 2008-2009 in a law review and it will be presented in Rio. We wrote a recommendation that has been sent to Rio +20 group, it was submitted on November 1, 2011.

¹ Investigator's note : <http://www.reseau-terra.eu/rubrique180.html>

I have also seen that foundations were established in Cancun, or I am under the impression that it has not been widely discussed. Could you please elaborate on this ?

We discussed this subject in Cancun as one to build upon. But one of the things at stake in this base ground is to think of an anticipatory strategy for migration.

Certain people would like to amend the Geneva Convention and others think that this is not possible. What are the current positions ?

There are not many people who would wish to amend the Geneva Convention. There is a consensus on the fact that amending the Geneva Convention is not pertinent.

Why ?

Because of political and legal reasons. This would not be very useful. Politically it is not likely that states would agree to go back to the negotiating table. Moreover, displaced people are largely displaced internally therefore the Convention is not an appropriate tool because it only defends the rights of people who have crossed national borders. This is not the priority. As the lawyers in Limoges have said, we could develop a separate convention that would keep the spirit of the Geneva Convention and modify it. Human rights advocates have also been reticent to amend the Convention.

Véronique Magnigny has called for international protection for environmental refugees. In one of your articles, you say that there are not enough states that would be in favor of this. What states would be obstacles to such an arrangement ?

Véronique Magnigny came up with a thesis that focuses a bit on this idea of international protection. It is a bit of the same idea that was adopted by the jurists in Limoges. American and Australian jurists have also worked on this subject. There are several propositions in the world for an international convention. Everybody would like this to happen but they are all conscious of the fact that starting a negotiation process in the short term is very complex. It requires drafting and negotiations and that takes time.

But wouldn't certain countries be reluctant to be a part of such a convention ? Given that the barriers between an environmental migrant, a refugee and an economic migrant are very fluid, would they accept this type of convention ?

The difficulty in this entire subject is how to differentiate the environmental cause from the economic and political causes of migration. Do we need stricter definitions? It could focus on the classic examples of people who have been displaced due to big catastrophes such as rising sea level or drought.

It is particularly interesting to see how silent the European Union has been on this subject. There has only been one call for a study made last June but the report has not yet been produced and there is no definitive European position on this subject. At the same time, the Council of Europe has a [resolution](http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/FREC1862.htm)², it submitted a report in 2009.

² Investigator's note : <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/FREC1862.htm>

How can we explain this ? Is the subject too complex ?

It is a difficult subject because it deals with national sovereignty issues. Countries are also waiting to have more information based off of empirical studies; they would like to have more knowledge on the subject before determining their positions.

You distinguish between international public law, international humanitarian law and international environmental law. Why in the framework of humanitarian law is there nothing more specific? There is some help provided but why does this not go further ?

This is a difficult question. International humanitarian law was not built upon this idea. In the beginning it was war law. It was for displaced people and victims of armed conflict. In the 1970s and 80s there were new humanitarian conflicts that were included, we began to speak of « the right to intervene » in territories and this is when the more modern concept of international humanitarian law began to emerge. It would not just be based on simply assisting victims of conflict but victims in a broader definition of the word.

This concept of « responsibility to protect » came up again in the early 2000's, particularly during the cyclone in Burma. It brought up certain questions. Did a new form of international humanitarian law need to be created ? However, we are still at the brainstorming process. Do we need to create a real « right to intervene » in case of catastrophes ? There is a commission on international law that is discussing the different possibilities but there are real limits to more action.

On the topic of NGOs, I am under the impression that there are many NGOs that deal with environmental protection but very few that focus on providing aid to environmental migrants.

It is a big complicated because NGOs work by sector. We have very targeted sectors, « development », « ecological », « humanitarian ». And the subject of environmental migrants is at the heart of these different sectors, but these things tend to change.

I was contacted by Humacoop to speak about this subject. Humacoop was considering how to take climate change into account in their work. They wanted to include this issue in their development assistance programs. This is slowly being established but currently the approach is too segmented.

Amongst researchers and lawyers, are there disagreements on terminology and modus operandi ?

Yes, there are various disagreements. Particularly between those that want a specific convention and those who do not. Those who would like a local or regional approach to the problem and those who would like global action. There are also those that believe that we must make existing laws stronger and others who believe that new legislation is required. There is also a very »French « approach to the problem, the idea of a global convention is very French.

And you, what is your position ?

I am not clear on my position yet, even if I have been working on this since 2005..

Do you know people that have a very adamant opinion on this subject ?

In my opinion, Jane McAdam is the expert on this subject. You could also contact the lawyers from Limoges such as Michel Prieur. Jane McAdam has a very pragmatic approach. She does field studies in Bangladesh and she has Australian experience. According to her, what is needed is a plural and non-sector segmented approach. She does not support an international convention at all. On the Columbia website, there was a debate organized between Michel Prieur, Jane McAdam and an Australian lawyer.

Could you explain to me the concept of environmental asylum law ?

We don't speak much of it anymore. It is an idea that was launched by an opposition party in Australia but was never fully explored.

Concerning the debate between skeptics and alarmists often mentioned by Francois Gemenne, do you know their positions on the definitions and methods that should be put in place ?

The environmental lawyers in Limoges would be the alarmists. The skeptics are more people who work on refugee law, human rights lawyers are more reticent and they work more with specialists on immigration.

But certain people deny the category of environmental migrant all together ?

Absolutely!

We have spoken a lot of this idea of « right to migrate » but if people want to stay, does such a right exist ?

In the International Declaration of Human Rights there exists such an equivalent and it is off this framework that international conventions are written. In the work done in Limoges, both of these ideas were included. There was the idea that we could effectively guarantee « the right to leave » but it was not very discussed during the debate, wrongly so, in my opinion.

And today, what is the status ?

We are in the process of refocusing the discussion. There was a big conference in 2011 in Oslo with all the different sectors involved. These actors argue for a more « soft law » approach in order to get these practices accepted by the UN. It is necessary for states to address the issue domestically in their national laws.

But certain countries already have a policy regarding environmentally displaced people ?

There are some tools that are being used indirectly. In the Nordic countries, there are some subsidiary protectionary devices but they are quite inconsequential.

And in France, how do they position themselves to events such as Xynthia ?

On the subject of population management, France has not at all used the term « displaced » but the term « stricken ». For Katrina, the victims of the hurricane refused the term refugees and wanted to be referred to simply as « stricken ». This is also due to obvious insurance reasons.

Acteurs	Définitions retenues
HCR	Environmentally displaced persons et apatrides de fait
IOM	Migrants environnementaux
Experts <i>Global gouvernance projet</i>	Climate change refugees
Universitaires <i>Juriste de Limoges</i>	Réfugiés écologiques 2005 et déplacés environnementaux 2009
Politiques <i>Hélène Flautre</i>	Migrations climatiques
ONG <i>Association « Living Space for »</i>	Environmental Refugee
Assemblée parlementaire du Conseil de l'Europe <i>Recommandation 2006 :</i> <i>Rapport Mme Tina Acketoft 2008 :</i>	Réfugiés de l'environnement Migrations environnementales