

d·i·e

Deutsches Institut für
Entwicklungspolitik



Years | 1964–2014

German Development
Institute

Small islands, grand challenges?

By Steffen Bauer & Benjamin Schraven,
German Development Institute /
Deutsches Institut für Entwicklungspolitik (DIE)

The Current Column

of 1 September 2014

Small islands, grand challenges

Bonn, 1 September 2014. This Monday sees the beginning of the third UN Conference on Small Island Developing States, in Apia, on the Pacific island of Samoa. Climate change and disaster risk management will be high on the agenda as small island states are particularly at risk from the impacts of climate change, especially rising sea levels. How to deal responsibly with the prospect that these countries will become virtually uninhabitable remains one of the great unresolved questions of international climate policy and international law. A few weeks ago the fate of a family from the small island state Tuvalu caused headlines, with a court in New Zealand explicitly referring to climate change in its decision to grant right of residence. This was immediately debated as a precedent for the recognition of “climate refugees” and acknowledgment of climate change as grounds for asylum. This is questionable for a number of reasons.

In keeping with the common rules of journalism, the news value of a Southern Pacific family of four “climate refugees” is higher than the everyday background noise of the “conventional” stories of thousands upon thousands of refugees in Ukraine, in Yemen, in Syria, in Iraq or South Sudan. The UN High Commissioner on Refugees (UNHCR) stated in June of this year that the number of refugees had reached its highest point since the Second World War. Few amongst them can hope to ever reach Europe, to say nothing of being successfully granted asylum. Against this background, the uproar about the anticipated wave of “climate refugees” that is set to roll over us in the future appears almost taunting.

Above all, however, the suggestive reference to international refugee law is misleading. To stick with the example of the family from Tuvalu: for the New Zealand court the reasons for granting the family right of residence were primarily humanitarian. The court did explicitly acknowledge that climatic factors practically rule out the return of the family in the long run. However, this has nothing to do with the international law guaranteeing protective rights for refugees: environmental factors are no concern of the Geneva Convention relating to the Status of Refugees of 1951. Accordingly, no-one who migrated due to salinisation of soils, coastal erosion or recurring storm disasters can call upon the convention to obtain a right of residence in another country. This was not called into question by the New

Zealand court. At the most, it set a precedent for people wishing to apply for residency in New Zealand under similar circumstances and may increase pressure on other countries to follow the example of New Zealand.

As the impacts of climate change may in fact cause many people to leave their homes – and not least the inhabitants of small island developing states – the question should rather be how this apparent gap in international protection rights may be closed. This, however, is easier said than done. For example, it would scarcely be ethically justifiable to restrict an expansion of refugee law to the impacts of climate change. Why should those suffering from non-climatic natural disasters such as earthquakes or volcanic eruptions be less deserving of protection than “climate refugees”? How may “climate refugees” be defined in a legally suitable manner at all, where it is already known that flight, displacement and migration are usually the result of a complex interaction of social, economic, political and cultural factors, and rarely attributable to climate change alone? What protection should be granted to “trapped” populations, that is, people that are severely affected by climate change but with no option to migrate? Moreover, inter-national law is by definition not applicable to flight or displacement within states. Yet, empirical migration research shows that by far the greatest share of environment-related migration occurs within developing countries.

These are only the most obvious challenges that the international community will have to face if it is to make a serious effort to close this gap in international migration and refugee law. This calls for more than merely improved institutions and instruments. Indeed, it requires a shift in perspective to enable fundamental reforms in migration policy and to acknowledge the potential benefits that a progressive migration policy could yield with regard to sustainable development and global justice. This would also help to establish a constructive approach to dealing with “climate refugees” in the future. In the short term, however, enough remains to be done to curb the plight of “conventional” flows of refugees and to curtail the many trouble spots that have prompted their flight in the first place. It is these who deserve our attention at this time; their fate must not be accepted as normality.