

Yeasmine Inayatullah

GETTING LOST IN CATEGORIES: ENVIRONMENTALLY DISPLACED PEOPLE'S STRUGGLE TO GET RECOGNITION AS A REFUGEE OR MIGRANT

Abstract

The inclination of migration literature of categorization such as ‘migrants’ and ‘refugees’ and linking with them the legitimacy of invoking legal claims to protection usually provides policymakers with justifications for exclusionary policies. The article explores how this literature-policy nexus leads to the exclusion of certain groups of endangered people, more precisely, people displaced due to climate change, from protection under international laws. The article builds upon the substantial body of migration literature exploring its categoric fetishism tendencies, thus, demonstrating a disjuncture between conceptual and policy categories that makes this group ‘legally’ invisible in international conventions. The article argues that the reluctance of policymakers to extend legal protection to an ever-increasing group of people displaced due to climate change is guided by this disconnect of literature-policy categories. In the light of this, the article’s contribution is twofold: a) it further strengthens the narrative that the exclusionary nature of existing migration literature is costing endangered people their right to protection, and b) building a case for the extension of legal protection to the rapidly increasing group of climate change displaced people.

Keywords: Environmental Refugees, Migrants, International Law, Legal Protection, Climate Change, Environmentally Displaced People

1. Introduction

Since 2008, 26.4 million people every year have been uprooted from their homes every year by climate deterioration such as earthquakes, droughts, hurricanes, and flooding.¹ The fear of climate change threatening homes has become an intense daily reality for some people. “Each morning, as the tide recedes, the people of the Marshall Islands check the walls that protect their homes from the sea”.² Such headlines depict the increasingly deteriorating situation of people living in areas

Yeasmin Inayatullah is a Graduate Student at Roskilde University, Denmark. Her e-mail address is: yeasmine.inayat01@gmail.com

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¹ “Global Estimates 2015: People Displaced By Disasters”, IDMC, accessed March 09, 2022, <https://www.internal-displacement.org/publications/global-estimates-2015-people-displaced-by-disasters>.

² “The Economist Explains: Why Climate Migrants Do Not Have Refugee Status.” *The Economist*, March 06, 2018.

where climate change has already started manifesting itself and is progressively dominating daily media reports. However, there is a lack of seriousness toward the dangerously growing link between climate change and migration, both in policymaking and the scholarly world. This, in turn, is costing a great number of people their right to protection. The article argues that this lack of recognition is rooted in the inability of migration literature to fully comprehend the seriousness of the issue. It couples with exclusionary categorization that produces a literature-policy disconnect and excludes the rapidly growing number of climate induced-migrants from their legitimate right to protection. Crawley and Skleparis term this issue as ‘categorical fetishism’, ascertaining that the exclusionary nature of categorization in the migration literature is due to its inability to translate the complexity of the relationship between social, economic, political, and now environmental drivers.³ This, in turn, is costing the rapidly growing group of people displaced due to climate change the kind of international recognition that can gain them access to international legal protection. Thus, the article here asks: how categorically is migration literature’s exclusionary nature of categorization costing people displaced due to climate change their right to protection? To fully comprehend the research question, the article starts with a background of the changing reality of many people and places due to the destructive manifestations of nature, then addresses the legal protection gap present today and the inability of academia to incorporate it. Thus far, the ever-strengthening relationship between climate change and migration is due to exclusionary categorization – mostly by creating categories that exclude certain groups of people to legally invoke the right to protection. Therefore, acknowledging the ever-increasing environmental deterioration and its strengthening connection to migration, this article sets to discuss the need for a new kind of migration literature that incorporates, with all its complexities, the phenomenon of climate change as the driver of migration – as the current inability of this literature is creating “a new (under) class of travellers” who are also “victims of a warming world may be caught in a bureaucratic limbo...”⁴

2. Climate Change an Inescapable Reality of the World Today

Amidst all these concerns surrounding the scholars and policymakers’ inability to rightfully explain and incorporate the complexity of this increasingly strengthening connection between climate change and migration, the news media has become the platform to reflect and advocate actively this new reality of our world today. Hence, to realize the growing severity of this connection, one only

³ Heaven Crawley and Dimitris Skleparis, “Refugees, Migrants, Neither, Both: Categorical Fetishism And The Politics Of Bounding In Europe’s ‘Migrant Crisis’,” *Journal of Ethnic and Migration Studies*, 44, no. 1 (2018): 48-64.

⁴ “Migration And Climate Change: A New (Under) Class Of Travelers,” *The Economist*, June 25, 2009.

needs to pay attention to the snowballing of media coverage on the issue. A cascade of news headlines such as; “the apocalyptic consequences of climate change have become reality”⁵, “Climate change ‘will create world’s biggest refugee crisis”⁶ “The great climate migration has begun”⁷ “Climate change is driving people from home. So why don’t they count as refugees?”⁸ and many similar titles bombard the readers daily, reinstating that climate change is fast becoming the inevitable driver of migration – warranting urgent notice from policymakers and scholars, alike.

News Media is not the only place where this outcry can be heard. The United Nations University suggests that around 200 million environmentally displaced people will be looking for new places to live by 2050, thus, further establishing the gravity of this fast-deteriorating situation. Warnings and concerns about the inevitability of the dire situation of the people affected by these climatic conditions are increasingly being issued by think tanks, advocacy groups, media outlets, and researchers, along with cautions regarding the mass migration as a result of the spiraling impacts on water resources, agriculture, land availability, infrastructure – especially in the developing world. Every passing day, these assumed speculations are becoming more evident as the number of people crossing borders due to environmental reasons is mounting vis-à-vis environmental migration. “Concern over mass displacement was an undercurrent in talks leading to the Paris Agreement in 2016, and analysts have identified changes to the climate as a major driver of migration from sub-Saharan Africa to Europe as well as a factor for some of the movements from Central America to the United States in recent years”⁹. Therefore, the phenomenon of displacement due to climate change, considered until a few years ago as an internal displacement situation, now involves, in many cases crossing international borders, as the deteriorating climatic conditions are becoming irreversible, permanent, frequent, and widespread.

In 2018, urgent humanitarian needs resulted from extreme weather such as severe drought in Afghanistan, flooding in the Philippines, and Tropical Cyclone Gita in Samoa. According to International Displacement Monitoring Centre there were 18.8 million disaster-related newly displaced people reported in 2017. The majority of natural disaster displacements and the impact of climate change are currently mostly internal, with those affected remaining within national boundaries. However, international borders are also being crossed as a result, similar to what happens in

⁵ “Migration And Climate Change.”

⁶ “Climate Change Will Create World’s Biggest Refugee Crisis,” *The Guardian*, November 02, 2017.

⁷ “The great climate migration,” *The New York Times Magazine*, July 23, 2020.

⁸ “Climate Change is Driving People from Home. So Why Don’t They Count As Refugees?,” *The New York Times*, December 21, 2017.

⁹ Alex de Sherbinin, “Impacts of Climate Change as Drivers of Migration,” Migration Policy Institution, Last modified 2020, <https://www.migrationpolicy.org/article/impacts-climate-change-drivers-migration>.

the case of people fleeing violent conflicts.¹⁰ Nonetheless, these people fleeing harsh environmental conditions at home have no protection under international law, as they do not fall under any existing categories of international conventions.

3. International Legal Protection Gap

In the light of all these debates and spotlight on climate change, one would logically assume to have reached the juncture where the legal recognition of climate change-migration connection should have long been initiated. However, it is yet to happen as the world's leaders and scholars are still reluctant to fully recognize and incorporate it into international law. In the wake of the Paris Agreement – that is the first legally binding international treaty on climate change adopted by 196 parties in Paris at COP 21, December 2015¹¹– the world agreed to many changes in the ways it is being run, to pause and possibly reverse the increasingly deteriorating environmental conditions. With the agreement, the world has finally taken a practical step towards recognizing climate change as the serious crisis of contemporary times. Even China, whose fastest-growing economy is considered the most destructive to the environment, has shown signs of mending its ways. China's ambition had always been considered the most disruptive force 'in global climate politics'.¹² However, President Xi Jinping's address to the United Nations General Assembly in September 2020 surprised the world by pledging to halt the rise of carbon emissions by 2030 and strive for 'carbon neutrality' by 2060.¹³ This statement indicates that the gravity of the situation is seeping into the places where it can make a difference, that is the concern of political leaders and policymakers. However, this new recognition of the dangers of climate change and the destruction it causes and the world leaders' willingness to engage in constructive dialogues regarding changing and mending ways in aid of the environment is not yet enough to recognize the climate change-migration connection and to construct international laws incorporating terms such as 'climate refugees' or 'environmental refugees'. Dina Ionesco, Head of Migration, Environment, and Climate Change at the UN, does not believe that environmentally displaced people should be given the status of refugees as it could weaken the status of those being forced to cross borders due to persecution and war.¹⁴

¹⁰ "Climate Change and Disaster Displacement," UNHCR, Last modified 2020, <https://www.unhcr.org/climate-change-and-disasters.html>.

¹¹ "The Paris Agreement," UN Climate Change, Last modified 2021, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

¹² "China Aims to Cut its Net Carbon-dioxide Emissions to Zero by 2060," *The Economist*, September 24, 2020.

¹³ "China Aims to Cut its Net Carbon-dioxide Emissions to Zero by 2060."

¹⁴ Dina Ionesco, "Sustainable Development Goals: UN," Let's Talk About Climate Migrants, Not Climate Refugees, accessed 05 June, 2019, <https://www.un.org/sustainabledevelopment/blog/2019/06/lets-talk-about-climate-migrants-not-climate-refugees/>.

Even though activists have already started a new fight for pushing to name ‘destruction of ecosystems and the environment as an international crime called ‘ecocide’.¹⁵ However, all these new acknowledgments and the ever-increasing attention have yet to achieve to translate into legal recognition of this growing connection between climate change and migration and the people affected as a result.

Currently, three terms are associated with mass movements forced by destructive climatic conditions: environmental migrants, environmentally displaced persons, and planned relocation. All these terms come with different connotations and allocate different responsibilities to the international community. However, none of them is in any way legally recognized and binding. All this is predominantly because Refugee Convention 1951 or any other international convention does not recognize environmental factors as valid criteria for evoking refugee status. The three terms mentioned earlier, however, are defined as:

- **Environmental migrants:** these are “persons or groups of persons who, predominantly for 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 within their country or abroad”.¹⁶
- **Environmentally displaced person:** identifies “persons who are displaced within their 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”.¹⁷ Connected to this is the term ‘disaster displacement’ that “refers to situations, where people are forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of disasters triggered by natural hazards. Such displacement may take the form of spontaneous flight or an evacuation ordered or enforced by authorities. Such displacement can occur within a country, or across international borders”.¹⁸

¹⁵ “It is Time for “ecocide” to Become an International Crime?,” *The Economist*, February 28, 2021.

¹⁶ “Migration, Environment and Climate Change: Evidence for Policy (MECLEP),” Global Migration Data Analysis Centre, Last modified 2011, <https://gmdac.iom.int/migration-environment-and-climate-change-evidence-policy#:~:text=The%20European%20Union%2Dfunded%20%E2%80%9CMigration,migration%20and%20environmental%20and%20change.>

¹⁷ “Migration, Environment and Climate Change: Evidence for Policy (MECLEP).”

¹⁸ “Cross-border Displacement in the Context of Disaster and Climate Change: A Protection Agenda,” The Nansen Initiative, Last modified 2015, <https://www.nanseninitiative.org/wp-content/uploads/2015/02/DRAFT->

- **Planned relocation:** represents people whose livelihoods are being re-built in another place.¹⁹ It is also associated with the collective relocation of a community, the “permanent (or long-term) movement of a community (or a significant part of it) from one location to another, in which important characteristics of the original community, including its social structures, legal and political systems, cultural characteristics and worldviews are retained: the community stays together at the destination in a social form that is similar to the community of origin”.²⁰

Since 2008, 26.4 million people have been forced to leave their homes every year because of extreme weather incidents, such as floods, earthquakes, droughts, and hurricanes. Despite the global severity of this issue, the 1951 Refugee Convention does not cover environmentally induced displacement, a valid reason to appeal for international protection. Hence, it is not covered by any international laws and conventions as conditions required to apply for resettlement in another country. The 1951 Convention on the Status of Refugees currently applies exclusively to persons who are at risk in their home countries due to ethnicity, nationality, faith, and political opinion.²¹ Since environmental factors are not included and neither does it have a category of its own, a growing number of people are left without protection, as they cannot be classified as ‘refugees’. Thus, appealing for resettlement outside their borders would require almost daunting challenges to prove their desperation for around 200,000 Bangladeshis who are displaced each year because of riverbank erosions. Similarly, the people of Kiribati, Nauru, and Tuvalu island people, a tenth of whom have migrated over the past decade, will have to contend with their lack of international legal recognition. The complexities of refining the concept are a key difficulty in legislating security for ‘climate refugees’, as the notion of this phenomenon is very recent. Soon, due to global warming as a result of human activity, water supply will decrease in Latin America, coastal flooding in Europe will increase, and death rates from floods and droughts are also expected to increase in some regions of Asia.²² Nonetheless, one small achievement in this regard is a landmark ruling by the UN Human Rights Committee which declares that returning environmentally displaced people to their countries, where their lives are at risk, is unlawful for host governments.²³ It is the first of its kind ruling that could be

Nansen-Initiative-Protection-Age.

¹⁹ “Migration, Environment and Climate Change: Evidence for Policy (MECLEP).”

²⁰ J. Campbell, *Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land*, (Oxford, Hart Publishing, 2010), 57–79.

²¹ “Convention and protocol: relating to the status of refugees,” United Nation High Commissioner for Refugees (UNHCR), Last modified 2010, <https://www.unhcr.org/uk/3b66c2aa10>.

²² “Convention and protocol: relating to the status of refugees.”

²³ “International Covenant on Civil and Political Rights,” United Nations Human Rights Treaty Bodies, Last modified 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/

considered a legal tipping point is opening up ways to further incorporate such legislations in the future. However, it still seems like a long and bumpy road ahead, particularly on the legal front.

4. Recent Trends of Movements as a Result of Climate Change

Around 5.1 million people were displaced at the end of 2019 in 95 territories and countries as a result of disasters that occurred in 2019 and in prior years.²⁴ Afghanistan (1.2 million), Ethiopia (390,000), India (590,000), Sudan (272,000), and the Philippines (364,000), were the countries with the most internally displaced people.²⁵

Disasters displaced 9.8 million people in the first half of 2020 only, and they remained the leading cause of new internal displacements worldwide.²⁶ In the first half of 2020, five countries accounted for approximately 75 per cent of new internal displacements due to disasters: India (2.7 million), Bangladesh (2.5 million), Somalia (5.14 million), China (7.91 million), and the Philippines (8.11 million).²⁷ Nearly 2,000 disasters displaced 24.9 million people across 140 territories and countries in 2019, the largest number since 2012 and three times the number of people displaced by war and violence.²⁸ Tropical storms and monsoon rains caused the majority of disaster displacements in South Asia, East Asia and the Pacific. For instance, about 17 million new internal disaster displacements were accounted for by four countries: the Philippines (4.1 million), India (5 million), Bangladesh (4.1 million), and China (4 million).²⁹

So far, though the bulk of mobility related to environmental and climate change, including disaster relocation, mostly occurs within national borders, nonetheless, some citizens are forced to relocate internationally. As international migration due to climate change is an exceedingly recent phenomenon, therefore, there is a scarcity of global data on cross-border travel in the aftermath of disasters, with only a few notable cases investigated thus far.³⁰ Official sources on humanitarian

C/127/D/2728/2016&Lang=en.

²⁴ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti,” Internally Displaced Monitoring Centre (IDMC), Last modified January 2020, <https://www.internal-displacement.org/global-report/grid2020/>.

²⁵ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti.”

²⁶ “Internal displacement 2020: Mid-year update,” Internally Displaced Monitoring Centre (IDMC), Last modified 2020, <https://www.internal-displacement.org/sites/default/files/publications/documents/2020%20Mid-year%20update.pdf>.

²⁷ “Internal displacement 2020: Mid-year update.”

²⁸ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti.”

²⁹ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti.”

³⁰ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti.”

visas for Haitians from countries such as the United States (US), Brazil, and Argentina may be used in some situations. Furthermore, collecting this data becomes far more difficult when migrants cannot cite ‘environmental reasons’ as the legally accepted rationale behind their movement.

Droughts and sea-level rise are two examples of slow-onset cycles gradually affect people’s mobility around the world. Despite the lack of specific evidence, these are becoming the underlining reason behind mass movements. Governments are gradually implementing community relocation in the light of environmental and climate change. Large numbers of people have been displaced in Haiti and Vietnam, Ethiopia, and China due to environmental-related catastrophes, and these numbers are increasing every year.³¹

Changes in the global climate, such as rising global temperature and sea level, retreating snow cover and glaciers, altered precipitation patterns, and more regular extreme weather events, have gotten more attention.³² Although the International Panel on Climate Change (IPCC) claims that the greatest impact of climate change will be on human migration, predicting that 200 million people will have left their homes by 2050, the evidence for the impacts of environmental factors on human migration, especially temporary migration, as an adaptive strategy to combat climate stress, remains inconclusive.³³ The relationship is not simple and includes several nuances because environmental factors influence both the opportunity and the willingness to migrate. Depending on the initial climatic and socioeconomic conditions of host countries, environmental factors could have a wide range of impacts on migration.³⁴ Owing to their geography, lack of resistance responses, and agriculture-based economies, many developing countries are expected to be disproportionately affected by climate change.³⁵ Climate change, in particular, presents significant challenges to agriculture-based livelihoods around the world,³⁶ and people seek out informal means of coping such as migration when

³¹ “Behind the Numbers: The Shadow of 2010’s Earth- quake Still Looms Large in Haiti.”

³² “Global Climate Report – August 2020,” National Centers for Environmental Information, <https://www.ncdc.noaa.gov/sotc/global/202008>.

³³ L.A. Meyer and R.K. Pachauri, “Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,” Intergovernmental Panel on Climate Change (IPCC), Last modified 2014, chrome-extension://efaidnbmninnibpcapjcgclcfindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.ipcc.ch%2Fsite%2Fassets%2Fuploads%2F2018%2F05%2F5_YR_AR5_FINAL_full_wcover.pdf&clen=11723732&chunk=true

³⁴ Reiko Obokata, Luisa Veronis & Robert McLeman, . “Empirical research on international environmental migration: A systematic review,” *Population and Environment*, 36, no. 1 (2014): 111–135, <https://doi.org/10.1007/s11111-014-0210-7>.

³⁵ M. Beine and C. R. Parsons, “Climatic factors as determinants of international migration: Redux,” *CESifo Economic Studies* 63, no.4 (2017): 386–402.

³⁶ C. Cattaneo and G. Peri, *The Migration Response to Increasing Temperatures*, (Washington DC: National Bureau of Economic Research, 2015).

traditional systems like insurance and credit markets are faulty or unavailable.³⁷ Therefore, as these already poor countries are exposed to the devastating effects of the destructions of climate change, more and more people will opt for migrating to other more developed countries, in search of safety and a steady means of livelihood.

According to some reports, migration has traditionally been a popular method for adjusting to and dealing with climate and weather-related shocks because it helps reduce the negative impact of income generation. If people do not have other ways to cope with climate change and natural disasters, they will be forced to migrate. When structured safety nets and insurance markets are inadequate or missing, migration may also have income consumption and diversification leveling effects on the left-behind members of the household if migrants send remittances home.³⁸ Filipino households with overseas migrants, for example, can mitigate negative income shocks by receiving remittances. In contrast, households without overseas migrants cannot cope with this adverse situation.³⁹ This becomes another compelling reason behind migration in areas exposed to more destructive consequences of climate change.

However, not having enough means to relocate or migrate diminishes the impact to move created by environmental factors. Therefore, if people in climate-affected areas cannot afford to migrate or alternative coping mechanisms exist to help them manage the negative effects of environmental stressors people tend not to relocate. As both financially and mentally, migration is expensive. According to studies, persons in the lowest income quantile do not always migrate due to natural disasters because they lack the financial resources to migrate. Although environmental stressors may increase incentives to move abroad, if people are credit-constrained, these incentives may not materialize. For example, Bazzi found that income inequality shock and low liquidity limit emigration from rural Indonesia, while Bryan et al. reported that liquidity constraints in Bangladesh are an obstacle to seasonal rural-urban migration.⁴⁰ The latter scholars allocated economic rewards to rural farmers in Bangladesh at random and discovered that by removing such restrictions, the incentive significantly increased rural-urban seasonal migration.⁴¹ Individuals at the higher end of the scale are also less interested in moving in

³⁷ P. A. Lewin, M. Fisher and B. Weber, "Do rainfall conditions push or pull rural migrants: Evidence from Malawi," *Agricultural Economics* 43 (2012): 191-204.

³⁸ F. Wouterse and J. E. Taylor, "Migration and Income Diversification: Evidence from Burkina Faso," *World Development* 36, no. 4 (2008): 625-640.

³⁹ D. Yang and H. J. Choi, "Are remittances insurance? Evidence from rainfall shocks in the Philippines," *World Bank Economic Review* 21, no. 2 (2007): 219-248.

⁴⁰ S. Bazzi, "Wealth heterogeneity and the income elasticity of migration," *American Economic Journal: Applied Economics* 9, no. 2 (2017): 219-255.

⁴¹ G. Bryan, S. Chowdhury and A. M. Mobarak, "Underinvestment in a Profitable Technology: The Case of Seasonal Migration in Bangladesh," *Econometrica*, 82, no. 5 (2014): 1671-1748.

response to environmental shocks since they have other mitigation options.⁴² The duration, severity, and types of environmental shocks all play a role in deciding whether households migrate internationally or domestically, or whether they remain in their home country. Studies have shown that environmental stressors with a rapid onset and high severity, such as floods, earthquakes, and tsunamis result in a rise in short-distance or domestic migration. Long-term environmental stressors, such as long-term fluctuations in precipitation and temperature, as well as the subsequent depletion of natural resources, which trigger recurrent livelihood failures, on the other hand, often lead to long-distance or international migration.⁴³ Marchiori et al., for instance, discovered that climate change, as determined by long-term climatic changes, drives migrants from developing to developed countries.⁴⁴ Knowing what kinds of environmental stressors impact households and encourage them to migrate internationally rather than domestically has consequences for the cost and affordability of resettlement, the scale of potential remittances, migrant policy management, and the economic opportunities abroad versus at home. Depending on the initial geography, socioeconomic circumstances, and potential for adaptive mechanisms, these consequences are liable to be country-specific. To inform policymakers about the various migration responses to natural disasters and climate change in a country-specific context, empirical evidence is needed.⁴⁵ The expansion of this particular data bank can also help identify where and when certain people affected by climate change are devastating to the limits of endangering them. Hence, after separating this particular group, policymakers can be more open to giving them the status of refugees and the attached international legal protection.

However, at this point, there is a lack of understanding in the international community due to the unavailability of sufficient data on international migration as a result of environmental conditions. This particular fact calls, therefore, for a survey of the already existing literature in the field. Every year, the number of people affected by the devastation of environmental conditions and their ever-increasing need for legal protection is mounting. Hence, in the light of the lack of sufficient data and world leaders' reluctance of agreeing to give environmentally displaced people refugee status, it is important to survey the scholarly work in the field, as legislation usually follows fact-collection and extensive academic analyses. However, the literature, as mentioned earlier, is faced with a 'categoric fetishism' and a lack of enough data on this particular connection between climate change and migration. These issues with

⁴² A. Drabo and L. M. Mbaye, "Natural disasters, migration and education: An empirical analysis in developing countries," *Environment and Development Economics* 20, no. 6 (2015): 767–796.

⁴³ J. Brember and L. M. Hunter, "Migration and the Environment," *Population Bulletin* 69, no. 1 (2014).

⁴⁴ L. Marchiori, J. F. Maystadt and I. Schumacher, "The Impact of Weather Anomalies on Migration in Sub-Saharan Africa," *Journal of Environmental Economics and Management* 63, no. 3 (2012): 355–374.

⁴⁵ E. Murakami, "Climate Change and International migration: Evidence from Tajikistan," *ADBI Working Paper 1210*, (Tokyo: Asian Development Bank Institute, 2020).

the current migration literature are contributing to creating an adverse literature-policy nexus leading to ‘non-recognition-no protection’, making a rapidly increasing group of environmentally displaced people reside in a legal void. Therefore, this part of the article seeks to identify the gap left by academic researchers in the literature. Examining scholarly literature is important as it is the extensive knowledge base that political leaders use to construct policies and laws and organize their narratives of legitimacy for their policies. One of the aims of this article is to identify the gaps in this knowledge base and thereby contribute to initiating the generation of some much-needed new migration literature that both represents the new urgency surrounding climate change-induced migration and draws attention to the existing exclusionary nature of categorization that is more harmful than helpful.

5. Literature Leading to Environmentally Displaced People’s ‘Recognition Crisis’

There are two distinct problems with the currently available migration and climate change literature that is insufficient for policymaking and constructing more inclusive legislations: a) non-inclusive categorization in migration literature, creating categories that exclude more people than incorporate them; b) insufficient data on climate change and migration connection. These issues collectively lead to the bureaucratic limbo that an ever-increasing group of environmentally displaced people is living in. To fully grasp these two issues, the article below summarizes the literature in two distinct parts. Firstly, the article proceeds to give an overview of the literature that creates narrowly defined categories such as refugees and migrants and neatly pigeonholes people into clearly drawn lines disconnected from the reality on the ground where these lines are almost always blurred and the reasons behind migrations mostly intertwined. Secondly, the article proceeds to the next issue that identifies the inadequateness of data on the connection between climate change and migration, leading to the assumption that the connection is weak and, thus, no legislation is required.

5.1 *Migration Literature Creating Non-Inclusive Categories Costing Many People Their Right to Protection*

Crawley and Skleparis, in their article “Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe’s ‘migration crisis’”,⁴⁶ elaborately explain how categorizing is causing problems, and this characteristic of migration literature is part of the problem rather than aiding solutions that could deal with issues of transcending nature of contemporary international migration. Thus,

⁴⁶ Heaven Crawley and Dimitris Skleparis, “Refugees, Migrants, Neither, Both: Categorical Fetishism And The Politics Of Bounding In Europe’s ‘Migrant Crisis’.”

due to this inability of the dominant categories mostly that of ‘refugee’ and ‘migrant’ that the literature divides the group of people intending or forced to relocate is not even minutely close to covering the complexity of the situation on the ground. Along with being unable to understand the dynamic relationships between social, political, and economic drivers of migration, they call this particular problem of the migration literature: categorical fetishism. Furthermore, the article also criticizes the privilege given to ‘refugee’ over ‘migrant’ arguing that “this reinforces rather than challenges the dichotomy’s faulty foundations”.⁴⁷ There are many different groups who believe these faulty foundations deemed invisible, for instance; economic migrants, people displaced due to deteriorating climatic conditions, and many other vulnerable groups forced by different factors to relocate. Further emphasizing their point, they argue about economic migrants that could be applied to environmentally displaced people as well; “the tragic but brutal truth: they are not REAL refugees! Despite drowning tragedy, thousands of economic migrants are still trying to reach Europe”.⁴⁸ Thus, the exclusionary nature of the categorization of migration studies costs protection, that can in turn cost lives.

Another article elaborating on this particular problem with categorization in international migration is Reece Jones’ ‘Categories, Borders, and Boundaries’. According to him, categories have been a subject of extensive study in social sciences and humanities in recent years. While several problematic definitions have been criticized, it has proven remarkably difficult to step beyond them. Thus, his article takes up the issue of the category paradox and suggests that the main concerns with categories arise from the conflicting ways their boundaries are drawn. Therefore, to transcend this problem, he argues that boundaries of such categories should be treated as incomplete or only partially drawn and nothing that separates groups distinctively.⁴⁹ Likewise, Newman believes, “what is sorely lacking is a solid theoretical base that will allow us to understand the boundary phenomenon as it takes place within different social and spatial dimensions. A theory which will enable us to understand the process of ‘bounding’ and ‘bordering’ rather than simply the compartmentalized outcome of the various social and political processes”.⁵⁰ Hence, while language is intended to illuminate world trends, the complexity of what might be happening is often blurred and concealed by these categorizations. Part of the problem, therefore, might be as Newman suggests, a tendency to analyze the “compartmentalized outcome of various social and political processes”. In other

⁴⁷ Heaven Crawley and Dimitris Skleparis, “Refugees, Migrants, Neither, Both: Categorical Fetishism And The Politics Of Bounding In Europe’s ‘Migrant Crisis’.”

⁴⁸ “Tragic But Brutal Truth: They Are Not REAL Refugees! Despite Drowning Tragedy Thousands Of Economic Migrants Are Still Trying To Reach Europe,” *Daily Mail*, 2016.

⁴⁹ R. Jones, “Categories, borders and boundaries,” *Progress in Human Geography* 33, no. 2 (2009): 174-189.

⁵⁰ John Agnew, Katharyne Mitchell and Gerard Toal, *The companion to political geography*, (Malden: Blackwell, 2003), 122–36.

words, evaluating the categories rather than ‘bounding’ and ‘bordering’ phases that emerge from these categories.⁵¹ The protection gap discussed earlier in the article is, thus, caused by this lack of a solid theoretical base, excluding many vulnerable people in need of protection from their otherwise legitimate right to legal protection. Hence, to include the rapidly increasing group of climate induced-migrants into recognized international legal conventions, this tendency of the migration literature needs to be turned around to develop into more inclusive narratives.

Hein de Haas and Micheal Collyer also address categorical fetishism in their article, ‘Developing Dynamic Categorizations of Transit Migration’. According to them, in the field of migration, attention has inevitably centered on the blurred edges of social categories where they overlap, blend into each other, or alter various contents. Therefore, for them, categorization is seldom participatory and instead symbolizes top-down strategies that are discredited, fitting complicated social systems into hierarchical structures. They are also highly political.⁵² Categories, according to them, were always important instruments of political power, and modern technologies such as European Asylum Dactyloscopy Database (EURODAC) databases of asylum seekers in the European Union (EU) allow states to retain the rigidity of social categories across borders. The way migrants (asylum seekers, refugees, family migrants, economic migrants, victims of trafficking, and irregular migrants) are evaluated by states affects the issues of resource allocation, labour rights, residential locations, and, most importantly, determination of refugee status that eventually deals for people seeking for protection life and death issues.⁵³ In recent years, however, intellectual production devoted to studying migration has led to various new categorizations, both in policymaking and academia, for instance, transit migration. Such new understandings also question the already set standards and dichotomies present in earlier categorizations, yet they mostly arise from political debates, predominantly within the EU’s migration issues. This is then seen to be translated into academic research, where it is manifested in the shifting use of language. Hence, terminology emerging from mutually reinforcing environments of academic and political arenas will eventually find its way to mainstream perceptions of migration.⁵⁴ This raises more comprehensive questions about how academic forms of migration information can respond to explicitly political categorization processes. However, they elaborate that the two fields are interdependent and become more intertwined as time progresses. Nonetheless, they still have certain distinct characteristics. According to them, “perhaps central amongst those characteristics

⁵¹ R. Jones, “Categories, borders and boundaries.”

⁵² Michael Collyer and Hein de Haas, “Developing Dynamic Categorisation of Transit Migration,” *Population, Space and Place* 18 (2012): 468–481.

⁵³ Michael Collyer and Hein de Haas, “Developing Dynamic Categorisation of Transit Migration.”

⁵⁴ Michael Collyer and Hein de Haas, “Developing Dynamic Categorisation of Transit Migration.”

that identify academic practice are ideals of reflexivity and rigorous self-examination, which at worst justify derogatory labels of navel-gazing, but at best encourage a long historical perspective and an active awareness of the complex repercussions of any social intervention”.⁵⁵

Oliver Bakewell, in his article ‘Research Beyond Categories: The Importance of Policy Irrelevant Research into Forced Migration’, argues that the researchers’ need to search for policy relevance has prompted them to categorize heavily. While doing so, it has left many groups to seep through the blurred boundaries of various definite drawn categories, making certain forced migrants invisible in both policy and research. He centers his research on case-study of self-settled refugees, with the help of which he elaborates how this approach towards research limits the researcher. He argues for more oblique approaches to analysis to bring such ‘invisible’ forced migrants into view. Such an altered approach toward research, according to him, may bridge the gap between refugee studies and broader theories of social change and human mobility in the field of social science.⁵⁶ Hence, the hope of making more and more people in need of protection, more visible.

Categoric fetishism is central to the current migration literature’s inability to appeal for more inclusive international legal frameworks, and therefore many vulnerable groups of people tend to remain invisible and without the protection their lives depend on. People displaced due to climate change are one such group where the protection gap is increasing as rapidly as the number of people in this group. To tackle this ever-deteriorating situation of large groups of people in need of protection, migration literature needs to develop beyond its rigid categorizations and become more inclusive.

5.2 *Literature Elaborating the Connection between Climate Change and Migration*

‘Environmental refugees: Myth or Reality?’ by Richard Black points out that the ‘international refugee regime’ is still the essence of debates that dominate the UN Refugee Convention even on its 50th anniversary. There have been various arguments for a need to expand the regime and/or convention over the last decade. The growing consensus that ‘internally displaced persons’ (IDPs) must be put under a certain form of international security is the most recent among it.⁵⁷ In his article,

⁵⁵ Michael Collyer and Hein de Haas, “Developing Dynamic Categorisation of Transit Migration.”

⁵⁶ O. Bakewell, “Research Beyond the Categories: The Importance of Policy Irrelevant Research Into Forced Migration,” *Journal of Refugee Studies* 21, no. 4 (2008): 432–453.

⁵⁷ Richard Holbrooke, “A Borderline Difference: We Ignore Millions Who Are Refugees in Their Own Countries,” *The Washington Post*, May 8, 2000.

Black summarizes the breadth of studies focused on the connection between changing climatic conditions and growing migration, however, he concludes that these studies while trying to identify the connection negate it by making climatic factors as drivers of migration as one amongst many reasons that lead to people's decisions to migrate. Thus, according to him, "despite the breadth of examples ..., the strength of the academic case put forward is often depressingly weak"⁵⁸ due to the self-negating nature of these studies.

Klepp, Herbeck, and Gesing in their article, 'Denaturalizing Climate Change: Migration, Mobilities, and Space' re-examine the nexus between climate change and human mobility, using creative and more politicized approaches. They argue that there is proof of both over-politicization and de-politicization of far-reaching social, legal and political effects of global climate change in the larger climate change adaptation debates. Furthermore, analysis from different disciplines, on the other hand, also focuses on structures of transnational agreements and international climate policy institutions. Thus, this growing area of research is inherently politically driven. Debates, however, are de-politicized from a more analytical perspective. Generally, therefore, they argue that questions regarding the social effects of environmental change are too disconnected from social and political contexts in which their impact arises, along with their absence from the climate justice discussions that affect all negotiations on climate change.⁵⁹ Thereby, the researchers' main objective in the article was to explore the changing co-production of natural order and social order concerning the relationship between human mobility and change in the environment.⁶⁰

'Legal Protections for Environmental Migrants: Expanding Possibilities and Redefining Success' by Jayesh Rathod argues that environmental migration has become a major concern for national governments and the international system. In the last few decades, the relations between various environmental trends and displacements have been detailed by academic researchers and policymakers, noting the dynamic network. Therefore, he argues to explain those variables while also recognizing the need for further data to better understand the issue and forecast its future size more accurately. While the specific contours of 'environmental migration' as a category are still being examined, there is an interesting agreement on the need for a coordinated response and the development of normative structures allocating rights and responsibilities.⁶¹

⁵⁸ Richard Black, *Environmental Refugees: Myth or Reality*, (Sussex: University of Sussex, 2001).

⁵⁹ F. Gesing, J. Herbeck, and K. Silja, *Denaturalizing Climate Change: Migration, Mobilities and Space*, (Bremen: Universitat Bremen, 2014).

⁶⁰ F. Gesing, F., J. Herbeck, and K. J., & Silja, K. "Denaturalizing Climate Change: Migration, Mobilities and Space."

⁶¹ J. Rathod, "Legal Protection For Environmental Migrants: Expanding Possibilities And Redefining Success," Center for Latin American and Latino Studies (CLALS), *Working Paper Series 29*, 2020.

The particular literature is diverse yet scattered, like the climate change-migration connection itself, that it tries to understand and explain. It is mostly because both of these phenomena are currently unfolding and developing, and their interdependence is a constantly evolving notion. Therefore, most research undertaking tasks of defining and comprehending the climate change-migration connection cannot yet fully claim climate deterioration to be the main driver of certain migration. Consequently, they end up with an array of interrelated reasons that drive people's decisions to relocate, internationally, claiming a strong climate change-migration connection ever the weaker.⁶² However, this could, in turn, be because climate change has not yet become the main driver of migration, or because it is not recognized by the international community as the main driver people tend not to cite it as their main reason. The latter was what this article explores with the help of reviewing the vast literature present regarding how categorization makes migration literature exclusive and the scatteredness of literature exploring the connection between migration and climate change. Collectively, the article indicates the presence of an adverse literature-policy nexus where categorization leads to non-recognition, leaving, among others, people displaced due to climate change without any legal protection.

6. Conclusion

Today the link between climate change and migration decisions, even though very evident, is still only an indirect factor cited by many people opting for relocation. More and more people are forced to migrate due to environmental factors. However, they tend not to cite these factors as their rationale behind decisions to relocate, as these factors are yet to be legally recognized by the international community and yet to be incorporated in international legal conventions. Thus, the fight for recognition seems like a long and difficult road ahead for the ever-increasing number of people displaced due to climate change every year. The article relates this legal recognition gap to the reluctance of policymakers induced by migration literature's tendency of exclusionary categorization. This inability of migration literature provides policymakers with justifications for exclusionary policies and thus, legitimize the legal void that many people forced to relocate due to climate change are forced to reside in as a result. Therefore, to get over legal limbo, migration literature needs to cultivate more inclusive narratives. Furthermore, a different approach to studying the migration-climate change link needs to be redefined to fully comprehend the ever-strengthening connection between the two and its importance in contemporary times. This will bring environmental factors to the forefront that are still concealed behind many other predominantly cited factors such as better work opportunities,

⁶² Richard Black, Richard, *Environmental Refugees: Myth or Reality*.

better or higher education, and improved living conditions. As a result, climatic factors tend to lose their seriousness, whereas, in reality, it is increasingly becoming the main reason for people's decision to relocation. Therefore, with the rapidly deteriorating environmental conditions and the irreversible devastations, for some people, it is becoming unavoidable to relocate chiefly due to factors connected to climate change. In the light of the increasing numbers of people irreversibly and overwhelmingly affected by climatic conditions, it is time for the international community to recognize the need of these people for legally binding protection. The UN human rights committee's ruling mentioned earlier is a step forward towards gaining more legal protection for this fast-growing group of at-risk people. However, it is not enough at the present time.