

## Providing Protection for Climate Induced Labour Migrants

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**ABSTRACT** The African continent is currently witnessing massive labour migrations from within and outside the continent as a result of adverse effects of global warming and climate change. This is a major concern to the governments, role players and stakeholders because climate change is threatening social economic activities, particularly in the agricultural sector, contributing to the vulnerabilities that are now triggering spontaneous migrations to where there are economic opportunities. The problem is that the migrants face different challenges wherever they migrate to, such as discrimination, denial to engage in socio-economic activities such as access to land to farm and engage in other viable economic activities. Another notable problem is that the protection needs of the climate-induced migration are a new phenomenon which is yet to be fully explored and understood. It is against this backdrop that this paper makes a modest contribution to the on-going heated debate on how to assist climate-induced migrants-by ensuring that they live a normal life to wherever they migrate, even though their status is not recognised under existing protective mechanisms for refugees. As part of the solution, the paper suggests that effort to mitigate climate change must be supplemented by adaptation to its consequences in order to improve the resilience of the people and communities, should the catastrophe manifest.

### INTRODUCTION

According to Adepoju (2004) in Africa, the “issues surrounding migration are dynamic and very complex because migration is categorised in different forms depending on a particular situation, it occurs in the form of diversification, destinations, transformation of labour flows into commercial migration and climate change.” The changing environmental conditions are now prompting human and labour migration culminating in substantial numbers of climate-induced migrants (Laczko and Aghazarm 2009). These are people displaced by the slow or sudden manifestation of climate and natural disaster-induced displacements (Werz and Conley 2012).

Melde (2011) observes that labour migration in whatever form is mostly an issue of labour mobility of people moving in search of better opportunities. According to Zapata-Barrero et al. (2012), labour migratory movements driven by the search for a better life in many cases remain irregular because of the different legislative regimes and the inherent gaps in the instruments regulating migrations in different countries. This is the reason why victims of climate changes are vulnerable and are not accorded protection just because of their vulnerable status (Small 2013). It is against this backdrop that this paper examines the intrinsic roles of people who are supposed to offer assistance and pro-

tection in handling climate-induced labour migration issues be it trans-boundary within the continent or across the continent.

### METHODOLOGY

The method for this study is based on qualitative desktop research as against a quantitative research method. Consequently, the study relies on relevant contemporary literature on the topic and subject. Scholarly works, national and international instruments relating to climate-induced migrations were consulted, reviewed, examined and analysed.

### Literature Review

Deshingkar (2012) acknowledges that “the links between climate change and migration are hotly debated with alarmist projections which estimate that between 200 million and a billion people will be displaced by 2050 resulting in mass migration into Europe by migrants from mainly Africa, South America and Asia.” This is mainly because migration is in fact already an important adaptation strategy for the poor coping with gradual and sudden shocks as results of manifestation of climate calamities and disasters (Deshingkar 2012).

One of the sectors that have been hardest hit by the devastating effect of climate change

is agriculture (Bloomfield 2006). In most of the developing countries, agriculture is the main vocation of the people (Kwa 2001). Spontaneous climate disaster is triggering migration and indeed, that is the situation now (Renaud et al. 2011). According to Olsen (2009), “the agricultural sector employs over 1 billion people which is the second greatest source of employment worldwide.” However, developing countries like Asia and sub-Saharan Africa account for more than 70 and 20 per cent respectively of the world’s total employment in the agricultural sector (Page and Plaza 2005). Werz and Conley (2012) argue that the reason for this reliance on the agricultural sector is because Africa is crisscrossed with climate, migration and security challenges. Focusing on migration on the continent, Werz and Conley observed that from Nigeria to Niger, Algeria and Morocco, this continent has long been marked by labour migration, bringing workers from sub-Saharan African north to the Mediterranean coastline and Europe. With regard to the issues surrounding climate-related migration, they assert that by the land journey, labour migrants often cross through the Sahel and Sahel-Saharan region, an area facing increasing environmental threats from the effects of climate change. To this end, Thornton (2010) states that this is because climate change is now increasingly recognised as contributing to vulnerabilities that can generate migration and where socio-economic opportunities are scarce or threaten livelihoods; migration has acted as an important tool to lessen human vulnerability. From these studies, it shows that people will continue to migrate away from where the environment is not conducive for the promotion of economic activities and sustainable livelihood. This has been the plight of the farmers in developing continents. This trend will continue because of a lack of adaptive capacity compared with what can be obtained in the developed countries.

It is pertinent to mention that the Environmental Protection Agency (EPA) US in Africa has identified global warming as one of the causes of labour migration from the Upper West, Upper East and Northern to the southern parts of the African continent (Tawiah 2008). The Agency further highlighted that global warming has also contributed immensely to the high poverty levels of the people and was responsible for the occurrence of cerebro-spinal meningitis

on the continent during the dry seasons (Tawiah 2008).

In order to provide a viable solution to the problem, Raleigh et al. (2009) state that migration scholars are in agreement about the fundamental importance of labour migration, both to encourage development and as a critical component to coping with environmental change in rural areas. They also suggest that labour migration can form the basis of a sustainable livelihood in chronically degraded land, building resilience across households and communities and families. Tacoli (2009) argues that while the impact of climate change on population distribution and mobility is attracting growing interest, as well as a heated debate, at the same time, policies and laws that build on existing strategies to support adaptation to climate change are amongst the most likely to succeed. Hence “there is growing evidence suggesting that mobility, in conjunction with income diversification, is an important strategy to reduce vulnerability to environmental and non-environmental risks, including economic shocks and social marginalization” (Tacoli 2009).

Tacoli’s view on policies was tacitly supported by Olsen (2009) who suggested that people, and especially workers, have to be recognised as active participants in the climate policy debate and be part of the decision-making bodies, rather than simply be passive victims of what is happening. Olsen argues that this right is fundamental if Africa wants to address the climate change challenges in a coherent way and acknowledge that key political decisions about climate change should be made by the international community to foster a new international climate regime for the period after 2012. Olsen accentuates that policy coherence at both the continental and global levels will better ensure that the negative effects resulting from adaptation and mitigation measures on employment and the labour market are reduced.

Another important document is the United Nations Framework Convention on Climate Change of 1992 to address issues of climate change. The ultimate objective of the Convention was to stabilise greenhouse gas concentrations at a level that will prevent dangerous human interference with the climate system (Williams 2007). With regard to law promoting mitigation, the most significant and prominent is the protection provided by the Kyoto Protocol to

the United Nations Framework Convention on Climate Change (1997). While some international agreements are not legally binding, the Kyoto Protocol is legally binding on the nations that have ratified it. The parties to the agreement are under obligation to comply with the emissions reduction target set by the Kyoto Protocol and the United Nations has the power to set higher targets of reduction. There could be consequences for non-compliance (Hartman 2013).

These two documents complement each other and are closely inked. The Convention prescribes numerous steps to reduce carbon emissions causing global climate change (Rom 2011), “the Kyoto Protocol commits countries that signed the document, to follow those steps” (Rupeth 2009). But the reality on the ground shows that while some of the industrialised countries have refused to reduce their emissions as stipulated in the protocol, some have completely pulled out from the agreement, notable among them is Canada.

The International Labour Organisation (ILO 1999) has been very proactive with regards to the rights and protection of migrant workers by formulating numerous policies and guidelines on how labour should be treated wherever they find themselves. Most of these policies and guidelines have been transformed and formed part of the international conventions on labour migrants (ILO 2001). It adopts a rights-based approach to labour migration and enlists the supports of all the stake holders and role players such as governments, employers and workers in migration policy (Newland 2010).

Although the post of the United Nations High Commissioner for Refugees (UNHCR) was created to address a specific problem refugee protection however, according to Hall (2011) it is not clear what the UNHCR’s protection role would be in these ‘grey’ areas where migration is neither clearly forced nor voluntary. However, the UNHCR has a narrow mandate; it is not an agency of forced displacement and could not currently offer protection to those displaced internationally by climate change (Hall 2011). One of the main ideas behind the 1998 UN Guiding Principles on Internal Displacement was that, regardless of the reason for displacement, the people concerned often have a particular set of needs (Kolmannskog and Trebbi 2010). These needs which include but are not limited to social economic opportunities, protection in the host countries, trans-boundary interconnections and

possible solutions for filling identified gaps in the context of climate change.

With growth in trans-boundary interconnections, Betts’ (2011) study reveals that there has been a rapid increase in human mobility across African borders. Given the range of social, economic and political implications of labour migration, it has become increasingly politicised by states, and is emerging as an issue of great importance even at the international level. States and non-state actors are increasingly concerned to find ways to manage migration in ways that enable them to maximize the benefits and minimize the costs of mobility (Betts 2011). In most policy fields which involve movements across borders, such as climate change, international trade, finance, and communicable disease, states have developed institutionalised cooperation, primarily through the United Nations (Betts 2011). Although Brown (2007) argues that by relaxing immigration rules as part of a concerted policy to release the population pressure in areas affected by climate change, this could accelerate the brain drain of talented individuals among the African developing countries and worsen the hollowing out of affected economies, which is in itself a driver of labour migration. He indicated that shutting borders undermines remittance economies which can themselves help build resilience to climate change and deny developing countries the benefits of access to the international labour market.

The trend in climate-induced labour migration is not likely to stop anytime soon, against this backdrop, Martin (2010) indicates that this has been an on-going phenomenon in recent years and is likely to continue into the future. He further argues that climate change – specifically global warming-is likely to compound the challenges faced by agricultural workers in finding sustainable livelihoods. Martin (2010) identified three major ways in which global warming could affect agriculture and labour migration patterns, the first being that “global warming is likely to generate more severe storms such as hurricanes that destroy housing, erode land and encourage migration, at least until recovery.” The second, that “there may be more competition for land and water, especially in arid areas with rapidly growing populations, such as sub-Saharan Africa, noting that competition for land and water in the agricultural sector can lead to conflict and labour migration, as when herders come into conflict with crop farmers.” And third-

ly, the “gradually rising temperatures are likely to shift areas of viable and optimal food production, making agriculture less productive in densely populated areas in developing countries and more productive in sparsely populated areas of industrial countries.”

On the other hand, Roy et al. (1995) suggest that several economic models caution that global warming will have more effect on the distribution of farm production rather than on global farm output. Indeed climate change has a disproportionate effect on dry land areas and the perception of farmers and herders is that rainfall has become less predictable and more extreme. Drought in 2011 in the Horn of Africa is said to have been the worst this region has experienced in 60 years (BBC News 2011). The frequency of extreme climatic events, such as droughts and floods, is predicted to increase by 20 per cent in some areas over the next century (Dai 2011). Another study concluded that by 2080 the average temperatures will increase by 4.4 °C and average precipitation by 2.9 per cent. Global agricultural output potential is likely to decrease by about 6 per cent, or by 16 per cent without carbon fertilization (UNCCD 2007). The report showed a decline in agricultural production of up to 60 per cent for several African countries. Thornton (2011) observes that climate change is now increasingly recognised as contributing to vulnerabilities that can generate migration. In support of this view, Moor (2011) says that the phenomenon of global warming, together with the loss of biodiversity, is increasingly causing large-scale labour migration in Africa. Both slow-onset environmental degradation and sudden natural disasters threaten to force millions of people to leave their environment (Moor 2011). Considering this imminent danger that is likely to wipe away the productive aspect of the continent, there is the need to start engaging proactively on how to seek protection for this sector and continue to promote sustainability in food security, job security in the sector and more importantly, to foster institutionalised cooperation that will continue to foster sustainable livelihood and reduce vulnerability.

#### **A Consideration of Instruments Providing Assistance to Climate-induced Labour Migration**

The mandate to protect migrant workers falls within the ambit of the International Labour Organisation (ILO), a United Nations agency and

this mandate has been re-affirmed by the 1944 Declaration of Philadelphia and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Against this background, from its inception in 1919-the ILO has been bestowed the responsibility of dealing with labour migration issues across the world. The ILO has been in the forefront of various conventions and policies to guide and protect migrant workers. In so doing, the ILO adopted a rights-based approach to labour migration and promoted tripartite participation of the governments, employers and workers in dealing with migration policy (ICM-WC 2005). Considering this in the context of the challenges of modern day migration, Myung-hee-Kim (2010) observes that the introduction of the modern immigration law has resulted in substantial revisions to the migration-related policies globally. A migrant worker is a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen; this is according to the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 1990. Globally, what is being witnessed now is that there is a massive climate-related migration attributable to manifestations of various natural disasters.

Against the above backdrop of the people being displaced as a result of the effects of climate-related natural disasters, the concern is how well are the displaced being protected and assisted under the existing laws as well as the national, regional and international regimes (Kolmannskog and Trebbi 2010).

Migration might be voluntarily or forced. According to Perez (2010), the notable difference inherent between voluntary and forced migration is the reason for the movement from one place to another. If the reason is identified, then it will be easier to come to a reasonable conclusion whether it was forced or voluntarily. But it all depends on the circumstances of each movement and how it is perceived by the person interpreting the migration.

Some scholars have categorised climate related migration as forced migration (Hodgkinson et al. 2009). However, a closer look at the various reports indicate that virtually all natural disasters can potentially result in forced displacement (GDW 2013). According to Kolmannskog and Trebbi (2010:159), “there is a general acceptance that voluntary and forced mi-

gration is likely to increase as a consequence of climate change.” Even though this distinction is relevant under international humanitarian law, the issue at hand is that the displaced people must enjoy a certain degree of protection of their needs (Lee 1996).

On the African front, issues of migration are dealt with through national legislations, bilateral agreements between countries and various protocols developed by regional bodies such as Southern Africa Development Committee (SADC) and the Economic Community of West African States (ECOWAS) (AU 2010). Hummel et al. (2012) states that the ECOWAS common approach on migration made it possible to advance the Protocol on the Free Movement of Persons and the Right of Residence and Establishment from 1979. This resulted in “a special Task Force on Migration being established, and a Department for the Free Movement of Persons was created after the transformation of ECOWAS into a commission” (Hummel et al. 2012). “It is without any doubt that if these drastic measures in the form of policies and laws were not put in place therefore, there would have been restriction to labour migration especially in the agricultural sector that needs environment that is not prone to or affected by the impacts of climate change such as hotter and drier climates, oscillations in precipitation patterns, droughts and land degradation” (Hummel et al. 2012).

Comparatively, Myunghee-Kim (2010) accentuates that “even in Europe, especially in Germany which is the biggest economy in Europe has been seen as an established immigration country in Europe. The reality, in terms of the immigration policy development of the state, is however quite the opposite in that politically and legally Germany had begun to change from a temporary, guest worker system to an active immigration system only in less than a decade, starting from a reform in the country’s naturalisation law in 2000.”

According to Bhorat et al. (2002) “Although labour migration measurement proves to be a universal problem, however Africa is particularly sensitive to the uncertainties regarding the extent of which labour migration is rising even though it is obviously not the only continent facing difficulties in measuring it accurately.” In addressing the challenge of labour migration, “the SADC nations advanced a way to optimise the benefits of migration in the region and be-

yond by convening a Migration Dialogue for Southern Africa (MIDSA) technical meeting on enhancing intra-regional labour migration towards social and economic development in the Southern African Development Community (SADC) region” (Seetharam 2012). The International Organization for Migration (IOM) Regional Director for Southern and East Africa Mr Bernardo Mariano noted that there is a need for collaboration between SADC states to create legal channels for labour migrants and to harmonise immigration policy and legislation across the SADC region. This is the reason for the massive influx of migrants towards Botswana, Namibia and South Africa just because these countries have stronger economies and also experience skills shortages (Olivier 2011).

Hummel et al. (2012) argue that policies and legal frameworks can encourage or discourage migration and thus, the political perception of population mobility and migration has determining effects on the capability of people to migrate. In the light of the “challenges posed by migration and its ramifications on socio-economic, political and climate change the Organisation of African Union Council of Ministers adopted Decision CM/Dec 614 (LXXIV) during the 74th Ordinary Session in Lusaka, Zambia in July 2001 to formulate a Strategic Framework for a Policy on Migration in Africa for consideration by the African Heads of States.” Hummel et al. (2012) further said that:

*“This policy framework serves to provide the necessary guidelines and principals to assist governments in the formulation of their own national and regional migration policies as well as, their implementation in accordance with their own priorities and resources. The policy framework is therefore a comprehensive and integrated reference document and hence non-binding in nature, scope and content. Eventually the document provides a broad range of recommendations on various migration issues as a guide to governments.”*

At the Mexico Climate Summit-COP17 in Mexico, the Parties developed the Cancun Adaptation Framework, which helped to identify areas of activities that qualified as adaptation and which later may be considered for climate finance support (IDO 2011). Among the areas specifically referenced are displacements, migration and planned relocation. Following the adoption of the Cancun Adaptation Framework, the

so-called “Nansen Principles on Climate Change and Displacement” were endorsed at an inter-governmental event on vulnerability, resilience and adaptive capacity in disaster prone and environmentally vulnerable communities convened in Oslo in the COP 15 (IDO 2011).

### **Explaining Climate-induced Labour Migration in the Context of African Vulnerability**

While climate change is global, its negative impacts are more severe whereas the impacts of global warming are already apparent in all regions of Africa (Deeb et al. 2011). This view is supported by Werz and Conley (2012) who indicate that the costs and consequences of climate change on our African continent will define the 21st century. It was also pointed out that even if the nations across our continent were to take immediate steps to rein in carbon emissions, a warmer climate is inevitable. As the UN Intergovernmental Panel on Climate Change (IPCC) indicated in 2007, human-created warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level. On the other hand, Fritz (2010) argues that the relationship between climate change and migration is not a linear one, but rather more complex, unpredictable and influenced by larger social, economic and political forces that shape how societies interact with their environments. It must be borne in mind that Africa’s vulnerability to climate change is not only caused by climate change but through a combination of social, economic and other environmental factors that interact with climate change (Nkomo et al. 2006). It is the interaction of all these multiple stressors that make Africa the most vulnerable region to climate change and these vulnerabilities include the region’s high population growth rate which is the highest in the world (Nkomo et al. 2006).

According to Sward and Codjoe (2012), the Stern Review Report on the Economics of Climate Change (Stern 2007) based on previous work by Myers (2001) estimated that between 150–200 million people could be displaced by climate change impacts in the coming decades, while a Christian Aid (2007) report reveals that up to one billion people could be ‘climate refu-

gees’ by 2050. Consequently, it is the impact of labour migration on rural areas, and particularly on farming systems and climate change that will be hardest hit by forcing people to abandon their farming land as a result of draught or torrential heavy rain culminating in flood, destruction of agricultural farms and products (UNPIN 1995). This is mainly because labour migration is radically changing the socio-economic, demographic and development profile of developing countries, with far-reaching implications for agriculture-based economies (UNPIN 1995).

### **Finding Viable Solutions to Climate Related Displacements**

According to Tacoli (2009) the impacts of climate change are likely to affect population distribution and mobility. While alarmist predictions of massive flows of refugees are not supported by past experiences of responses to droughts and extreme weather events, predictions for future migration flows are tentative at best (Ober 2011). However there has been growing recognition that climate change will impact not only our physical, geological and meteorological environments, but will also have profound and direct impacts on people and the agricultural sector (Hall and Saarinen 2010).

According to Werz and Conley (2012), the results of that are prevalent and this is shown by the fact that several African regional hotspots frequently come up in the international debate on climate change, migration and conflict. Climate migrants in northwest Africa, for example, are causing communities across the region to respond in different ways, often to the detriment of regional and international security concerns (Werz and Conley 2012). In order to ensure that the continent is not degenerated into conflict as a result of this movement, there should be concerted efforts by all the leaders to nurture the bond of Africanism by applying the African ties principle which prescribes that Africans should be their brothers’ keepers. This is supported by a different African culture which recognises assisting and offering protection to others that might have been affected by unforeseen circumstances. Even though we find legal justification for this, it is rooted in moral and cultural justification. This is who we are and this is what should be considered and applied in the face of climate-induced migration, especially in

the agricultural sector that is very peculiar to all regions on the continent.

According to David et al. (2012) just like other numerous global challenges, climate change and labour migration requires policymakers to intervene and take responsibility to reduce greenhouse gas emissions. If global warming continues at its current pace, the planet and the African continent will increasingly be marked by growing labour migration and environmental catastrophes (Spencer 2011). Therefore policy makers need to take “a holistic approach to tackling adverse impacts of climate change that addresses both the drivers of human mobility in areas of origin such as livelihood insecurity, environmental hazards, conflict, demographic pressures, and gender inequality; and the pull factors in destinations such as demand for labour as well as aging population” (IDO 2011).

### CONCLUSION

Climate-induced labour migrants need protection wherever they find themselves. Since global warming and climate change are caused by human activity, human beings are therefore enjoined to address the problem by ensuring that drastic steps towards emissions reduction are taken. If global warming is addressed and controlled effectively, the possibility of draughts, floods, fire and other disasters associated with global warming will likely not manifest themselves. The implication of this is that people will continue to live where they are and will not migrate because the environment and the ecosystem are conducive elsewhere. On the African continent, the majority of the people are farmers and the manifestation of disasters consequent upon global climate change is now affecting their livelihoods. This is now forcing them to migrate to other areas where the environment is good for agricultural activities.

### RECOMMENDATIONS

Whenever there is an outbreak of extreme weather disaster that will force people to migrate, it is incumbent on the international community to act swiftly and offer protection to the victims wherever they find themselves. There should be regional and intraboundary cooperation among member states particularly in the devel-

oping countries. Neighbouring countries should be seen to offer assistance and protection to migrants who migrated as a result of destructive weather conditions. The victims should be offered assistance in order for them to continue with their social economic activities such as farming and fishing. They may be subjected to the tax regime of the host country if reasonable profits are being made. This will serve as a sort of social responsibility towards the host country and will benefit all the parties such as the migrants, their family and the economy of the host country. This activity may also create employment for the unskilled and skilled labourers in the host country.

The international community through its agencies should also support the host country in terms of financial and technical know-how's to support the enterprise of the migrants.

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