Displacements Stimulating Disasters:
A Study of Policy and Legal Approaches in Africa and MENA Region

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Introduction

The serious and comparatively quick change in the ecosystem aggravated by climatic and anthropogenic factors will have both, direct and indirect impacts on societies, that has been increasing evidence. Coping mechanisms in order to overcome these attacks will have no other option but to migrate as a permanent or temporary coping strategy.

Even though on an international level migration has no standing, however, "environmental refugees" is the term that is generally used, that draw attention to the increasing implication of protection and human rights topics for those likely to be relocated by environmental change. Yet, the label is here extremely challenging not least because it grossly oversimplifies the multi-causality of social, economic and political factors which strengthen environmentally-forced migration.

The estimates of the global numbers of people who may be relocated differ so extensively that they offer an insufficient basis for formulating policies and obscure the enormous regional variations and responses that will occur.

Establishing a framework of typologies of displacement, mapping and monitoring potential environmental 'hotspots', changing regional conditions, and tracking migration those are trends which offer a more productive path for policy development.

The core challenges associated with migration and the environment contain the rapid urbanization, deforestation, soil erosion, agro-chemical pollution, shortages of water, abandonment of rural lands, declining health and physical resilience, unsustainable agricultural and production systems, complexities in building an effective governance systems and its effects of migrants on sending and host communities and ecosystems (Boano, Morris, 2008).

Thus, spotlighting the generalized potential of climate change has suspicious evidence coming from the developing countries' perspective of adaptability and livelihood resilience in the face of environmental change. This practice proposes that the policies development should be predicated on practical reduction of vulnerability and not automatic assumptions of mass forced migration (Boano, Morris, 2008).

The greatest risk to human security comes from climate change, which is mainly through its potentially negative impact on people's livelihoods. However, caution should be used in the linkage between the two concepts, environmental change to conflict and forced migration. However, more researches are needed on the environmental change–conflict–migration nexus and its impact on how it may lead to weaken the human security (Boano, Morris, 2008).

Projecting the likely future distribution and movement of people and responding to the conservation threats and opportunities associated with migration, will require new approach and wider collaboration and integration among disciplines and organizations. The traditional definition and understanding of the concepts of 'refugee' and 'protection', leads us to the fact that they probably both need to be changed. (Boano, Morris, 2008).

Public policy can reduce environmental migration, but a holistic approach is needed if the international community is to overcome deficiencies in its understanding of the issues and its ability to make projections and implement response-biased mechanisms (Boano, Morris, 2008).

In 1995, of the 25 million environmental refugees were roughly five million refugees in the African Sahel, where ten million people had fled from latest drought, only half of them returned home. Another four million refugees, out of eleven million refugees of all types, were in the Horn of Africa including Sudan. Hence, in other parts of Sub-Saharan Africa, 80 million people were measured to be semi-starving mainly because of environmental factors; seven million people had been forced to migrate to get relief food.

In the beginning of 2000, Sudan marked eight million people who were legitimately considered at the edge of starvation, beside six million in Somalia and three million in Kenya, in addition to several million others in other countries. A sizeable - though undocumented - percentage of these could be regarded as environmental refugees. (Myers, 2005)

Forced displacement for environmental reasons is not a recent incident. The cause behind waves of outmigration and/or quarrels throughout history was the shortage of land resources and environmental deprivation. Resettlement, and population movement in general, is part of human history and a significant adaptive mechanism. Hence, it has always been complex to distinguish between environmental refugees and economic migrants (Boano, Morris, 2008).

However, there are two factors for distinguish between the present era and the foreseeable future. Firstly, the global scale of environmental change and thus the potential impacts it will have, such as forced migration, are new phenomena. No longer will these factors be episodic or localized. Secondly, human agency is unarguably at the center of environmental change and the potential to respond to it.

Recognizing these facts, policy responses at all levels of governance is underlying theme that proactive policies to support resilience, adaptation and sustainability of livelihoods are the best means to respond to the specter of environmental refugees. (Boano, Morris, 2008).

Rights and Human Security

Regardless of the recognition of an international status, the issues of rights for those who are environmentally displaced and associated questions of human security are urgent matters of policy.

Davis (2001) argues that famine is frequently triggered by drought, but caused by the way political and economic systems deprive people of their entitlements to natural resources. Following Sen's iconic work, most analyses of famines now identify the issues of rights in relation to poverty, inequality, market and policy failures, as the deeper causes of what ostensibly seem to be 'natural' disasters. As in the case of famine, so too in most areas of environmental change, recognizing the role of human agency and the need for states to articulate and address the protection of rights in relation to environmental stresses leading to displacement, is a pressing issue.

The case is reinforced by the likelihood that the majority of environmentally induced migrants may be IDPs rather than refugees. The protection of rights may be a much more profitable route to follow than the problematic call for an international status.

In support of a rights-based approach set within the context of multi-causality, the related concept of human security is also a useful framework for policy development. In terms of environmental change, human security can be considered as a people-cantered concept enabling individuals and communities to respond to change, whether by reducing vulnerability or by challenging the drivers of environmental change (GECHS 1999). The concept is valuable because environmental change does not undermine human security in isolation from a broader range of social factors such as: poverty, the degree of state support to a community, access to economic opportunities, the effectiveness of decision-making processes and the extent of social cohesion within and surrounding vulnerable groups.

The majority of the world's refugees estimated to be around 14.1 million people in the countries. By the end of 1999, the Middle East was the most receiving region with the largest number of them (5.8 million), followed by Africa with 3.1 million. Women and children formulated more than 80% of the refugees. According to estimates in 1999, The top ten sending countries were: Palestine, Afghanistan, Iraq, Sierra Leone, Somalia, Sudan, Yugoslavia, Angola, Croatia, and Eritrea (Natalia Bendo Cofeter sited from 9)

Human rights are not exclusive to citizens or nationals, refugees also have the right for protection under human rights law, including socio-economic and cultural rights. There is a unit under the UNHCR that focuses on the issue of the protection of refugees in countries of asylum or "host countries", but it also discusses the impact of the socio-economic and cultural rights violations of refugee from their country. It also addresses the issue of the socio-economic and cultural rights protection of refugees fleeing to countries of asylum and on their return to country of origin.

Some rights and forms of legal protection for refugees with regard to socio-economic and cultural rights, are stated hereunder:

- International and regional conventions on refugees: such as the United Nations Convention for Refugees, the Convention of African Unity for African refugees and Cartagena Declaration on Refugees;
- International Convention for human rights, in particular the International Covenant on Economic Social and Cultural Rights;
- National Laws and Regulations.

International Protection for the Refugees' Economic, Social and Cultural Rights in the Host Countries

According to the United Nations Convention for refugees, socio-economic and cultural rights of refugees are not considered humanitarian aid but an obligation. Yet, but as will be demonstrated below, the United Nations Convention on the refugees does not contain but a limited amount of protection for these rights.

Thus, most of the articles of the United Nations Refugee Convention emphasize the equality in employment, entrepreneurship and social services for refugees. They should be given the best possible treatment as that of the non-citizens in the same circumstances. Restrictions do not apply on the employment of non-citizens refugees who have stayed in the host country more than three years, or married to citizens of the host country, or who have children carrying nationality of the country. Refugees who seek to engage in private businesses should also be given the best possible treatment, not less favorable than that given to normal citizens put in the same circumstances.

With regard to housing, education aspects that are subjected to the supervision of the public authorities, with the exception of primary education, the refugees should be granted the best possible treatment, so that it is not less than that provided to all other foreigners. Concerning primary education, general aid and the consumption of rare products, the refugees must be granted an even better treatment. It seems that the refugees are only allowed to practice the minimum basic protection of their economic, social and cultural rights in the same way as non-citizens in general. This seems to be the situation which completely consistent and the concern of the United Nations High Commissioner for Human Rights about the narrow interpretation of the term "refugee" applied by many countries. From a human rights perspective, the citizens or non-citizens, whether run away from persecution or armed conflict, or the risk of life-threatening or of extreme poverty, it is their right to enjoy a minimum of human rights and minimum standards treatment.

Domestic legislation Refugees in the host countries

Refugees as all citizens have the right to enjoy an adequate standard of living, including adequate food and appropriate shelter, in addition to physical and mental health. Therefore the first commitment from States according to the Refugees Conventions is not to send them back to their countries where they may face the risk of persecution. Therefore internationally it is considered as an alternative to the protection that should be provided by the state of nationality of the individual.

Natural disasters and other reasons put the refugees in a situation of the need of medical treatment, without money or source of livelihood, in addition to them not speaking the language of the host country and sometimes surrounded by rejection and hatred from these countries' citizens. They are particularly vulnerable to exploitation and violence during the period of their trip, as well as during their stay in the host country. In some other cases, the refugees lose the financial supporter of the family which symbolizes psychological suffering and enormous difficulties to them. We should not forget that about 80% of refugees in the world are women and the majority of them are widows and children. As noted in the United Nations High Commissioner for Human Rights being a refugee means more than a just foreigner. It means that he/she relies on others for basic needs such as food, clothing and shelter.

The refugees are not a homogeneous group, and their practical experiences and problems do vary from each other depending on their country of origin and their cultures. But no matter how different backgrounds and places where refugees are coming from, they always face the same problem, namely, that their economic, social and cultural rights are at risk. Most of the time, they may have limited opportunities for paid work, especially when the refugees camps are in remote and/ or poor areas in the host country. On the other hand, having refugees in one place may facilitate their access to food, education and medical services provided by the host country and/ or international organizations and non-governmental organizations.

In some parts of the world, as in many western countries, for example, refugees' lives are not restricted to the refugee camps, but they face the complex legal mechanisms to request refugee status, and get work permit, and take advantage of the services provided by the state in the host country. They also face linguistic problems which prevents their integration in the host country and limit their understanding of the systems. Other refugees suffer from health problems or psychological traumas that prevent them from finding a job that is suitable to their conditions.

Local protection for the refugees' economic, social and cultural rights

Economic, social and cultural rights of refugees can be protected through local legislation in the host country; including the constitutional provisions that often apply to citizens of the country and others; as well as national laws. In addition to the legal justification for the use of local legal provisions, it is very essential to deal with the social and economic needs within the economic, social and cultural rules of the host society. This may be an important tool to ensure the good treatment provided to all refugees and non- refugees.

In recent years, the flow of refugees especially to the least developed countries led these movements to exhaust the host countries economies, resources and environments to a large extent. Even in the developed countries, refugees are usually regarded as the reason behind the unacceptable financial burdens over host citizens.

There might be positive effects of hosting refugees, as in fact they might promote the economic, social rights and cultural life of the host community. Yet, conflicts may occur when governments differentiate between citizens and refugees in applying their rights.

The Literature Review Analysis

There is a narrow interpretation for the legal term "refugee", which affects their economic, social and cultural rights, according to international law.

Strong and inter-disciplinary approach should be legalized and implemented across borders with all stakeholders in the refugee's cycles. Those stakeholders are national governments, UN organizations (particularly UNHCR, UNEP, UNDP, IOM), the World Bank and INGOs in order to develop international rules and regulations binding to this.

In reality, there is no clear classifications for all refugees according to the real reason behind their migration either for political reasons or economical or social or even environmental beside it might be more than one reason at a time. This is one the challenges for the refuges typology and the dilemma of monitoring the dynamics of their mobility and settlement either in the by-pass or host countries. Since some countries in MENA region plays the role of pass country such as Egypt.

There is a need for a new convention or treaty to fulfill the gap between protection, security and social rights rather than governmental minimum basic needs taking into consideration the environmental aspects.

Conclusion

Ideally and legally, refugees should not remain refugees forever. They must eventually reach more stability in their legal status, either stability in the host country or in a third country, through the acquisition of nationality or to return voluntarily to their places of origin. While the United Nations Convention for refugees focus on acquires citizenship, the African Refugee Convention focused on voluntary return. But the focus is growing around the world on "temporary protection" of migrants for compelling reasons, and the desirability of voluntary return as this represents the best "lasting solution" to the issue of forced migration.

No longer has voluntary return of a realistic option only if the returnees will enjoy a degree of physical and economic security in their places of origin, or if they will return to a country, where respected for civil and political rights as well as their economic, social and cultural rights.

The realization of this fact led the United Nations High Commissioner for different visions of certain groups Refugees to engage in "development-related activities". The protection of economic, social and cultural rights of refugees as they are fleeing from their places of origin, they may decided or forced to return.

United Nations High Commissioner for Human Rights recently stated that refugees are at high risk of death due to lack of nutrition if they are back to their countries. It should be noted that the most fundamental right of protection for refugees is not to send them back to their countries of origin. Their return should be voluntary since they would be exposed to danger in case of failure to ensure their economic and social development rights. It has been detected that Nations High Commissioner United for Human Rights that "in many cases, refugees may be forced to leave because of the degrading conditions of life imposed on them in the host countries.''.

So, in real life, refugees may be forced to return by force due to lack of a minimum of the basics of living in these counties which may cause them to leave; even if these contraries signed the agreements of refugees. The international protection for some individuals is as a substitute for the protection that is supposed to be given from their own countries. The protection of economic, social and cultural rights of refugees, representing a matter of serious concern, and the best means of dealing with this issue is to be dealt with it within the framework of refugee law and international guarantees of the National Human Rights Commission. Social and economic assistance provided to refugees as Humanitarian aid granted from the host governments as charity aids even though it is the refugees legal right.

Due to the challenge of multi-causality of Migration and displacements, it is extremely important to develop and defend methodology for calculate number of climate migrants/environmental refugees and a need for typologies of displacement and mapping in order to identify their basic needs and fulfill their expectations in the host countries.

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