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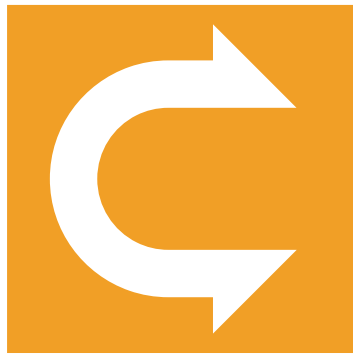
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Climate Refugees and Accountability

Katrina Wanner

Abstract

The adverse effects of climate change are destroying communities. Rising sea levels, extreme weather events, and changing weather patterns are drastically threatening the living conditions and the livelihoods of people globally, forcing them to flee their homes and become “climate refugees.” Although there are many contributors to the perpetuation of climate change, including governments, corporations and individuals, this research focuses on the role of multinational enterprises, some of whom are large carbon emitters. Should they be held accountable for their direct and slow-onset contributions to the displacement of people, and if so, to what extent?

This project analyzes the current accountability mechanisms as outlined in the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises to determine whether these guidelines are effective, and where they suggest responsibility should fall. Climate activists as well as non-climate activists were interviewed in order to analyze their interpretations of the current guidelines and their views on corporate responsibility. This determined what changes should be made to the guidelines, if any, and why accountability for climate related displacement is so contentious. As climate change becomes an increasingly urgent issue with more and more people displaced, public opinion will play a substantial role in protecting the rights of climate refugees and in determining whether the existing guidelines are effective.

Introduction

The adverse effects of climate change are destroying communities. Changes in the environment can cause climate induced migration in many forms, forcing people to flee their homes and become “climate refugees.” For example, wildfires have been increasingly prevalent in the Pacific Northwest and California which has led agricultural communities to face hardship as a result of soil erosion and loss of soil fertility. Water pollution occurs globally and contaminates fresh water sources that communities depend upon for drinking and cooking. Desertification, which is common in Africa’s Sahel region, has created a lack of vegetation and loss of arable land (Broswimmer, 2002). Most importantly, rising sea levels have devastated many low-lying countries through flooding, and will continue to impact many coastal communities around the world (OECD, 2020). While there are many ways in which climate change contributes to the displacement of people, these environmental phenomena often function as threat multipliers meaning that they amplify the already existing hardships communities face. Often, the regions most detrimentally affected by climate change are those with fewer resources and are exploited by large corporations that operate transnationally. Large scale enterprises are known to not only “pursue profits in low-wage markets but also seek to escape the tighter regulatory frameworks of the global North, thus greatly accelerating the destruction of ecosystems and biodiversity in the global South” (Broswimmer, 2002). By evading regulatory frameworks, multinational enterprises are able to increase their greenhouse gas emissions and avoid climate sensitive regulations. Many companies utilize fossil fuels, generate toxic waste and create deforestation in communities to maximize profits. The result of these actions is that communities are forced to face the consequences of these actions such as displacement from sea level rise, poor air quality, and the contamination of water sources. As a result, many vulnerable communities in the global South are affected strongly by global warming’s effects and the actions of multinational corporations.

Under international law, people displaced from climate change are currently not protected as refugees, so being displaced from climate change is not currently an accepted qualification for refugee status. As defined in Article 1 Section A of the *1951 Convention Relating to the Status of Refugees*, refugees are people who are outside their country of nationality “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UN General Assembly, 1951). As a result, “climate refugees” are not officially recognized by the UN under international law, but for the purposes of this project I will refer to “climate refugees” synonymously with “people displaced from climate change,” and “climate-induced migrants.”

Assigning responsibility for climate induced migration is difficult considering that various actors perpetuate climate change. Such actors include individuals, governments, states, nations, and enterprises. The scope of this research focuses mainly on the environmental impacts of multinational enterprises. These transnational corporations currently have little environmental accountability leaving climate refugees particularly vulnerable and susceptible to human rights violations (Broswimmer, 2002). This led to the research question: to what extent should multinational enterprises be held accountable for their direct and slow-onset contributions to climate-induced migration? Slow-onset effects include gradual sea level rise, global warming and other long-term climatic changes. To answer this question, a literature review examines current international mechanisms and determines how to effectively protect the rights of climate refugees. Additionally, people’s perceptions on the role of enterprises in the displacement of people were

analyzed. The result of this analysis was that all participants found multinational enterprises should be held accountable for their contributions to climate change and the displacement of people. This accountability should be enforced through a combination of international regulations and incentives.

Research Methods

This research was gathered through semi-structured interviews with fourteen individuals. Seven of the interviewees were climate activists, and seven were non-climate activists. In this case, a climate activist is defined as a person who is involved with a climate action organization. The semi-structured interviews consisted of the same questions being asked to each participant, but allowed for conversational elements such as follow-up questions specific to each interview. The goal of these interviews was to gather a wide variety of perspectives on what protections should be extended to climate refugees, and the role that multinational enterprises play in perpetuating displacement.

This sample of interviewees was gathered on a volunteer basis, and participants were contacted based on their involvement with various organizations. Twelve of the interviewees were either students at the University of California San Diego (UCSD) located in La Jolla, California or students at the Pennsylvania State University (PSU) located in State College, Pennsylvania and were involved with student organizations. Some examples of the clubs students were involved in include the College Democrats, College Republicans, Collegiate Farm Bureau, Agribusiness Management Club, the Sustainability Collective, and the Sustainable Leadership Council. One participant was a professor involved in climate justice campaigns, and another interviewee was a local farm owner in Southwestern Pennsylvania.

The interview questions asked pertained to their opinions on climate change, the displacement of people, and the efficacy of international mechanisms that regulate human rights protections and sustainability within multinational enterprises. Specifically, the OECD *Guidelines for Multinational Enterprises* were referenced as an example of a soft law instrument that provides regulatory advice for multinational corporations.

Role of Multinational Enterprises and International Regulations

With the prevalence of capitalism and rise of neoliberalism, more power and influence has been placed in the hands of multinational enterprises. This is because “many mega-corporations command more economic power than do the majority of states, and they dominate the political processes of nearly all states” (Broszimmer, 2002). The development of technology and globalization has thus enabled enterprises to operate transnationally and to become a major international actor. This allows them to produce and distribute products for maximum profit. As a result, profit is often prioritized at the expense of the environment. According to *The Guardian*, 100 companies have sourced more than 70% of global greenhouse gas emissions since 1988 (Riley, 2017). Over time, the environmental impact of these corporations has grown dramatically as they operate on larger scales. The fact that relatively few corporations are responsible for such a vast amount of greenhouse gas emissions shows that with proper regulation these emissions may be feasible to manage. Other scholars have noted that “of the world’s 100 largest economic systems, 47 are corporations, each with more wealth than any of 130 countries. Indeed, only 17 countries

can boast a higher GDP than General Motors” (Broswimmer, 2002). This illustrates the vast amount of wealth that some multinational corporations have. Only a handful of enterprises each produce more wealth than one hundred thirty of the world’s one-hundred ninety-five countries. In sum, not only do these corporations contribute significantly to the climate crisis, but they also have exorbitant amounts of wealth that could be used towards minimizing the future detriments of their practices.

The substantial wealth acquired by multinational enterprises yields power and political influence which can make regulating these corporations extremely difficult. Currently, there are no legally binding international regulations for transnational corporations (Duruigbo, 2008). There are national and regional laws that may be implemented to regulate the emissions of corporations operating within states, but “multilateral treaties generally impose obligations on *states*, not on *companies*” (Kamminga, 2004). Given that the burden is on the state, when these regulations are implemented corporations often change their production location or outsource to states where there are less regulations. This leads enterprises to adopt a transnational and hierarchical structure that disperses accountability, and widens their sphere of influence. Some nations may be able to effectively pass regulations for the carbon emissions of multinational corporations, but other states may either be unwilling or unable to do so (Kamminga, 2004). In countries where there is weak governance, corporations may already have significant influence over national politics and prevent new legislation from being implemented. In other instances, states may be unwilling to pass new regulations given that the business of multinational enterprises makes the state economy more competitive in the global and local markets.

The lack of internationally binding regulations for multinational enterprises is a problem seeing as while corporations are growing in size and wealth, their environmental impact is increasing. This is because the growth of multinational enterprises “relies heavily on energy-intensive, capital-intensive technology, leading to a more rapid depletion of high-quality energy sources and other natural resources, and to ever larger amounts of waste being dumped into the environment” (Broswimmer, 2002). This illustrates the need for strict regulatory processes, but passing hard laws can be difficult because “in the case of activities which are part of economically beneficial processes, prohibition may be politically and economically impractical” (Teclaff, 1994). As a result, there has been a reliance on soft law instruments to regulate the environmental impacts of multinational enterprises which consist of non-legally binding instruments such as guidelines and declarations.

One example of a soft law instrument is the *Guidelines for Multinational Enterprises* provided by the Organization for Economic Cooperation and Development (OECD). The OECD is an international organization with thirty-eight member states including Austria, Australia, Belgium, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The *Guidelines for Multinational Enterprises* only apply to corporations operating within those thirty eight member countries. These non-binding standards are thus not implemented across the world. The guidelines serve as a list of recommendations for the sustainable business practices that corporations should implement (Rubin et al., 1976). The *Guidelines for Multinational Enterprises* also describe expectations relating to human rights, employment, environment, bribery, consumer

interests, science and technology, competition and taxation. For the purposes of this project, this research focuses primarily on the guidelines pertaining to the environmental and human rights expectations for corporations. One example of an OECD guideline is Article 6 which states:

Multinational enterprises should continually improve corporate environmental performance, at the level of the enterprise and of its supply chain, by encouraging:

- a) adoption of technologies and operating procedures that reflect standards concerning environmental performance;
- b) development of products or services that have no undue environmental impacts; are safe in their intended use; reduce greenhouse gas emissions; are efficient in their consumption of energy and natural resources; can be reused, recycled, or disposed of safely;
- c) promoting higher levels of awareness among customers of the environmental implications of using the products and services of the enterprise by providing accurate information on their products; and
- d) exploring and assessing ways of improving the environmental performance of the enterprise over the longer term, for instance by developing strategies for emission reduction, or efficient resource utilisation and recycling (OECD, 2011).

For this research interviews were conducted to determine public opinion on these issues and the efficacy of the OECD guidelines. The interviewees were provided information about the OECD and Article 6 was specifically discussed as an example of an international regulatory mechanism.

Interviews

In order to assess public perception regarding corporate accountability for climate change and the displacement of people, both climate activists as well as non-climate activists were interviewed. Their opinions and experiences with climate induced displacement and their thoughts on the OECD guidelines were discussed.

To assess the knowledge level of the people being interviewed, the participants were asked how well informed they considered themselves on climate issues. Six people considered themselves to be an 8/10 on a scale from 1 (not very well informed) to 10 (very well informed). Five people ranked themselves a 7/10 or below, while two considered themselves a 9/10 or above. Their responses establish how their knowledge may affect their opinions on climate induced displacement. Figure 1 illustrates their responses.

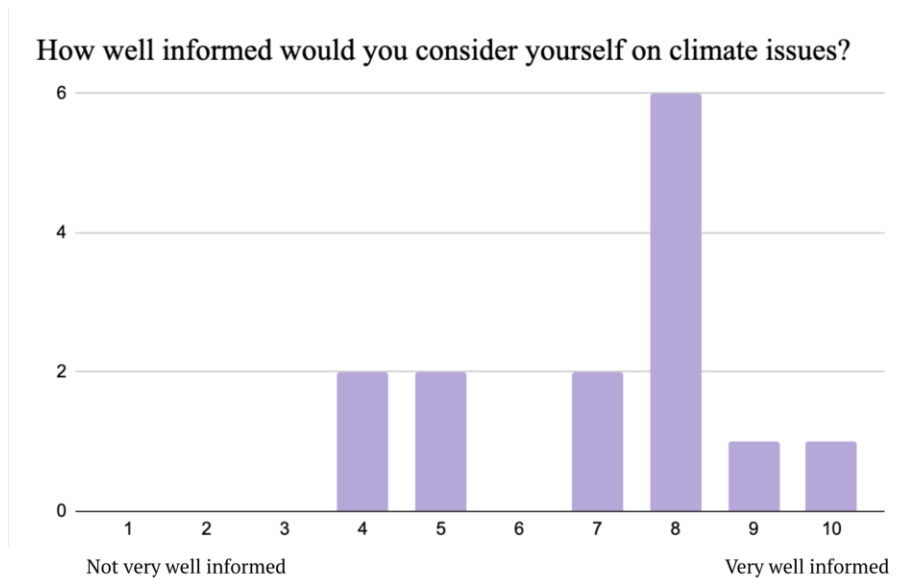


Figure 1: Responses to the question “How well informed would you consider yourself on climate issues?”

After assessing their knowledge level, participants were asked how urgent they consider climate change. Given that half of the participants were non-climate activists, variations in the responses were expected. Regardless of political opinion, the interviewees considered climate change an extremely urgent issue with nine participants rating the urgency at a 10/10.

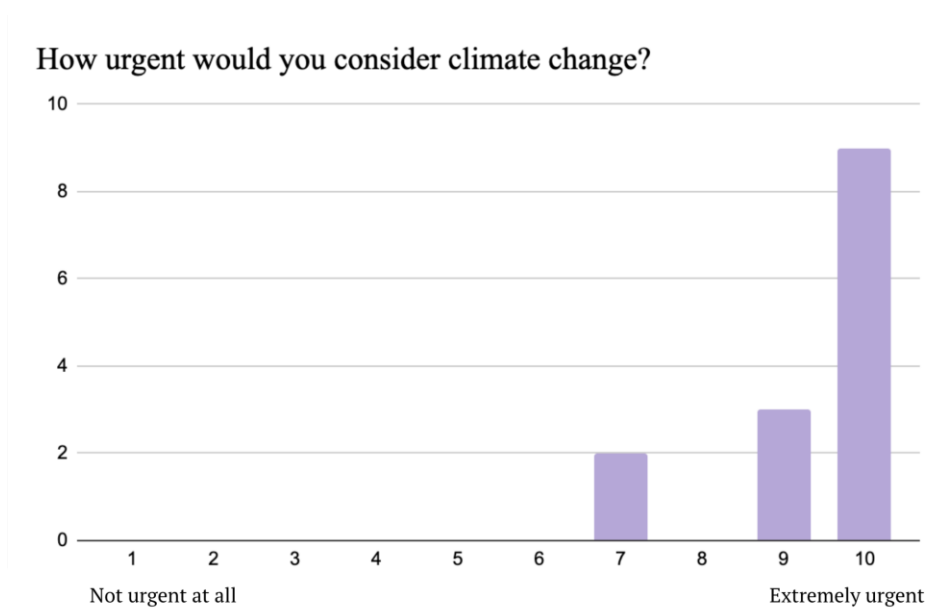


Figure 2: Responses to the question “How urgent would you consider climate change?”

Then, the topic of climate refugees was discussed and the ways that people become displaced from climate change. In all interviews, the participants recognized that climate induced migration will become an increasingly prevalent problem if there is little effort to combat climate change. Many respondents had already experienced some form of climate induced displacement themselves or among people they know from natural disasters. This led to the question of how urgent they considered the displacement of people from climate change. Most respondents ranked climate induced migration as an urgent issue, but slightly less pressing in comparison to climate change as a whole. The perception of climate migration as less urgent was due to respondents thinking it is not an imminent problem, but that in the future it will become more important. Some outliers ranked climate induced migration as not urgent at all based on their experiences within their own community where they are relatively unaffected by climate change.

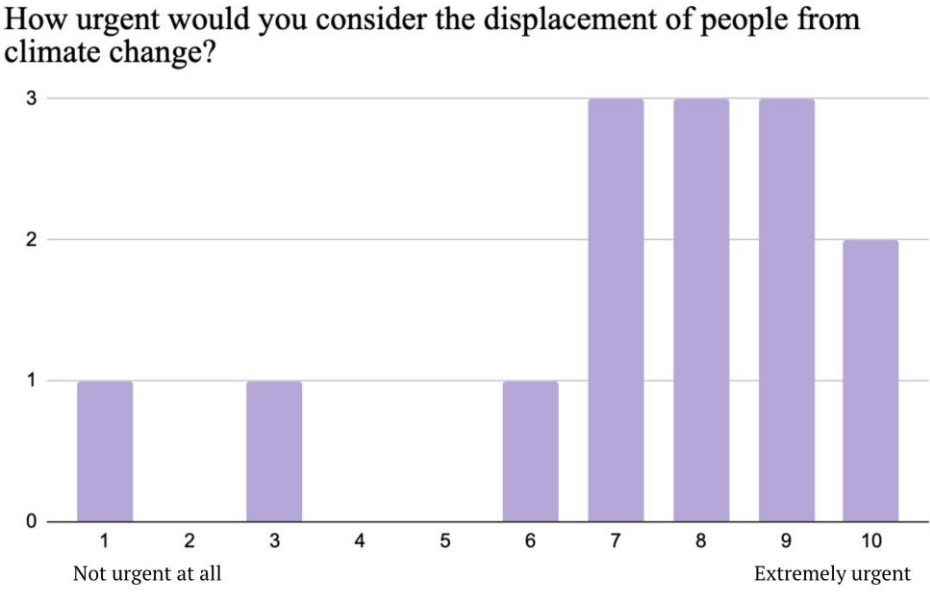


Figure 3: Responses to the question “How urgent would you consider the displacement of people from climate change?”

After establishing the urgency of climate change and climate induced migration, the OECD *Guidelines for Multinational Enterprises* were discussed and how effective they are in implementing sustainable practices among corporations. The general consensus was that the guidelines are ideal in principle, but that their non-binding status prevents them from being constructively implemented. When asked how effective the interviewees found current laws and guidelines in addressing climate change and climate induced migration, the ratings were very low. On a scale from 1 (extremely ineffective) to 10 (extremely effective), thirteen out of fourteen (92.9%) respondents rated the guidelines as 5/10 or less. Most respondents found that the guidelines set an agreeable standard for sustainability and ethical business conduct, but that without an enforcement mechanism they would be rendered futile. Overall, there was little faith that multinational enterprises would make sustainable changes to their business based on this non-binding set of guidelines. Across a variety of political opinions, regions in the United States, and levels of involvement in climate activism, there was a general consensus that the urgency of climate change is extremely high, while the efficacy of current regulations is inadequate.

How well equipped do you think current laws and guidelines are for addressing climate change and climate induced migration?

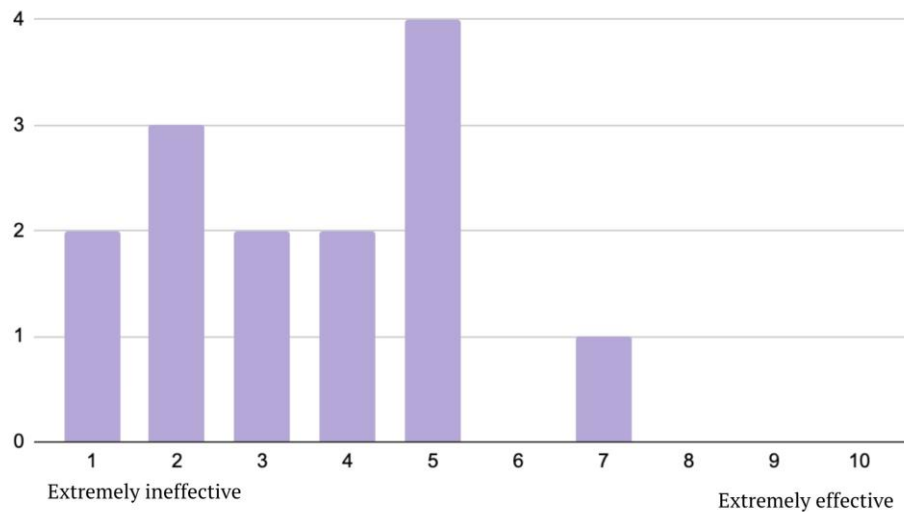


Figure 4: Responses to the question “How well equipped do you think current laws and guidelines are for addressing climate change and climate induced migration?”

A major trend among the interviews was the view that responsibility for climate induced displacement should fall on multinational enterprises. In instances where multinational corporations contribute to the direct displacement of people, such as oil spills, all participants found that enterprises should be held accountable. When it comes to direct displacement responsibility is relatively simple to identify. In contrast, slow onset or indirect displacement is more difficult to pinpoint. An example of how multinational enterprises contribute to slow onset displacement is through the emission of greenhouse gasses which exacerbates climate change, and then results in the gradual rise of sea level that displaces communities. With the slow-onset effects of climate change, multinational enterprises are further removed from the actual displacement of people and the causal relationship is less clear. When asking participants about accountability for slow-onset climate induced migration, most interviewees maintained that multinational enterprises should be liable. Given the extensive wealth of these corporations, participants thought that providing reparations for the relocation of climate refugees would simply be “one drop in the bucket” for the transnational enterprises. In this way, large corporations are much better equipped to provide compensation for climate refugees as opposed to individual states who may lack the resources needed.

Solutions

Based on the information gathered from this fieldwork, there are two proposed solutions for holding multinational corporations accountable: regulations and incentives. Eleven out of fourteen (78.6%) interviewees found that both regulations and incentives should be leveraged against multinational enterprises to ensure the human rights protection of climate refugees. Regulations would consist of legislation on the international level to monitor and limit the carbon emissions and environmental impacts of multinational corporations. All interviewees also condoned increased

finances and punitive punishments for violations of international expectations for sustainability and human rights standards. Potential regulations would additionally hold corporations liable for providing reparations or alternate housing to displaced people. To implement these regulations many participants agreed that international organizations such as the UN or the OECD should be given more enforcement power for their current soft law standards. One way to enable enforcement would be to make the current recommendations of the *Guidelines for Multinational Enterprises* legally binding to ensure their efficacy.

The second way to hold corporations accountable and prevent their environmental and human rights violations would be to provide them with incentives. Given that corporations are predominantly driven by profit, incentives may be a successful form of motivation. Examples include tax breaks for sustainable alternatives to business practices, or carbon taxes on greenhouse gas emissions. Carbon taxes require companies to pay a fee per ton of greenhouse gases they emit (Center for Climate and Energy Solutions). This will economically incentivize companies to lower their greenhouse gas emissions. As of 2021, “There are currently 27 countries with a carbon tax implemented: Argentina, Canada, Chile, China, Colombia, Denmark, the European Union (27 countries), Japan, Kazakhstan, Korea, Mexico, New Zealand, Norway, Singapore, South Africa, Sweden, the UK, and Ukraine” (Lai, 2021). In many more countries carbon taxes are being considered or have been scheduled for implementation.

Three out of fourteen (21.4%) interviewees supported the accountability mechanism of only incentives as opposed to regulations. These individuals believed that there should be less state interference within businesses and the economy because it would restrict the profit within individual countries. Even though state regulations were opposed by a few interviewees, these individuals were open to the involvement of an international governing body. The participants did not support limitations for their country’s businesses that other countries were not also subjected to. As a result, international regulations were perceived as preferable seeing as they would affect a larger span of countries as opposed to “restricting” individual states.

It is important to note that the difference between those who supported both regulations and incentives as opposed to those who only preferred incentives did not depend on age, location or political affiliation. In general, there were both conservatives and liberals who were in favor of both regulations and incentives because they had been personally affected by or familiar with climate induced migration. The common factor between the individuals who only supported incentives was that they lacked personal experience with the adverse effects of climate change. Even individuals who were non-activists and considered themselves not very well informed on climate issues still supported both solutions. This is because they had seen the direct impacts of climate change within their own communities. As a result, the differences in opinion regarding potential solutions reflect the variation of life experience between individuals.

Future considerations and Conclusion

In conclusion, this research assesses the impacts that multinational enterprises have on the environment and the international mechanisms in place for regulating the effects of these corporations on the environment. Public opinion was analyzed in order to determine the efficacy of international mechanisms like the OECD, and where accountability for climate induced displacement should lie. Interviewing individuals with a wide variety of interests gave valuable

insight to how people perceive the climate crisis and climate refugees. These opinions are important to consider seeing as every individual has power as both a voter and as a consumer. It should be noted that this sample of interviewees was gathered voluntarily. The participants were not randomly selected and were primarily located in Pennsylvania and California, so their opinions cannot be generalized to represent those of the entire population. Future research should account for an even wider variety of perspectives and individuals from different backgrounds to determine what specific types of regulations and incentives could be implemented.

This small scale research demonstrates the benefit of facilitating conversations surrounding accountability for climate induced migration, and justifies why there is value in conducting a larger scale project. This initial fieldwork demonstrates the commonalities of opinion that different people share with regard to corporate responsibility and the environment. The question of accountability for climate change is extremely complex, but with climate refugees being displaced at surging rates an effective solution must be established to protect their human rights.

Based on this research, multinational enterprises must take more responsibility for their impact on the environment, and for the resulting displacement of people from immediate and slow-onset effects like oil spills and sea level rise. Despite the polarization of today's society, it was agreed upon that regulations and incentives are potential solutions to be implemented in order to regulate the compliance of multinational enterprises with international agreements, protect climate refugees, and combat climate change.

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