



**PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN**  
**ASSEMBLEE PARLEMENTAIRE DE LA MEDITERRANEE**  
**الجمعية البرلمانية للبحر الأبيض المتوسط**

**3<sup>rd</sup> Standing Committee on Dialogue among Civilizations  
and on Human Rights**

**Special Task Force on Migrations in the Mediterranean**

**Forced Migration**

**Rapporteur : Hon. Mahmoud Muhaidat (Jordan)**

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during its 4<sup>th</sup> meeting on 26 June 2009 in Lisbon*

**I. Attempt to define Forced Migration and its causes**

The International Association for the Study of Forced Migration (IASFM) describes **Forced Migration** as ‘a general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects)’. **Oxford University** (UK) has established the below 3 categories of forced migration depending on the causes that led to forced migration in the first place:

**A. Conflict-Induced Displacement**

People who are forced to flee their homes for one or more of the following reasons and where the State authorities are unable or unwilling to protect them: armed conflict including civil war; widespread violence; and persecution on the grounds of nationality, race, religion, political opinion or social group.

A large proportion of these displaced people will flee across international borders in search of refuge. Some of them may seek asylum under international law, whereas others may prefer to remain anonymous, perhaps fearing that they may not be granted asylum and will be returned to the country from whence they fled.

The most important international organization with responsibility for refugees is the United Nations High Commissioner for Refugees (UNHCR). Under the 1951 UN Refugee Convention, the UNHCR is mandated to provide protection and assistance to refugees. However, one group of refugees does not come under the mandate of UNHCR. These are Palestinian refugees in the Middle East, who come under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

## **B. Development-Induced Displacement**

People who are compelled to move away from their homes as a result of policies and projects implemented to supposedly enhance 'development'. Examples of this include large-scale infrastructure projects such as dams, roads, ports, airports; urban clearance initiatives; mining and deforestation; and the introduction of conservation parks/reserves and biosphere projects.

Affected people usually remain within the borders of their home country. Although some are resettled, evidence clearly shows that very few of them are adequately compensated. While there are guidelines on resettlement for affected populations produced by some major donors to these types of projects, such as the World Bank, there continues to be inadequate access to compensation. This tends to be the responsibility of host governments, and interventions from outside are often deemed inappropriate.

## **C. Disaster-Induced Displacement**

This category includes people displaced as a result of natural disasters (floods, volcanic eruptions, landslides and earthquakes), environmental change (deforestation, desertification, land degradation, global warming) and man-made disasters (industrial accidents, radioactivity etc...).

Estimating trends and global figures on people displaced by disasters is even more disputed and problematic than for the other two categories. Several international organizations provide assistance to those affected by disasters, including the International Federation of the Red Cross and Red Crescent Societies, and the World Food Programme. Many NGOs (international and local) also provide assistance to affected people. However, full protection of rights of this category of people is being hampered by the lack of recognition of their legal status.

## **II. How to categorize « forced migrants »?**

No pre-defined and established categories *per se* exist to encompass forced migrants. Instead, they fall under the current existing legal categories recognized in domestic and international law.

### **A. Refugees**

The term '**refugee**' has a long history of usage to describe 'a person who has sought refuge' in broad and non-specific terms. However, there is also a legal definition of a refugee, which is enshrined in the 1951 United Nations Convention Relating to the Status of Refugees. Article 1 of the Convention defines a refugee as a person residing outside his or her country of nationality, who is unable or unwilling to return because of a 'well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion'. Some 150 of the world's 200 or so states have undertaken to protect refugees and not return them to a country where they may be persecuted, by signing the 1951 Refugee Convention and/or its 1967 Protocol.

**Those recognized as refugees are better off than other forced migrants, in that they have a clear legal status and are entitled to the protection of the UNHCR.**

## **B. Asylum seekers**

**Asylum seekers** are people who have moved across an international border in search of protection under the 1951 Refugee Convention, but whose claim for refugee status has not yet been determined. Recently asylum seekers have been labeled ‘economic refugees’ and ‘bogus asylum seekers’.

## **C. Internally Displaced Persons**

The most widely used definition of internally displaced persons (IDPs) is one presented in a 1992 report of the Secretary-General of the United Nations, which identifies them as ‘**persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country.**’

Sometimes referred to as ‘internal refugees’, these people are in similar need of protection and assistance as refugees are but they do not have the same legal and institutional support as those who have managed to cross an international border. There is no specifically-mandated body to provide assistance to IDPs, as there is with refugees. Although they are guaranteed certain basic rights under international humanitarian law (the Geneva Conventions), ensuring these rights are secured is often the responsibility of authorities which were responsible for their displacement in the first place, or ones that are unable or unwilling to do so.

## **D. Development displacees**

As mentioned earlier, people who are compelled to move away from their homes as a result of policies and projects implemented to supposedly enhance ‘development’ usually remain within the borders of their country. People displaced in this way are sometimes also referred to as ‘oustees’, ‘involuntarily displaced’ or ‘involuntarily resettled’.

## **E. Environmental and disaster displacees**

Sometimes referred to ‘environmental refugees’ or ‘disaster refugees’, in fact most of those displaced by environmental factors or disasters do not leave the borders of their homeland. This category includes people displaced as a result of natural disasters (floods, volcanoes, landslides, earthquakes), environmental change (deforestation, desertification, land degradation, global warming) and human-made disasters (industrial accidents, radioactivity). The PAM adopted a declaration calling for the status of “Environmental refugee” to be recognized in international law at its IV Plenary session in November 2008 (Monaco).

## **F. Smuggled people**

Smuggled migrants are moved illegally for profit. They are partners, however unequal, in a commercial transaction. This is not to say that the practice is not without substantial exploitation and danger. People who think they are being smuggled may run the risk of actually being trafficked (see below). And even if they are not, their personal safety and well-being on their journey and after arrival are not necessarily the smugglers’ top priority. Smuggled migrants may

include those who have been forcibly displaced as well as those who have left their homeland in search of better economic and social opportunities. The motivations are often mixed. As the borders to favoured destination countries have become increasingly strengthened to resist the entry of asylum seekers, migrants of all kinds have increasingly drawn upon the services of smugglers.

## **G. Exploitation of people**

These are people who are moved by deception or coercion for the purposes of exploitation. The profit in trafficking people comes not from their movement, but from the sale of their sexual services or labour in the country of destination. The trafficked person may be physically prevented from leaving, or be bound by debt or threat of violence to themselves or their family in their country of origin. Like smuggling, by its very clandestine nature, figures on the number of people being trafficked are extremely difficult to obtain.

## **III. Suggested future PAM areas of study and action:**

- Establish a clear picture of forced migration in the Mediterranean region (country of origin / country of transit and country of destination),
- Get a clear understanding of the reasons leading to forced migration (conflict, economic development, disaster/environmental-driven);
- Are “forced migrants” uprooted temporarily or for an indefinite period of time? Why?;
- Raise awareness at regional level of the situation of forced migrants;
- Contribute to an agreement on a common international definition of environmental refugees and that of displaced people;
- Reflect and debate on the dilemma of creating a specific legal instrument (new convention) within the framework of the United Nations on environmental refugees or modifying the 1951 Refugee Convention:
- Exchange best practices among PAM countries which are also host countries on general policies towards “forced migrants”;
- Collaborate and share information with other regional parliaments and with international organizations involved in forced migration; Act as a platform to share practices and share information in the field among PAM countries;
- Schedule a Task Force meeting in 2010 with representatives of the “forced migrants” communities and representatives of the governments of the host countries within the PAM region; Invite civil society to attend and contribute.