

## Global Displacement in the 21<sup>st</sup> Century: Towards an Ethical Framework<sup>1</sup>

### Abstract

A body of work has emerged in political philosophy which can be termed ‘the ethics of migration’. Within that literature, there has been an increased focus on issues of displacement and protection which reflects practical concerns in the wider world. However, that focus has been predominantly upon refugees and asylum seekers and the ethical questions and challenges raised by their needs for protection. In this paper I argue that this leaves out many other issues, such as disaster-related and development-related displacements. However, addressing this absence cannot be an act of ‘gap-filling’. Rather, political philosophers who wish to address this wider understanding of displacement in their work need to draw upon and learn from other fields, disciplines and perspectives in ways that may radically disrupt and reform how the ethics of protection should be approached. In this paper I take some preliminary steps in exploring what an ethical framework for displacement might look like, by providing some of the elements of a groundwork for this project.

Key words:

Displacement, Protection, Ethics of Migration, Ethics of Displacement, Refugees

### Part 1: Introduction

In this paper I examine the ethics of displacement and protection in the context of political philosophy, and specifically a body of work that focusses on the ethics of migration. While this work does address questions of displacement, its focus is predominantly upon refugees and asylum seekers and the ethical questions and challenges raised by their needs for protection. This is to neglect many other issues, such as disaster-related and development-

related displacements. I argue, however, that addressing this cannot be an act of ‘gap-filling’. Rather, political philosophers who wish to address this wider understanding of displacement in their work need to draw upon and learn from other fields, disciplines and perspectives in ways that may radically disrupt and reform how the ethics of protection should be approached. In this paper I take some preliminary steps in exploring what an ethical framework for displacement might look like, by providing some of the elements of a groundwork for this project. The paper is, therefore, largely exploratory; raising questions without necessarily answering them and identifying challenges without necessarily meeting them. The way forward, I suggest, is to make connections across the body of work that has already been done across those different fields, disciplines and perspectives, in the hope that innovative work can be produced that moves us towards a new ethical framework for displacement.

In Part 2 of the paper, I explain why I think a new ethical framework is needed here. In Part 3, I explore the challenges of interdisciplinarity for the project. In Part 4, I look at the scope of international protection and its boundaries and expose some of the fault lines in that system that open up space for a critical examination of its limits. In Part 5, I examine the concept of forced displacement and suggest how it should be understood in this ethical project. Finally, in Part 6, I suggest ways of taking this project forward, by moving towards establishing the new ethical framework on displacement.

## Part 2: Need for a Framework

The subject of migration has been an increasingly important one in political philosophy, with a body of writing that we might characterise as the ethics of migration emerging over the last 30 years. Joseph Caren’s essay, ‘Aliens and Citizens: The Case for Open Borders’, published in 1987, marks the beginning of migration being put forward as a serious ethical issue that

Political Philosophy needed to address (Carens 1987). My monograph, *Philosophies of Exclusion: Liberal Political Theory and Immigration* appeared in 2000 (Cole 2000), and the ethics of migration has now expanded into one of the most vital areas of normative political philosophy, with the most recent full-length treatments – Carens’s *The Ethics of Immigration* (2013) and David Miller’s *Strangers in Our Midst: The Political Philosophy of Immigration* (2016) – gaining a great deal of attention. This growth in importance of the issues of membership and migration in political philosophy reflects the growing importance of these issues in global politics. The question of displacement has, at the same time, emerged as a sub-field of the ethics of migration (for important recent contributions see Owen 2018 and 2020; Fine 2019; Miller and Straehle 2019; and Parekh 2017). Again this is an important development for political philosophy, given the rising tensions around the world around displaced people and their rights and needs, and the outright hostility in much political and media discourse about refugees and asylum seekers.

However, the focus on displacement and the ethics of protection within this field has predominantly been on refugees and asylum, while other forms of displacement are taking place around the world that receive comparatively little attention, not only in political philosophy but also in public discourse about displacement. Climate change displacement is beginning to be recognised as an issue<sup>2</sup> and work in political philosophy on environmental displacement has appeared (for example, Lister 2014). However, little work has been done on other issues such as internal displacement or displacement caused by development projects. I do not say this as a criticism of any of the theorists working on displacement, as they are addressing key questions in original and valuable ways. What I am indicating here is a gap in the literature, not a gap in any particular theorist’s thinking. For the purposes of this paper I take the displaced to be any person who is forced or obliged to leave their home or habitual place of residence. This includes not only refugees and those seeking asylum, but also people

displaced internally by persecution or conflict and violence and those displaced by disasters, climate change events, development projects – including those displaced by what has become known as ‘gentrification’ in major cities around the world as well as by infrastructure development projects<sup>3</sup> and by extreme poverty. However, rather than define the scope of ‘displaced people’ in terms of a long list of causes, which may grow longer as the paper progresses, we could summarise this as displacement that has political, social, cultural, economic or disaster-related dimensions, allowing that more than one of these dimensions can be in play for any particular displacement. On the one hand, Jane McAdam makes the suggestion that we should perhaps focus ‘on the *needs* and *rights* of the displaced irrespective of the cause’ (McAdam 2012, 240), and I have a great deal of sympathy with this idea. On the other hand, the specific causes, or nexus of causes, behind a specific displacement may give rise to specific needs and rights, and so, while they should not *define* displaced people, they remain an important part of our focus.

The fact that discussion of the ethics of protection in this field focusses predominantly on refugees and asylum seekers contrasts with the data on displaced peoples, where those who count as refugees in international law are in a significant minority. According to the latest data available at the time of writing, the Office of the High Commissioner for Refugees (UNHCR) estimates that there are 70.8 million forcibly displaced people throughout the world, 25.9 million of whom are registered as refugees, 3.5 million are considered to be asylum seekers, and 41.3 million are internally displaced (<https://www.unhcr.org/uk/figures-at-a-glance.html>: accessed May 21, 2020). However, the UNHCR defines forcibly displaced people as those forced to leave their homes because of armed conflict, generalized violence or human rights violations.<sup>4</sup> Others would argue that displacement should be understood more widely. For example, the Internal Displacement Monitoring Centre (IDMC) takes a wider count than the UNHCR. Its 2020 report estimated that 33.4 million people were newly

displaced during 2019, the highest figure since 2010 (IDMC 2020). Of those, 8.5 million were displaced by conflict and violence, and 24.9 million – three quarters of the total – by disasters, 23.9 million of which were weather-related. Weather-related causes of displacement include storms, cyclones and hurricanes, which were the major contributors, as well as wildfires, droughts, landslides and extreme temperatures (this last factor displaced 24,500 people in 2019). Nonweather-related causes were volcanic eruptions and earthquakes. The IDMC's estimate of the total number of people who were in a condition of internal displacement in 2019 was 50.8 million. Conflict and violence accounted for 45.8 million of those, and disasters accounted for 5.1 million. The latter figures are the IDMC's first ever estimate of the total number of people in the world who have been internally displaced because of disasters (the Centre has previously declined to offer an estimate because of the complexities behind arriving at a number, but now feel they have the methodologies to deliver one). About 90% of this total were displaced during 2019, while the other 10% were displaced in previous years but remain in that condition – for example 33,000 people in Haiti were still displaced after the 2010 earthquake (IDMC 2020, 12). The IDMC comments: 'The overall figure is an underestimate, because little data is collected on how long people are displaced for following disasters.' There is an assumption that internally displaced people return to their homes soon after disasters. However: 'The reality is often more complex' (IDMC 2020, 12).

If we include people displaced by development projects, this adds many more millions to the total. Christopher McDowell suggests that between 280 million and 300 million people have been displaced and involuntarily settled over the past 20 years – 55 million a year – because of public and private infrastructure development projects (McDowell 2014, 333), and comments that 'this number is likely to be a significant underestimate' because of under-reporting (340). If we include cross-border displacements of these types in addition to

internal ones, and also consider the idea of severe economic deprivation causing what Alexander Betts has described as ‘survival migration’ (Betts 2013), then the number of forcibly displaced people in the world becomes difficult to estimate but far bigger than any of the numbers mentioned here so far.

My argument in this paper is that normative political philosophy, when it focusses on displacement, needs to embrace the wider conception of displaced people I have described. The purpose of this paper is to suggest the groundwork needed for such an ethical framework rather than to arrive at a fully-worked out version. However, it might be asked why it is necessary that political philosophers, who write about the ethics of migration, and displacement issues, in particular, embrace this wider perspective? The fact is that these other forms of displacement *have* received extensive consideration elsewhere. For example, the issue of displacement has been discussed by geographers and economists for many decades, and this includes consideration of the ethical dimensions of this kind of displacement (see McDowell 2014; Oliver-Smith and Hansen 1982; and Cernea 1990). Indeed, those working on the philosophy of development have put those ethical dimensions to the fore (see Penz, Drydyk and Bose 2019). Similarly, there is an extensive body of work on internal displacement, which again fully discusses questions of ethics and rights (see Kälin 2014; Mooney 2005; and Weiss 2003). Why not simply accept a ‘division of labour’ here?

There are two reasons to think that this response will not do. The first is that these distinct disciplinary fields and sub-fields can become isolated from each other, as scholars read and write work that fits into their field of study rather than cross-referencing other disciplines; and even where distinct forms of displacement are discussed within the same disciplinary field, the same kind of isolation can take place. We could learn a great deal from each other by taking a far more interdisciplinary perspective, and this might enable us to arrive at imaginative and innovative frameworks for the protection of the displaced – it might, for

example, change our view of what ‘protection’ means. The second reason is more significant for this paper. The key claim is that if we connect these different forms of displacement, this may have radical implications for how we should understand displacement right across the spectrum. And so even though it is the case that the ethics of different forms of displacement have been discussed within different disciplinary fields or sub-fields, they have not been brought together in one place in order to attempt to create an ethical framework for displacement as such. A reply to this might be that it is not possible to create an ethical framework for displacement as such, as different displacements have distinct ethical dimensions, such that the project aspired to here is doomed to fail from the start. However, while different displacements do have distinct ethical dimensions, they may also share dimensions to such an extent that an over-arching ethical framework is possible. Even if, in the end, the attempt to create such a framework fails, the project may still deliver fundamentally important insights into the relationship between political, economic, social and cultural dimensions of the global order and displaced people that lead us to radically re-think what an ethics of protection should look like for specific groups. For example, bringing discussions of refugees and asylum seekers together with discussions of internal displacement by development projects may not deliver a single ethics of protection, but may lead us to radically re-think what we think an ethics of protection should look like in each case. And so the project of connecting up different forms of displacement appears to be one that is worth attempting.

However, it is not simply that different fields of political theory and different disciplinary fields should connect and talk and learn from each other when it comes to issues of displacement.<sup>5</sup> The academic space where displacement is studied must also be open to diverse voices which may transcend disciplinary boundaries, especially what could be termed postcolonial, global South, and ‘indigenous’ voices, and indeed the voices of the displaced

themselves. Aurora Vergara-Figueroa, writing about displacement in Colombia, observes that ‘the concepts of forced migration and forced displacement are limited in their ability to explain the complexities of the world-historical realities they are expected to capture. Their analytical scope is too narrow’ (Vergara-Figueroa 2018, 2), and comments on the ‘lack of historicity underneath the concept of forced migration’ (2). She says: ‘I would go further and suggest that it is a notion that has proven dubious, narrow-minded, constructive and dangerous’ (2). She highlights ‘the theoretical infirmity in the concepts underlying the research and policies produced in the field of forced migration’ (4), and voices the suspicion that ‘the main rationales in which this concept is founded can contribute to the continued exploitation and pillage of the populations it meant to protect’ (4).<sup>6</sup> Elena Fiddian-Qasmiyeh comments on the importance of ‘centralizing the knowledge and the conceptualizations of people who have migrated, been displaced, and/or who are responding to migration in different ways (Fiddian-Qasmiyeh 2020: 12). Such people are ‘active agents whose capacity to act is restricted by diverse systems of inequality and violence’, and this makes it ‘essential to go beyond collecting, or documenting, such experiences, voices, and acts’ (12). She says: ‘it becomes necessary to challenge rather than reproduce the assumption that migrants and refugees merely experience, are affected by, and/or respond to migratory processes, and that it is only through scholarly attention that these experiences can be analysed, for ‘us’ to make sense of ‘their’ lives and worlds’ (12). We need to ‘recognize that analysis and theorization are not the preserve of academics and practitioners’ (12).

An important insight provided by such theorists is that, even though a central claim here is that certain forms of displacement are left out of the body of writing I have identified, the response to this cannot simply be to engage in ‘gap-filling’. One central issue in the study of migration in general has been the relationship between the global North and the global South. Of course, the global North/global South is a binary that needs to be problematized, as



Fiddian-Qasmiyeh points out (Fiddian-Qasmiyeh 2020, 8-9). However, I take Francesco Carell's point that the terms global North and global South act 'as handy shortcuts to convey complex concepts, as long as one is aware that these shortcuts inevitably constitute oversimplifications and that, strictly speaking, they are semantically inaccurate' (Fiddian-Qasmiyeh with Carella 2020, 205). And so one criticism of academic work in migration studies in general is that it has predominantly been aligned with priorities of global North states. Fiddian-Qasmiyeh observes that it has been argued that 'studies of migration have often closely paralleled the interest of states that are the main funding sources for many academics in North America and Europe, and that often both explicitly and implicitly direct research agendas' (2). This has led, she argues, to a predominance of particular research questions and themes – the 'classical' questions – such as the integration of migrants in global North states, and how to manage migration into those states from the global South. Those she describes as decolonial and postcolonial scholars 'have ... been critiquing the ways that particular directionalities and modalities of migration, and specific groups of migrants, have been constituted as 'problems to be solved', including through processes that are deeply inflected by gender, class, and race' (5).

The proper response to this, she argues, cannot be the exercise of filling in gaps: 'gap-filling studies are open to similar critiques as those developed in response to studies of women in development that merely adopted an 'add women and stir' approach ..., thereby failing to challenge the systems that excluded women in the first place' (Fiddian-Qasmiyeh 2020, 6).

Rather, we need to 'critique the processes through which certain people, spaces, and structures constitute themselves as the centre/inside, and the processes that can reinscribe the power of that 'center' by aiming to 'add and stir' that which has been (kept) outside' (8). And so, although the argument here is that normative political philosophy, when it comes to the question of displaced people and the ethics of their protection, has left out significant forms

of displacement, the response cannot be one of simply filling in the gaps. The inclusion of that which has been excluded has radical implications for theory and practice, such that it cannot be a matter of business as usual after a few tweaks and reforms.

This paper, then, is a first step towards the development of an ethical framework embracing a wider field of displaced people, a framework which connects up issues of ethics and justice, rights and duties, when it comes to protection and other needs for the displaced. As a first step, it is limited in scope and does not meet all of the challenges identified above. Such a framework requires a firm groundwork, and this groundwork will have three dimensions – legal, empirical and conceptual. The legal dimension involves understanding who, under the current system of international protection, is excluded from its scope and why. The empirical dimension involves both a sound understanding of the dimensions of displacement, including the experiences of the displaced and their hopes and aspirations. The conceptual dimension involves connecting up different fields and sub-fields of study that address protection issues for different displaced peoples and opening up the field of academic study to a wider range of voices and perspectives. In this paper I make a beginning on this groundwork by addressing both the legal and conceptual dimensions. This is to set aside, for now, the empirical dimension of the causes of displacement, and the experiences, hopes and aspirations of those affected by it. This is a significant omission, which I hope to address in future work, but for now and in the next section, I look at the interdisciplinary nature of this empirical dimension, and the challenges political philosophy faces in making an intervention in what is a highly interdisciplinary field of study.

### Part 3: The Empirical Dimension – The Challenge of Interdisciplinarity

The study of displacement is a highly multidisciplinary field, with contributions from a range of disciplines including History, Sociology, Anthropology, Economics, Geography,

International Develop Studies, Law, Political Science and Philosophy, for example. An essential element of the approach I am proposing here is an element of interdisciplinarity, such that these different areas learn from each and build on each other's insights on displacement and protection. However, it has to be noted that an interdisciplinary approach has its own challenges. Firstly, the political philosopher cannot become an expert on the sociology or economics of displacement or generate their own sociological or economic data. We need to draw on evidence provided by other fields that can deepen our understanding, but that selection needs to be based on a critical and well-rounded grasp of the context of that evidence, and the selection must not be self-serving – we cannot simply 'cherry-pick' data that backs up the argument we want to make. None of this is straightforward. Secondly, different disciplines will have different conceptions of, for example, the figure of the refugee, because they take different perspectives of the phenomenon. For example, the anthropologist Liisa Malkki comments: 'International relations as a field tends to assume a vantage point that anthropologists, in particular, are unaccustomed to taking. Seeing large, worldwide patterns and adopting, in many cases, an administrator's gaze on the phenomena under study, international relations produces very different kinds of knowledge than, say, long-term ethnographic research' (Malkki 1995, 505). We may not be able to fix upon a conception that will be shared across all disciplines that study the figure of the refugee, nor should we expect all conceptions to be in harmony with each other. This means that criticisms of different conceptions from the perspective of different disciplines may be helpful to some extent, but may also miss the point. From the perspective of political philosophy, while we should be open to re-examining the figure of the refugee, which plays a role in our disciplinary field in the light of how other disciplines understand that figure, we may still, at the end of that process, conclude that we have a conception that works within our context. But we must at least be aware that there *are* different conceptions in different disciplinary fields and consider

how they might impact on our own. Thirdly, we cannot assume that an interdisciplinary approach will deliver something worthwhile – there has to be a *point* to interdisciplinarity, but we may not know in advance what that is. And so we have to be prepared to make space for experimentation and, indeed, for failure.

Fourthly, in drawing on other disciplinary sources and engaging in interdisciplinarity, what has to emerge is something recognisable as normative political philosophy with its focus on ethical categories – its distinctive contribution must not be lost in the effort to take a genuinely interdisciplinary approach and its search for ‘realism’. It may sound from what I have said so far that I want political philosophy to be grounded more firmly in empirical research so that it can, in some sense, be more ‘realistic’ in what it puts forward as normative solutions to displacement. In fact, nothing could be further from what I am proposing. There is a sense in which I am arguing for a ‘pure political theory’, free of the need to come up with policy proposals that those in power will take seriously. I agree with Wendy Brown when she says that ‘... we must ... beware of capitulating to a certain pressure on theory itself today – to apply, to be true, or to solve immediate real-world problems’ (Brown 2002, 573). Rather, I am suggesting that what political philosophy provides – and this is perhaps its singular contribution to an interdisciplinary project – is a framework for radical imagination in which anything is possible. It is not for political philosophers or theorists to be ‘realistic’: that is the antithesis to what we should be doing. That may seem to contradict what I said earlier, but the contradiction is only apparent. My argument is that these acts of ‘pure’ radical imagination have to be grounded in a realistic understanding of what it is to be a displaced person, not constrained by a ‘realistic’ understanding of what political leaders and policy makers take to be ‘feasible’ in relation to what they present as a refugee ‘crisis’. The reality we need to be engaged with is the reality of the experiences of the displaced, their motivations, their desires, their hopes and fears. Sarah Fine has pointed to ‘how listening to

and engaging with voices of refugees and other migrants might contribute to a more nuanced understanding of refugee and other migrant experiences and this helps inform a ‘realistic’ (in the straightforward sense of ‘in touch with reality’) and sympathetic approach to refugee movements’ (Fine 2019, 29). This is a radical realism, not a pragmatic one. This means our discussion cannot be limited by states, citizens and nations as we find them in the world, nor by the ‘political will’ attributed to what are taken to be the key agents of change – liberal nation-states and their citizens.

#### Part 4: The Legal Dimension – The Scope of Protection

This paper is about forced displacement and the need for a renewed ethical framework within which to place it. The moral issue here is international protection and who, amongst the displaced, ought to receive it. As well as the issue of international protection there is also the issue of international assistance. In this paper I treat the two as separate, with protection referring to the protection and enforcement of both human rights and rights that attach, or ought to attach, to specific categories of persons, and assistance referring to the provision of food, shelter, etc., to those who are displaced. The two are, of course, often related to each other, as the provision of assistance is often necessary in order to protect basic human rights, but they need not be connected. My prime focus in this paper is on protection of human and other rights, including the possibility of the need to establish new rights in this field.

As I have observed, normative debates on displacement within political philosophy have tended to focus on a narrow range of displacements, namely that of refugees. Refugees, as defined in international law, are those who have had to leave their home state because of persecution or well-founded fear of persecution, and who do not believe they can safely return (or they may already be outside of their home territory when the conditions that give rise to this fear arise, and so cannot return – a refugee does not have to have fled their home

state). Such people have legal rights, recognised in international law, such as the right not to be sent back to a place of danger (*non-refoulement*), the right not to be prosecuted or punished for entering the territory of another state illegally, and the right to have their case for refugee status fairly considered (see Hathaway 2007).

Many writers have made the case that the legal definition of the ‘refugee’ no longer seems helpful in the 21<sup>st</sup> century context of displacement. For example, Roger Zetter has pointed out that the global protection system faces a fundamental challenge, ‘the disjuncture between contemporary patterns and processes of forced displacement and the current legal and normative frameworks to protect the displaced’ (Zetter 2015, 2). He says that, ‘a substantial and increasing number of forced migrants fall outside the existing protection regime and the legal and normative framework that defines it’ (4), and that ‘the familiar label ‘refugee’ seems both increasingly problematic when confined to its definition in international law, and inadequate in scope to capture the complex, multivariate factors – beyond persecution – ... that propel displacement in the contemporary world’ (3). The point is: ‘Not every forcibly displaced person is a refugee, but all forcibly displaced people need some form of protection’ (Zetter 2015, 21). This is to draw attention to what are referred to as ‘protection gaps’ - ‘instances where existing international or national normative and legal protection instruments do not adequately cover specific situations or needs’ (Zetter 2015, 5).

To illustrate the scope of international protection, we can, very crudely, break the displaced into the following categories:

- i. People displaced across an international border by persecution.
- ii. People displaced across an international border by generalized violence.

- iii. People displaced across an international border by causes other than persecution or violence.
- iv. People internally displaced by persecution.
- v. People internally displaced by generalized violence.
- vi. People internally displaced by causes other than persecution or violence.

When it comes to international protection, only category (i) qualifies unproblematically, as this meets the definition of the refugee in the 1951 Refugee Convention, with the UNHCR mandated by the United Nations to provide that protection. However, category (ii) is also often treated as falling within the scope of international protection, and some regional conventions explicitly include those displaced by generalized violence. The key difference here is between people who have been or are at risk of being directly targeted, and people who are not direct targets of violence but are simply in the conflict zone and need to get out of the way, and in much practice of protection that difference is held not to matter. Indeed, regional definitions of who is a refugee, such as the 1984 Cartagena Declaration in Central America<sup>7</sup> and the Organization of African Unity's 1968 Convention on the Specific Aspects of Refugee Problems in Africa<sup>8</sup>, explicitly take this approach (although the Cartagena Declaration is non-binding). Having said that, UNHCR practice on the ground can differ, as Shahram Khosravi has witnessed in his own 'illegal' travelling – the UNHCR office in Karachi in Pakistan refused to recognise him as a refugee as he did not meet the 1951 Convention definition (he had fled Iran in order to avoid fighting in the Iran/Iraq War, and as any Iranian man of a certain age was liable to be called up this did not count as discrimination); however, the UNHCR office in New Delhi, India, did recognise him and issued him with refugee documentation (Khosravi 2010, 33 and 50).

Categories (iv), (v) and (vi) are covered by the Guiding Principles on Internal Displacement, a set of recommendations (soft law, rather than the ‘hard law’ of international treaties) covering how states should treat internally displaced people (see Kälin 2014). The definition of the internally displaced for the purposes of the Guiding Principles is much wider than the definition of the refugee in the 1951 Convention, explicitly including people displaced by generalized violence, for example, and also people displaced by disasters. The principles themselves are wider than the definition, including, for example, people displaced by development projects. However, their impact is a matter of controversy. For example, Erin Mooney argues that the principles have ‘gained wide recognition as an important tool and a standard for addressing internal displacement and are being used around the world by governments, the United Nations, regional bodies, non-governmental organizations and other actors’ (Mooney 2005, 11).<sup>9</sup> On the other hand, Zetter argues that ‘their impact has been limited’ (Zetter 2015: 10); and when it comes to development displacement in particular, McDowell argues that ‘there is little evidence that the Principles have brought significant changes in the policies or operations of governments in any high-profile development project involving involuntary resettlement’ (McDowell 2014, 337).

One complication here is that, as well as protection, the UNHCR is also mandated to provide assistance to refugees and to work towards durable solutions to their displacement. While no international agency is mandated to *protect* the internally displaced, there are international arrangements in place to assist them under certain circumstances. The United Nations, in 2005, established the Humanitarian Reform Agenda, under which humanitarian agencies, both UN and non-UN, act in clusters around specific kinds of emergency, with a specific agency designated as the leader under certain circumstances (see Russell and Tennant 2014).<sup>10</sup> What this means is that, for example, in the case of displacement through disaster, different agencies take the lead to establish shelter, food security, and so on. The important



point is that the approach includes the internally displaced, and so while they lie outside the scope of international protection, they lie within the scope of international assistance. Certain groups of the internally displaced, however, lie outside even this scope; for example, those displaced by development projects.

We should note that while categories (i) and (ii) fall within the scope of international protection, and categories (iv), (v) and (vi) fall under the scope of the Guiding Principles, there is one category that falls outside both of these frameworks – category (iii), those displaced across international borders for reasons other than persecution and generalized violence. There have been efforts to address this gap through the Nansen Initiative and the Platform on Disaster Displacement. The Nansen Initiative on Disaster-Induced Cross-border Displacement was established in 2012 as a state-owned consultative process outside of the United Nations, aiming at ‘bottom-up’ cooperation between states in order to reach a consensus on the key principles regarding the protection of people displaced across borders by disasters.<sup>11</sup> This was an explicitly soft-law approach, looking at the development of a non-binding protection agenda, with the focus on disasters in general, not just climate related, and on cross-border displacement. The Initiative ran from 2012 to 2015, ending with the Nansen Initiative Protection Agenda, which concluded that rather than a new binding international convention on cross-border disaster displacement, the way forward was to focus on the integration of effective practices by states into their own normative frameworks in accordance with their own specific situations and challenges. The task was then taken up by the Platform on Disaster Displacement (See Cole 2020 and McAdam 2014).<sup>12</sup> In their assessment, Emily Wilkinson et. al. describe this as ‘probably the most progressive platform on climate-induced human mobility’ (Wilkinson et. al. 2017, 7). However, they also observe that when it comes to climate-induced migration and displacement ‘the international policy response is incomplete’ (8). And overall, the point remains that people displaced across

borders for reasons other than persecution and generalized violence have lost the protection of their home state, but do not qualify for the protection of surrogate membership of another state.

If we were to grade the categories in order of the extent of the international protection and/or assistance they are supposed to receive, then that order would be quite different to the way I have organized it above, and it becomes highly complex, especially if we separate out the different kinds of displacement that have non-violent causes. If we limit ourselves to protection of human and other rights, then we have three categories:

- (i) Refugees as defined by the 1951 Convention with an international agency, the UNHCR, mandated to protect their human and refugee rights.
- (ii) People displaced internally: the nation state in whose territory they are displaced is, as things stand, supposed to protect their rights, including their citizenship rights as well as their basic human rights.
- (iii) People displaced across international borders by events other than persecution and violence ought to have their basic human rights protected by the nation state into whose territory they have been displaced.

If we sort the categories like this, it begins to appear as though refugees are in a privileged position as the only group with access to *international* protection, with a set of specific rights designed to protect them. The distinction between them and some people in the second category of the internally displaced – at least those internally displaced by persecution or generalised violence – is based simply on the fact that they have crossed an international border. Stapleton et. al. observe: ‘At the global level, the conceptual framework and organisational architecture around migration and displacement are embedded within an international response machinery developed over seven decades. But this machinery has not

yet managed to integrate the complexity of 21<sup>st</sup>-century mobility into its politics or institutions’ (Stapleton et al 2016, 8). Not only that: ‘The subjective and restrictive privileging of refugees – and the wider tendency towards category thinking more broadly – is deeply entrenched in the policies and discourses of displacement and migration, and will be very hard to dislodge’ (27). This has led to some debate in Refugee and Forced Migration Studies as to whether the distinction between refugees and Internally Displaced Persons, in particular, ought to be sustained (see Lee 1996).

### Part 5: The Conceptual Dimension – What is Displacement?

A key element of the groundwork for the wider ethical project is to understand what we mean by ‘displacement’. In the face of the statistics cited in Part 2 the answer may seem obvious. However, there are some difficult conceptual questions that need to be addressed at this foundational level concerning the meaning of ‘displacement’ and of ‘forced.’ In relation to the concept of ‘displacement’, we can approach the puzzles here by asking why use this term rather than the more widely accepted idea of ‘migration’? There is an established field of study called Forced Migration Studies, and if the aim of the project is to discuss issues of displacement including but going wider than that of refugees, then the rubric of ‘forced migration’ captures this range very well, and it is always a good idea to locate our project within an established body of work with a ready-made audience. However, there are reasons for favouring the concept of ‘displacement’. The first is that the ideas of ‘migrant’ and ‘migration’ carry with them certain implications, items of conceptual baggage, and one such item is *agency*. They imply movement, but of a certain kind, where the migrant exercises agency over their own mobility. After all, ‘migrate’ is a verb, a doing word, and it is the migrant who does the doing. This raises some puzzles over the term ‘forced migration’. For example, David Turton points out: ‘to migrate, when applied to human beings, implies at least some degree of agency, of independent will. To migrate is something a person does, not

something that is done to him or her. People can be moved and displaced, but not ‘migrated’ (Turton 2003: 9).

This puzzle about agency is connected to the meaning of ‘forced’. It could be argued that the word ‘forced’ is unnecessary as the idea of ‘displacement’ already contains it. I would agree with this point, and so have referred to ‘displacement’ in this paper rather than ‘forced displacement’. But even so, as displacement here amounts to people being forced to leave their homes, we still need to ask what ‘forced’ means here? The very idea of the refugee rests on this notion of people being forced or compelled to move, rather than migrating voluntarily. However, in many cases a refugee moves *in anticipation* of persecution in their home state, and so, although they are in one sense forced to leave, they are also exercising their human agency in choosing, amongst other things, exactly when to make that move. In another example, people facing the challenges of slow-onset natural events or the effects of climate change, such as rising sea levels, exercise agency over exactly when they leave their homes – some may leave early on in the process while others may remain in their homes until as near the last moment that they can. There is, therefore, in the majority of cases, a complex interface between agency and compulsion. The way to make sense of this, I suggest, is through the idea of control. Freedom of international movement, I would argue, consists not only of the migrant not having obstacles placed in the way of their movement across borders, but also of having control over the key dimensions of migration – that is, over why they migrate, when they migrate, how they migrate, and where they migrate to. The point in making these distinctions is that one can have control over some of these aspects but not others – the examples of the anticipatory refugee and the slow-onset climate displaced person are cases where they both have control over when they migrate, and could in addition have control over where and how, but not why. What we can then understand is that the anticipatory refugee who *does* have control over when, where and how they migrate, has far

more control over their movement than a destitute economic migrant caught up in the process of human trafficking.

This means there is no clear involuntary/voluntary distinction between the refugee and the ‘economic’ migrant. Some writers have argued for a continuum rather than a binary here. For example, David Bartram, Maritsa Popos and Pierre Monforte comment: ‘many migrant scholars no longer believe that a conventional dichotomy between economic migrants and refugees is cogent or persuasive. ‘Economic migration’, rather than being entirely voluntary, is in many instances better understood as rooted in compulsion of various sorts – especially when the economic deprivation that constitutes its proximate cause is rooted in deeper socio-economic structures that are determined primarily by the decisions and activities of states, corporations and individuals elsewhere (e.g. in wealthier countries).’ And so: ‘Instead of a binary opposition between refugees and economic migrants ... we can perceive a continuum wherein compulsion plays a greater role in some migration flows and a lesser role in others’ (Bartram, Popos and Monforte 2014. 69; also see Turton 2003; Faist 2000; and Richmond 1994). But the examples I have given play equally against this idea – the interface between compulsion and agency is more complex than this, and degrees of control cannot be mapped neatly onto a continuum. Still, there must be cases where there is no agency at all, such that applying the concepts of ‘migrant’ and ‘migration’ to those cases is extremely problematic. What I have in mind here are cases such as the transportation of enslaved people from Africa to the Americas and elsewhere – they did not *migrate* and so were not *migrants*. Convicts transported from the United Kingdom to Australia in the 18<sup>th</sup> and 19<sup>th</sup> centuries were similarly not migrants; nor the children sent to live abroad by the British authorities in the 20<sup>th</sup> century, around 130,000 of them.<sup>13</sup> During the Second World War, thousands of Italians and Germans identified as ‘hostile aliens’, including Jewish refugees, were transported to Canada and Australia by the British government (see Pistol 2015). In these cases,

‘transportation’ seems a better word than even ‘displacement’, let alone ‘migration’. For our purposes here, the concept of ‘displacement’ allows the element of lack of intention so that we can include cases of climate and economic displacement in our study, as well as displacement by generalized violence – ‘transportation’ is clearly intentional, and so is a kind of displacement. An internal example of this kind of intentional removal and relocation of people is the compulsory relocation often involved in development infrastructure projects.

A second reason to prefer the concept ‘displacement’ over ‘forced migration’ is that another implication of the ideas of ‘migrant’ and ‘migration’, as well as agency, is that of *international* movement. Predominantly in many disciplines, including political philosophy, and in public and media discourse, the migrant is the person who crosses borders – someone who relocates from London to Brighton, for example, is not generally referred to as a migrant or as engaged in a process of migration. Displacement has no such implication, and so covers the many examples of forced movement (as we have seen, the majority in terms of numbers) that do not involve the crossing of borders. The internally displaced, of course, are a key example by definition (and interestingly here the term ‘displaced’ has a firm and dominant hold, perhaps precisely because of the absence of cross-border movement, but perhaps for reasons of agency – the concept of ‘internal migrants’ would never be considered to apply to them). As we have seen, the category of the internally displaced includes not only those forced to move because of persecution or generalized violence (the internal equivalent of refugees), but also those displaced by natural and climate events, by economic deprivation, and by development projects. As none of these people cross-national borders, they are not regarded as migrants and, as a consequence, are excluded from discussions of the ethics and politics of migration, meaning that a large number of highly significant ethical issues are simply not considered in the migration literature in political philosophy, or at least remain highly marginal.

## Part 6: Conclusion

My aim in this paper has been to argue that normative political philosophy, where it addresses the issue of displacement and the ethics of protection, needs to widen its perspective of the displacements it examines. I have suggested that, if we connect up these different forms of displacements, and draw on a range of disciplines and voices in how we understand them, we can potentially arrive at a better ethical framework that can tell us what protection should look like and why across the spectrum. This is not to say that the framework will give the same answer in all cases, but it is to say that it will identify the relevant dimensions that will inform those answers through a deeper understanding of what displacement is – it may be that there are principles of protection that should inform all of these cases of displaced peoples. I do not claim to have arrived at such a framework here, but only to make a start on certain key elements of a groundwork for such a framework.

That means I have not fully addressed all of the challenges I have identified in this paper for such a project, and while I have raised many ethical, conceptual and legal questions in the paper, I have not offered any definitive answers to them. These are first steps, and some of them – such as widening the range of voices and perspectives that should inform those answers – have radical implications for how we should proceed, such as ruling out a ‘gap-filling’ approach where we simply add on those who have been excluded from these debates.

We may even need to radically revise what we take ‘protection’ to mean in this context.

There is a great deal of valuable work that has already been produced across these perspectives and disciplines, but it may be that different fields can communicate with each other, share ideas and insights, and learn from each other such that much more valuable and innovative work can be produced in the future. Political philosophers working on the ethics of displacement can not only learn a great deal from such interactions and connections, but can also contribute to these innovations and developments. Disciplinary borders can be

broken down, space opened up for diverse voices and perspectives, and constructive exchange and argument can take place through the sharing of ideas and approaches that can move those of us who regard the situation of displaced people around the world as one of the fundamental ethical issues that needs to be addressed as a matter of great urgency towards the creation of an ethical framework that truly places those people and the challenges they face at the centre of world politics.



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<sup>2</sup> See, for example, the Guardian newspaper's lead story in November 2017: <https://www.theguardian.com/environment/2017/nov/02/climate-change-will-create-worlds-biggest-refugee-crisis> - accessed June 2, 2020.

<sup>3</sup> See Lees, Shin and Lopez-Morales 2015 and 2016 on the issue of 'gentrification' and displacement.

<sup>4</sup> UNHCR, Internally Displaced Persons: <https://www.unhcr.org/uk/internally-displaced-people.html> (accessed November 26, 2019).

<sup>5</sup> Thanks to Lucy Mayblin for pointing this out to me – her advice here has been extremely significant for this project.

<sup>6</sup> Mayblin and Turner (2020) is a valuable introduction to the issues raised here.

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<sup>7</sup> See ‘Cartagena Declaration on Refugees’:

<http://www.refugeelegalaidinformation.org/cartagena-declaration-refugees> (accessed November 27, 2019).

<sup>8</sup> See ‘OAU Convention Governing the Specific Aspects of Refugee Problems in Africa’:

<https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa> (accessed November 27, 2019).

<sup>9</sup> Thanks to one of the Journal referees for explaining this aspect of them to me.

<sup>10</sup> See ‘What is the cluster approach?’ <https://www.humanitarianresponse.info/en/about-clusters/what-is-the-cluster-approach> (accessed November 27, 2019).

<sup>11</sup> Nansen Initiative on Disaster-Induced Cross-Border Displacement,

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<sup>12</sup> Platform on Disaster Displacement <https://disasterdisplacement.org> (accessed March 10, 2020).

<sup>13</sup> See ‘Britain’s child migrant programme: why 130,000 children were shipped abroad,’ Guardian newspaper February 27, 2017:

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