

CLOSING LECTURE

Michelle Leighton
*Acting Dean, School of Law, John F. Kennedy University
California, United States of America*

I. Introduction

I would like to thank the Organizing Committee for the Symposium and the Government of Spain for inviting me to participate in this conference and to address you on this final day of the Conference. I would also like to thank members of the Secretariat of the Convention to Combat Desertification and the Executive Secretary, Ambassador Hama Arba Diallo, for their dedication since 1994 to the understanding of the interrelationship of desertification and migration

I have been asked to give the closing lecture to this three day conference, as I am the last one to arrive. It may also be simply the amount of time I have spent in my professional career on these issues, like some of you. I began my own work on environmental degradation and migration in 1992. My first contact with the Convention to Combat Desertification and Drought was in 1994, when the Secretariat of what would become the CCD invited me to Almeria to present my findings from a study I was conducting in Mexico. What I present today will be a little more informed, I hope, than when I was here standing before some of you almost 13 years ago.

I do not believe it would be useful for me to give you more examples of case studies on migration induced by desertification. Given the breadth of scientific expertise at this Conference, many have presented the field studies more aptly than I could, especially as I am only a lawyer. Moreover, I have examined a number of case studies that can be reviewed in my Chapter on Migration in the book, "Governing Global Desertification," and edited by Pierre Marc Johnson who is thankfully also here today. He chaired the closing session of the first Almeria Symposium. After his inspiration I have been married to desertification, you could say, ever since.

Instead, I would like to share some insights from my own experiences and suggest that at this moment in time we face at least three paradigms in addressing the migration-desertification phenomenon. The three paradigms of interest are:

- Causal linkages and lack of quantification of migration trends;
- Barriers to inter-agency policy development in affected countries; and
- Lack of priority in foreign aid and multilateral negotiations.

II. Causal Linkages and Lack of Quantification of Migration Trends

Though research in this field has intensified, in good part due to the work of those here at this conference, there is still a lack of data from the field on precisely "how many" people are migrating from a particular area as a direct or sole cause of desertification. This may not be as important of course as understanding the correlations: that desertification processes are "a" cause or factor among others. The problem is that there has been a growing pattern for some migration specialists to use these gaps in data to suggest there is

no causal link or at least not one that can be proved. As an example, Richard Black, director of the center for refugee studies in Sussex, England, wrote in 2001:

The evidence for desertification causing migration in any straightforward way is somewhat limited. First, it is important to note that the concept of desertification itself has come under fire in recent years, particularly as availability of satellite images of the region has improved...If one accepts the argument that desertification itself is largely a myth, then it is not, perhaps, too great a step to suggest that desertification-induced migration is a myth too.

This is a statement from one not known for his expertise in environmental issues and to my knowledge not based on field studies in the area. I should mention that I and my colleagues were among the many researchers targeted by this attempt to discredit migration-desertification linkages. The judgment was passed summarily on our 1995 preliminary report rather than the final study of 1997, which had detailed migration data and was adopted by the United States Congressional Commission on Immigration Reform.

This depiction of a "myth" relating to desertification of course can be scientifically refuted, including by the studies presented here over the past few days on sending and receiving countries, on the stories of communities from the Mali and Chad to Mexico, and from India and China. Yet, the fact that Mr. Black's intellectual bent finds its way in government policy making suggests that there is still quite a bit of education needed in the international migration arena on our research data and findings.

We do know that a data gap exists. Most of the case studies struggle to quantify just how many migrants, over a period of time, have migrated from an area and done so predominantly because of the impact of desertification. We have not established these numbers as well, perhaps, as we have the overarching linkages, that is, that desertification plays a key role in migration through its tendency to increase poverty, and poverty is a well-accepted determinant of migration.

In some cases, the work has been criticized because the quantification of migration is not yet based on representative samples of the population, beginning with a baseline period and continuing over time. The lack of this data compilation makes it difficult for some studies to project trends with great confidence. Of course, a key constraint to this data collection is that it should involve household surveys and this requires much more time and expense than funding has allowed for this work.

Yet, until we can begin to close these gaps, we should recognize that researchers, aid agencies and policy-makers can exploit these gaps whenever they seek to justify a failure to take action in addressing the problem. The gaps, in essence, serve to distract individual attention from realizing the significance of the correlations between agricultural land degradation, poverty and migration—and the deepening of the problem. They can detract from a sense of urgency in addressing the problem because it becomes easier to categorize these migrants as less needy and more generic "economic migrants." In this way, governments are not compelled to respond to their plight as they might to those fleeing more sudden environmental disasters (earthquakes or floods). This is problematic from a policy standpoint because desertification, as a slower onset of physical environmental problems, is precisely the kind of disaster awaiting many developing communities that governments can readily help to prevent.

Improving the international community and government priority on this issue is paramount if funding and research for longer-term studies are to be undertaken. I will discuss this later on. In the short-run, there may be leverage over existing projects already funded by international agencies to ensure that these take account of and incorporate sensitivity to data collection when related to population in desertified areas.

One opportunity is to influence the government census surveys in affected countries which are funded by international aid agencies. These may involve extensive household surveys and are conducted every 5 years on average. Questions embedded in the surveys about decisions to migrate, over a period of time, would yield both baseline and benchmark data on the importance of desertification in migration decisions. The use of baseline data on migration can help solidify conclusions that migration specifically related to desertification is, in fact, *increasing over time*.

Working with Dr. Alain de Janvry of UC Berkeley some years back, we were able to bear on some of the questions comprising a census survey in ejidos in Mexico. This data proved important in helping our team to evaluate the role of land degradation in migration decisions and at least provided a beginning point for us to verify certain other findings of the study. This was only possible because the World Bank was already commissioning a census project for the government.

II. Barriers to Inter-agency Policy Development in Affected Countries

As indicated by the findings of some of the studies discussed here at this conference, a significant barrier to implementing reforms at the domestic level is that the “problem” is interdisciplinary and falls under the direction of so many agencies from a policy perspective. Indeed, desertification involves aspects of land and forestry use and protection (often the purview of the Environment Ministry), crop selection and rotation, pesticide/herbicide use (under the responsibility of the Agricultural Ministry and Agencies), water rights and water allocation (which may be under a separate ministry altogether), education/poverty (under the social welfare ministries), and of course, internal displacement and migration (which often falls to the Interior Ministry and possibly Foreign Ministry). To effectively “solve” the problem, as some of the speakers here have noted, we must adopt an inter-agency, interdisciplinary approach. This is easier said than done.

A few years ago I coordinated a project funded by the GEF to establish a model of indicators of desertification in relation to biodiversity loss and socio-economic problems. This model would help us to manipulate data in conducting very basic trend analysis. I coordinated—really collaborated with—research and policy teams in Mexico, Chile and Brazil, involving university researchers, government ministries and NGOs, as well as community groups in the pilot areas we were investigating. Our goal was to provide some tools for policy makers at the local and national level to both “document” the trends in an affected region, and to reverse the trends of desertification and poverty.

With this much intellectual stimulation, I think we all believed successful change would come. I hasten to say that before the five years of the project ended, we had significantly changed our idea of what “success” meant.

We accomplished much less in policy reforms anticipated. This was for a number of reasons that plague this type of project.

- *During the life of a project government administrations change*

First, the government does change and with it, the dedication, resources and personnel important to managing interdisciplinary efforts around desertification and migration. In Mexico, during the project, we dealt with 4 successive government administrations; in Brazil with 3 and in Chile with 2. In each change of government officials came new appointments of government supervisors, team members, even expertise, and a “beginning over” of why the project mattered, how much money was available and promised, how the results would be integrated by the government agencies, and the need for the administration to bring together many different agencies in considering the data we generated and on coordinating policy reforms. My partners in these countries became the only glue available to hold together an ever changing jigsaw puzzle of official administration.

- *Different government agencies do not tend to coordinate their data or priorities*

A second challenge was the resistance from agencies in the same government to really work together on problems and solutions: there are different technical languages, approaches, resources and expertise, as well as data and software that is not compatible. In one country, the agricultural ministry held forestry issues and agricultural policies in two separate departments that rarely coordinated, and had a rivalry with the environment ministry over control of water resources (allocation v. pollution). I will not mention in which country this played itself out.

In another country, the university experts fell out of favor with a new government that had been elected, resulting in the disappearance of previous resources and facilities that had participated in the project. However, after two years, yet another government administration came to power and it then became deeply involved with the project, working with the same NGO partner that had been marginalized and mobilizing tremendous resources to catch up with the work left undone.

In addition, in nearly all national settings, agencies did not want to turn-over the data they had collected to another agency for fear that one agency’s work would not be credited properly or the data misused. This complicates efforts to combine data in different disciplines and scales related to land and water use, agricultural subsidies, biodiversity, and to assure they are all at the same comparable scale-- one major piece withheld can stop the work dead in its tracks.

- *Tools are not enough to ensure policy reform*

Finally, once our model was completed, which was a fete in itself, operationalizing its actual use to inform policy in one or more agencies, and within local communities was a completely separate challenge. The priorities of stemming migration from rural areas may not be the government’s highest priority (not least of which is because remittances can provide an enormous safety valve to poverty—6 billion a year in the case of Mexico). This may be less a priority than biodiversity protection for example, which itself may be less than the government’s focus on general poverty eradication which, on the whole, may be somewhat less than immediate pressure for new agricultural trade policy and the promotion of certain export crops for cash or foreign direct investment. This is to say that even with the availability of a system to collect and share data, to inform desertification and migration policies, this is insufficient to attain that goal..

We found that unless desertification becomes an explicit, top priority recognized in central decision-making structures, such as the head of government offices, Ministers of Finance, and Ministers of Foreign Affairs in addition to Ministers of Agriculture, Ministers of Environment, it will not receive the attention or long-term funding needed for durable solutions to take hold---solutions require coordination that each affect the issues related to communities affected by desertification.

II. Lack of Priority in Foreign Aid and Multilateral Negotiations

This brings me too the final paradigm we face today, international assistance. It is usually only the top priorities which garner the attention of diplomacy, certainly when foreign aid is discussed between OECD and developing countries. I experienced this paradigm in relation to the CCD some years ago. I was one of the leaders in a coalition of NGOs, businesses, universities and development organizations in the United States to push our Senators to ratify the CCD.

After five long years, the U.S. finally ratified the treaty. In evaluating why it had taken so long, in spite of the coalition's efforts, it became clear that the turning point was the coordination of this as a priority among the African Ambassadors. They raised the priority of desertification from somewhere between the 10th and 15th priority of issues to discuss with the US government, to one of the top 3 (trade remained at the top). This was critical in sending a strong message to political leaders that this was vitally important to our African partners and must be moved up on the U.S. agenda. The CCD is still the only treaty after RIO that has been ratified by the U.S. fully.

Since then, however, the priority of the CCD has slipped back to a much lower priority for sub-Saharan Ambassadors and U.S. aid agencies.--- it is generally not asserted as one of the top priorities. This was confirmed to me some time ago by colleagues at the State Department and African delegates alike.

If the CCD and the issue of migration induced by desertification were consistently raised as a priority in aid negotiations, I do believe that far more aid would flow. This, of course, may not be without consequence.

My African, Latin American and Asian colleagues would say, "but to get program dollars for desertification, we must choose to give up dollars for vaccinations, or we must give up building 10 new schools." I would have to agree with their cynicism.

At what price, is this issue a priority? Why must we choose from a menu of options that is, each year, dependent upon constantly dwindling resources? Can we say that each of us, as government representatives, international experts, field researchers and NGOs has pushed the key ministries in our countries to prioritize this issue in terms of additional development aid? We must ask ourselves, why has this been so difficult to do for this Convention, when so many human lives are at stake?

III. THE PATH FORWARD

These, of course, are the real world dilemmas that I know many at this conference may have experienced in one form or another. But lest this lecture reside only on the dark side, I want to share where I think our efforts can make a difference, and perhaps only in a longer time horizon.

Posing and answering the question “*what happens if we don't act?*” provides a lens in which policy makers and the public alike can become more motivated to support work in this area. Can we answer this question with our current research findings? Would this be compelling enough to illicit greater action by policy-makers? The studies that can demonstrate the most salient data, numbers and dollars related to impacts will be most beneficial in moving the issue up the priority list. As I indicated earlier, the more credibly we can document the number of people affected, the cost to the migration “receiving” countries as well as to the emigration countries, the better we can mobilize greater action--- that is, demonstrate that the cost of failure to address this problem is simply too high.

Mobilizing the Science

One priority can be to better coordinate our collective research and disseminate their results more widely to the public of our own countries, and to better inform experts and decision-makers working internationally in the human rights, migration, and the development arenas of our most recent findings. We should attempt to do this more often than once every 12 years in Almeria.

We can also encourage financing institutions to include desertification-migration issues in the census and survey projects they are supporting, with input from experts such as those represented at this Conference. This cooperation is envisioned already in Articles 10 and 17 of the CCD.

Having said this, scientific uncertainty should not be used as an excuse to suppress the priority concerns. We cannot wait until all of the data are collected and proven beyond a reasonable doubt before we attend to preventative measures, such as education and training programs in affected communities. Yet, governments and international policy makers do not yet accept the notion of a precautionary principle in desertification—the need to prevent future harm even if all the technical data is not available.

This may be because desertification remains, if you will, the “poor stepchild” of too many, but not any single discipline. It spans so many fields, no one discipline or popular movement has championed the cause (unlike climate change which has interdisciplinary impacts but is championed by the environmental movement). The precautionary principle is also not firmly detailed by the CCD, though it is implied through its call to the development of early warning systems—a measure called for by the first Almeria Declaration in order to include migration issues within this area of “prevention” obligations of governments.

Mobilizing bilateral and multilateral resources and financial aid

Bilateral relations between OECD member countries and Developing countries remain the preferred arena of expression of national interests of parties when it comes to funding development; there is no doubt that aid agencies and ministries of international cooperation and the like, can play a tremendous role in having the agenda of the Convention advance. From the recipient’s point of view, the challenge is at the central level of administration, coordinating policy among the Finance Department, Foreign Affairs, Economic Development and Agriculture Ministries rather than the often marginalized ministries of the environment.

As to the multilateral approach the focus should be, once more, on where sources of funding and intervention in the rural sector reside. There is some hope within the context of the Global Environmental Facility, as it has made slow but real progress in addressing funding of activities under the Convention.

Challenges here include the constraint that projects, to receive funding, must set the goal of documenting and addressing the narrow subset of environmental issues and cannot readily seek to target education and training around community development concerns. The marginal value for which resources under the GEF are allocated must still be the margin of “environmental” value. This has also been the focus under Operational Directive 15 for

desertification investigations. This constraint is stifling to projects that seek to engage in answering the combined development and environment questions which are imperative to identifying a holistic set of solutions. Either we must consider broadening GEF goals on desertification related projects or target another long-term funding source. It will be up to governments and the GEF to address these current limitations appropriately.

At a more political level, within an awareness building effort, the European Union (“EU”) is a seasoned, solid multilateral actor where development funding is addressed, particularly in Africa. A country like Spain, with its remarkably consistent track record on addressing the desertification-migration issue, can surely help in stimulating the EU to address this nexus. The Government of Spain had the political foresight to host the first such meeting on these issues 12 years ago. Indeed, the desertification phenomenon would benefit immensely by having at its side such a champion, and one that can raise the presence of the issue bilaterally and multilaterally with great credibility. We also must recognize that challenging members of the EU to address root causes of migration is not so easy: witness the recent and continuing debate among EU members on migration from Africa.

What framework of action is most useful?

The CCD provides a framework for action, but we must question whether there is also added value in focusing the desertification-migration dialogue more squarely in the development and human rights context, more significantly involving the “development agencies” and “human rights bodies.”

There is a renewed debate on government obligations related to migration and on migrant rights at the international level. The U.N. may be getting around to establishing a type of “new international migration order” that includes obligations to address root causes. The Secretary General’s Special Representative on Migration has already convened high-level dialogue sessions, including at the G.A. last month. Governments can use this opportunity to raise issues of desertification within that agenda.

This should be done with some caution. International migration is precisely a topic of compelling debate because it involves the dichotomy of competing perspectives. Some view it as a plague that threatens jobs, scarce community resources and conflict in areas where migrants settle. Others acknowledge that in some situations, migration provides a safety valve to address poverty in rural areas when no government programs have succeeded. That is, remittances sent home from migration provide the opportunity to sustain family in the home country and to serve as a coping strategy.

As a number of studies presented here confirm, remittances can play a positive and a negative role in promoting a cycle of seasonal migration. Some view this as a system of dual benefits: the receiving country obtains cheap labor and the country of origin receives financial resources. Others view this as a cycle of unhealthy dependence of impoverished communities on developed country labor markets that feeds generation after generation and produces a community that can no longer be self-sustaining economically without this migration dependence.

In California, we have an ongoing tension between these two notions. Yet, overall, we are a state of migrants and indeed I come from a country of migrants, many who have made important contributions to our lives. Most of the undocumented migrants in the U.S. come from poor rural communities where agricultural activity is less and less possible because of

drought and land degradation. The fastest growing sending regions in Mexico in which migrants originate are in the central and south. In these areas in which I have investigated desertification problems have increased.

In concluding my remarks, I will relay two very brief stories which have personal meaning. The first was told to me and others by one of our most honored members of the bar, a Justice of the California Supreme Court which is the highest court in the state and arguably the most influential of any state court in the country. He allowed me to retell his story to you.

“We have always been a country of immigrants who have come to this country with many hopes and dreams. Yet we forget their hopes and dreams, we cast them aside, and devalue their work and contributions that go largely unrewarded.

My mother and father were both immigrants and unfortunately did not live to see me become a lawyer, much less a judge. But in my mind I have tried to imagine what it must have been like when my mother first came to this country following the Mexican revolution in the early part of the last century. And I imagine an interview between my mother (then 16 years old) and an immigration official at the U.S. Mexico border. And I imagine the official routinely asking her, as he no doubt asked thousands of others. “Where are you from?” when he processed her visa. And my mother, whose father just died in Mexico and who was accompanied only by her mother and little sister said, “I am from Guaymas, Sonora, Mexico.” And the official questioned her, “Well, what do you do?”

“Nothing now; I am going to meet my older brother, Jose, in Los Angeles.”

“Well, what does he do?”

”Nothing, not yet, he’s looking for work.”

“What kind of work.”

“Any kind.”

“But what can he do?”

“Well, he has no skill, he has little education but he is strong and he can use his hands and will work all day and he will help my mother and little sister.”

”Well, does he have any friends?”

”Not really.”

”Any money?”

“Not a lot. Not yet.”

“How about you?”

“Well, we have very little and no friends, no money, just our family. My father just died in Mexico.”

“Well, with no friends, no money, no skills, no education, what do you expect from this country?”

“Not a lot, not a lot. Work. A place to sleep. A little bit of freedom. A chance to raise a family. And just one more thing, sir, before I die, I have a dream: I would like to see my son, if I have one, be a judge on the California Supreme Court.”

“Imagine if you will, Justice Carlos Moreno tells me, what kind of reception a dream like that might have received. And yet, it describes a story that has happened over and over and over in this country...”

The other story, quite different, happened during my visit a few years back to a town outside of Guadalajara, an area of rural drylands, quite poor, and one where there had been a lot of circular migration. Sitting in school room of girls aged 5-17 one afternoon, I was part of an experts group that was to hear from these girls, unofficially and unrecorded, what their experiences were with migration and what they saw as their future. I was struck by one 12 year old girl who answered a number of questions related to her situation. She was asked:

“Do you have any family that has migrated?”

“Yes, my father, and three of my brothers.”

”Where did they go?”

“They crossed the border into the United States.”

“Are they living in the U.S.?”

“No, not all of them. My father is back and one brother. But, the other two live somewhere in California and another place in Texas. I never see them anymore.”

“Do you want to go see them in the U.S.?”

“My father says it is dangerous and one of my brothers was hurt crossing the border. I would like to see my brothers.”

“Would you want to live in the United States?”

The girl laughs, as do some of her friends sitting next to her.

“ No, I would not live in the United States, at least not for long, just to make money.”

“Why not?”

“Because my mother and grandmother and my friends and my home is here! I would not want to be separated from them. My dream is to live here where my mother and father and sisters and brothers and my aunts and uncles all grew up. It would make me sad not to live here.”

This story was recounted by many of the girls we interviewed in other Latin American rural areas, a hope for the chance to live in their homeland. It is not surprising as irregular

migration, crossing a border without a visa, can be dangerous, particularly for women and children.

We will never prevent people from moving inside or across borders for economic advancement. What our efforts can help to do is to ensure that there are viable options to those seeking to remain in their homeland, and there are many. This will require us to reduce the level of dryland degradation in rural areas, to allow for agriculture, food security and other economic activities to take root again. Conferences like these, and the dedication of the CCD Secretariat, the Spanish government, and the tireless researchers providing expertise at this conference are so important in furthering this cause.

I am very honored to have had the opportunity to be part of this second, auspicious gathering of experts on one of the more important environment and development issues of our time.

Thank You.