

Analyzing the status of Climatic Refugees

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ARTICLE DETAILS

Article History

Published Online: 13 March 2019

Keywords

Climatic Refugees, Refugees,
Recognition, 1951 Refugee
Convention, Protection

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ABSTRACT

According to the 1951 Refugee Convention, a refugee is a person who has a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group or political opinion, E.g. Syria. This conference was held after World War II, the concern being war victims. In 1985, Essam El-Hinnawi first proposed the climatic refugee concept, migrants resulting from climatic deterioration. The Author through this article would like to bring out the need for the recognition of the "climatic refugees" and the responsibility the world has towards them.

"What we are now seeing are more and more people that are forced to flee because of lack of water, because of lack of food, because of extreme poverty and many of these situations are enhanced by climate change."

-António Guterres, United Nations High Commissioner for Refugees

Every year, around the world, millions of people have to move or escape due to natural hazards in their environment, most of which are related to extreme weather conditions. Due to climate change there is an increase in the intensity of floods and other severe weather events.¹

The 1951 Refugee Convention speaks in terms of "a well-founded fear of persecution" on the basis of five grounds: race, religion, nationality, membership of a particular social group or political opinion.² When the question arises about a person who is seeking refuge due to the climatic issues, the ambit of the definition of a refugee widens since an climatic refugee is seeking international protection as an climatic refugee who have further complex and intensive issues related to them which aren't dealt by international law. Climatic Refugees currently are most vulnerable to the impacts of climate change and hence need a better outlook towards their problems and laws which can safeguard their rights.

Climatic refugees are innocent and dependent and they do not have any rights in international arena. They are vulnerable, they have seen a lot, they have seen emergencies, break down of their families and communities, they have seen deaths and poverty, and they have fought for their existence and the last thing they would want is to be rejected by states as refugees.

The climate change movement is a natural human adaptation strategy. According to scientific estimates, due to climate change, rising sea levels, water shortages,

1 The Nansen Conference, 'Climate Change and Displacement in the 21st Century' (Oslo, Norway, June 5-7, 2011) Available at [http://d2530919.hosted213.servetheworld.no/expose/global/download.asp?id=2280&fk=1633&thumb=accessed 09 December 2012 \(Last visited : 15/02/2019\).](http://d2530919.hosted213.servetheworld.no/expose/global/download.asp?id=2280&fk=1633&thumb=accessed 09 December 2012 (Last visited : 15/02/2019).)

²Article 1 of 1951 Convention Relating to the Status of Refugees.

desertification, etc., the number of people who would be affected and displaced due to such harsh climatic changes would range between 50 to 400 million by 2050.

In changing times, it may be necessary to change the traditional definitions of "refugees" and "protection" to adapt to emerging situations, circumstances and scenarios. The main problem is that, while international law protects refugees, it is unclear what agreements and policies protect people displaced by extreme weather events. This is an urgent problem that the international community needs to resolve.

This new group of refugee needs to be found in international conventions, and we must foresee better support requirements, such as those who evade other infeasible conditions. Natural disasters are becoming more catastrophic. The economy of such places who bear the consequences of the climatic changes is getting worse and worse. More people are forced to move or escape the unbearable situation.

The three climatic issues are;

1. Hurricanes, torrential rains and floods
2. Drought and desertification
3. Rising sea levels

Although the rise in climatic refugees is most significant in sub-Saharan Africa, risks in other regions are also very high. The identified vulnerable areas include: Yemen, China, Louisiana, Tuvalu, Kiribati, Bangladesh. Other regions of the world have predicted terrible forced migration because of adverse climatic situations; the places include Morocco, Tunisia, Libya, Egypt, Turkey, Vietnam, Nigeria, Ghana, Ecuador, Mexico, Argentina, etc³

Governments have long believed that forced migration and displaced persons are major international challenges for refugees as well as the host countries providing asylum to these people.

3 L. W. Marshall, 'Toward a new definition of 'refugee': is the 1951 convention out of date?' (2011) Vol. 37 EJTES 61-66.

The United Nations met in Geneva in 1951 to debate and draft a convention on the legal status of refugees. Thereafter, United Nations adopted a landmark convention in the history of international law, which was termed as the "Convention Relating to the Status of Refugees" or 1951 Refugee Convention.

The "Convention" addressed the situation of refugees and incorporated legal rights for their existence in the world. The Convention was made with utmost sympathy, empathy, care, concern. The Convention addressed their right to medical assistance. The Convention laid down the ways to make the refugees self sufficient while making them self sufficient so that they can deal with their financial issues. But with changing times the issues and problems of the refugees haven't remained the same. Now refugees more than the fear of persecution have the fear of climatic disruption on the land they are living on and their biggest fear is that they will not be accepted by any other Nation as refugees when the time comes to leave their motherland to save their lives. It is high time that United Nations addresses the problems of climatic/ climatic and accepts them as a refugee under the ambit of the definition of refugees under the Convention and revises the definition which stated that refugees are those people who: "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his formal habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".⁴

UNICEF defines refugees as "people who are forced to leave their country because they cannot live in their homes or are afraid of injury. This can be caused by various reasons, including earthquakes and floods, or natural disasters."⁵

We have seen that the United Nations Children's Fund (UNICEF) has only reported that refugees are displaced persons suffering from natural disasters, and other international documents have been assessed, due to serious public order obstacles.⁶ Of course, natural disasters can lead to public order seriously and lead people to flee. However, according to the 1951 International Refugee Convention, natural disasters in refugees do not include homeless people due to climatic change.

The international community is concerned about the consequences of the transformation because of climatic destruction.

The term "climatic refugees" was originally conceived by Esam al-Henawi in the 1985 report of UNEP. According to his definition, climatic refugees are defined as people who are forced to leave their habitat temporarily or permanently because of climatic issues. The main reasons for their problems are environment or human-induced threats. Such threats cause an adverse affect on their existence further more it seriously affects their quality of life. In fact, since the establishment of the climatic definition of climatic refugees in 1985, other writers have come up with many other similar definitions.

One of the most famous definitions is of British Ambassador Norman Myers. He noted that climatic refugees are: "persons who no longer gain a secure livelihood in their traditional homelands because of climatic factors of unusual scope, notably drought, desertification, deforestation, soil erosion, water shortages and climate change, also natural disasters as cyclones, storm surges and floods"

Avoiding the term "refugee",⁷ the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, has moved to "climatically displaced persons" as "who is moving or because life, livelihoods and well-being are placed on the habit of feeling necessary to leave. Severe risks caused by unfavorable ecological, ecological or climatic processes and events in the place of residence." Antonio Guterres first expressed concern about the campaigns related to climate change, in 2007, the UNHCR Executive Committee meeting. He also stated that UNHCR's legal mandate does not include his formal participation in this new challenge

Although this definition is under discussion, it is very difficult to estimate and calculate the number of climatic refugees around the world. Norman Myers predicted, that there will be more than 25 million climatic refugees, in 1995. He said in 2005 that there is possibility that effects of global warming could displace 200 million people. According to the report of the International Federation of Red Cross climate-related disasters are now one of the main causes of population displacement and not war or persecution. In 2001, he predicted that the number of ecological / climate refugees had exceeded the number of displaced persons for the first time. The United Nations High Commissioner for Refugees said 36 million people were displaced by natural disasters in 2009, and about 20 million of them had to be displaced because of the climate issues. According to other estimations, by 2050 the 150 million people will have to suffer due to displacement. United Nations Environment Program estimates, up to 2060, Africa will have 50 million climatic refugees. According to the above estimates, state and aid groups need a new legal status of climatic refugee firstly by drafting out what's happening around the world in terms of climatic refugees and the kind of improvement the world needs in reference to them and their needs. The word "climatic refugee" is not legally binding or is in a widely accepted term with international human rights law.

⁴Convention Relating to the Status of Refugees 1951

⁵L. W. Marshall, 'Toward a new definition of 'refugee': is the 1951 convention out of date?' (2011) Vol. 37 EJTES 61-66.

⁶Refugee Studies Centre 'Climatically displaced people, Understanding the linkages between climatic change, livelihoods and forced migration' (University of Oxford, November 2008) Available at <http://www.rsc.ox.ac.uk/publications/policy-briefings/RSCP1-Environment.pdf> (Last visited: 10/02/2019).

⁷Article 1 of 1951 Convention Relating to the Status of Refugees.

Firstly the main aspect of the definition of refugees in the 1951 United Nations Convention on Refugees is that there should be reasonable grounds for persecution. "Persecution" refers to grave and non-serious violations of human rights. It is therefore difficult to refer "climate change" as "persecution". Storms, earthquakes and floods can be harmful, but they do not measure "persecution". Secondly, the definition of refugees applies only to those who cross international borders not to those who are internally displaced by climate changes. Although UNHCR is the lead agency for internally displaced persons but still it only covers those who have been forced to move because of the conflict. In fact, it is of great concern that widening the scope of the definition would reduce the present protection of refugee as recognized by the Convention. Due to high obligations of the Governments towards the refugees, the Government of various Nations are extremely interested keeping the limited and narrowed scope of the definition of refugees, that way they have lesser responsibilities and reduced support expected out of them for the refugees.

According to the Office of the United Nations High Commissioner for Refugees (UNHCR), those who have been forced to relocate because of climate change may need some form of international protection and recognition and most importantly they should not be labeled or mistakenly regarded as "refugees" or people of the equal status because it would be improper and incorrect to consider climatic or climatic refugees as refugees defined under the Convention of 1951.⁸

People under the influence of climatic factors in some cases, in some parts of the world, have been made to believe that migrating is the only way to deal with extreme weather events. However, future predictions of climate and climate change indicate that the problem is very large and requires immediate action and mere migration is not going to help the world from the disaster which is going to hit us soon of climatic disasters affecting the Earth due to extreme climatic pollution and exploitation. Despite the fact that the countries who have least contribution in greenhouse gas emissions are the ones who are the suffering the most and their future is in complete risk. Therefore, this issue requires a global approach, and it seems that the close attention of international agencies such as the United Nations is crucial.

The United Nations is actually addressing the issue of climate change will likely play a major role in solving this problem. The studies have shown that some of the problems of displacement can be solved by United Nations through solving climatic problems. Presently it shows that the activities of United Nations and other organizations are largely limited to humanitarian assistance. Furthermore it indicates that forced relocation is different and, therefore, should be treated differently.

While the international community is not enough, global law does not recognize it because this question is a major obstacle to legal law enforcement law. As described in this article, the main issue that explains this problem is the general differences in the legal framework that are not recognized by

these individuals in accordance with international law. The other obstacle is the institutional gap because there is currently no body to take the responsibility in getting the whole process of displacement in a systematic way. It is difficult to reach a consensus among all actors in the international community. One example is that the United Nations is trying to answer many different questions, but its members are opposed and it is not easy to solve the problem of "climatic refugees".

Although climate change and other issues were revealed during the study, it is still important to take into account the positive trends in international approaches to address this issue. The subject has received the recognition and attention of scientists, politicians and various international organizations.

This issue has been confirmed and has attracted a lot of attention from scientists, politicians and international organizations. As one of the key players in the development and response of the United Nations, this issue has been invested in major transactions and has launched numerous research projects and field projects. However, much more needs to be done.

Climatic refugees are suffering and they are in a need the support from the World and it is high time they get that support through conventions, rules or action plans but they do need it, right now.

⁸⁸ UN Summit for Refugees and Migrants 2016, Available at <http://refugeesmigrants.un.org/summit> (Last visited: 10/02/2019)