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THE CONNECTION BETWEEN CLIMATE CHANGE AND HUMANITARIAN CRISIS: AN ANALYSIS OF THE UN REFUGEE CONVENTION AND ITS APPLICABILITY TO CLIMATE REFUGEES

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Abstract

Climate change is a pressing global issue. Unprecedented shifts in weather patterns, a rise in sea level, and an increase in the frequency of extreme weather events are projected outcomes of this phenomenon. One of the biggest effects of climate change is the displacement of people from their homes. The displacement caused by climate change has created a new category of displaced persons known as "climate refugees." The growing number of climate refugees raises questions about the effectiveness of the current international legal system in addressing such displacement.

With an emphasis on the UN Refugee Convention, this paper analyses the relationship between climate change and humanitarian crises. In order to give legal protection to refugees escaping persecution and other significant injury, the Refugee Convention was created in 1951. However, climate refugees do not meet the Convention's definition of a Refugee. The provisions of the Convention do not apply when individuals are relocated because of environmental or climatic causes. According to the article, the Refugee Convention is out-of-date and unable to handle the issues faced by climate refugees. This article highlights that it may be time to take into account include climate refugees in the Convention's definition of a refugee.

Introduction

Let's consider a hypothetical event that occurs in the year 2030. Take the example of Rahman, a farmer who was forced to flee his little village in Bangladesh due to the devastating effects of climate change. Rahman was a farmer who was forced to flee to Assam. Years of horrific droughts and floods had devastated his village, leaving people starving and dying. Rahman suffered the

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complete loss of all of his belongings, including his house, his pets, and his crops. Rahman and his family were compelled to abandon their hometown and seek safety in neighbouring Assam. They entered another country late at night with only a few belongings and little food. They had a rough and dangerous journey, but they ultimately reached Assam, where they briefly found protection in a camp for refugees. Rahman's story is only one of many that illustrate how people are being compelled to leave their homes and become climate refugees. We must take action to mitigate climate change and assist those who will be most impacted, such as less fortunate citizens.

Climate change is an important issue. According to the recent report², the average global temperature has risen by 0.85 degrees Celsius. Climate refugees³ are the people who leave their homes in search of safety elsewhere due to the consequences of climate change. Climate change is having an effect on people all around the world, and the issue of climate refugees is becoming worse.

One of the most well-known cases of climate refugees is that of Kiribati. Kiribati is a low-lying country. The island's people may have to relocate owing to rising sea levels as a result of climate change. As a consequence of the same, the government of Kiribati has started buying land from Fiji in order to give its residents new homes in the event that Kiribati becomes unsuitable to live in.⁴

Another example of climate refugees can be seen in Bangladesh.⁵ Bangladesh, due to its unique geographic location, is most sensitive to climate change. Bangladesh is affected by natural disasters such as tropical cyclones, storm surges, river and coastal flooding, landslides, and droughts. One of the main contributors is the high tides along the coast (resulting in tidal floods)

² GOAL 13: CLIMATE ACTION, UNITED NATIONS ENVIRONMENT PROGRAMME, *Why do sustainable goals matter?* available at: <https://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-13#:~:text=From%201880%20to%202012%2C%20average,every%20successive%20decade%20since%201979> (Last visited on May 10, 2023).

³ World Economic Forum, *Climate refugees – the world's forgotten victims*, May 10, 2023, available at: <https://www.weforum.org/agenda/2021/06/climate-refugees-the-world-s-forgotten-victims/> (Last visited on May 10, 2023).

⁴ Relief Web, *Kiribati: The remote island nation faces a triple threat to health*, May 10, 2023, available at: <https://reliefweb.int/report/kiribati/kiribati-remote-island-nation-faces-triple-threat-health> (Last visited on May 10, 2023).

⁵ Displacement Solutions, *Climate Displacement in Bangladesh | The Need for Urgent Housing, Land and Property (HLP) Rights Solutions*, May 12, 2023, available at: https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/ds_bangladesh_report.pdf, (Last visited on May 12, 2023).

and riverbank erosion. Cyclones, storm surges, and river floods are the primary causes of the relocation of Bangladeshi people. On the mainland, the coastal areas have seen the most displacement.

Another example can be seen in the African nation of Chad.⁶ Due to climate change, Chad frequently experiences droughts. Numerous individuals in the region have been forced to leave their homes in search of food, water, and shelter as a result of these droughts, which have also led to widespread starvation.

The problem of climate refugees is not confined to only developing or underdeveloped Countries, but it is a problem that affects developed countries as well. For instance, many Americans living in coastal areas are facing the possibility of becoming climate refugees as a result of increasing sea levels day by day. As per the recent study,⁷ if sea levels continue to rise, approximately 3000,000 residents living in low-lying areas of Miami may face the possibility of being evicted and displaced. If immediate measures are not taken and implemented to lessen the consequences, the climate change-related displacement situation will likely get worse and threaten to become an international crisis. Conflicts caused by competition for resources are one of the most concerning aspects of climate-induced relocation. Conflict risk is increased by climate change, which raises the possibility of migration in areas already afflicted by poverty, political unrest, and shaky institutional foundations.

According to the latest report, there is a possibility that at least 1.2 billion people may be displaced by the end of 2050.⁸ This article will go into further detail about how the world has responded to the protection of environmental refugees.

Who are Climate Refugees?

Currently, a number of operational definitions are available on the internet. The words "environmental refugee," "environmental migrant," and "climate migrant" are all interchangeably

⁶ NPR, *Climate change and hunger are driving a refugee crisis in the African countries bordering Lake Chad*, May 12, 2023 available at: <https://www.npr.org/2022/12/04/1140630184/climate-change-and-hunger-are-driving-a-refugee-crisis-in-the-african-countries->, (Last visited on May 12, 2023).

⁷ MARIO ALEJANDRO ARIZA, *As Miami Keeps Building, Rising Seas Deepen Its Social Divide*, May 12, 2023, available at: <https://e360.yale.edu/features/as-miami-keeps-building-rising-seas-deepen-its-social-divide>, (Last visited on May 12, 2023).

⁸ *Id.* at 3.

used by people from time to time. For the very first time in the year 2007, the term "environmental migrants" was introduced by IOM.⁹ According to IOM, "Environmental migrants are people who are compelled to leave their country of origin or decide to do so on their own as a result of environmental circumstances that adversely impact their ability to live comfortably". These displaced people eventually decide to relocate either domestically or internationally. In the year 2009, IOM again came up with another definition of climate migrants. It defined climate migrants as a person or groups of persons who are forced to leave their place of residence either temporarily or permanently. Such displacement occurs either within a State or across an international border.

Are Climate Refugees given protection under the Refugee Convention?

An American ecologist named William Vogt first introduced the phrase "environmental refugee" in 1948.¹⁰ Further, the League of Nations in the year 1920 asserted that it was sufficient to approve an asylum status for a person if the person had remained outside their country of origin without the government's protection.¹¹ The view of the League, however, did not specify the cause of why refugees could have fled from their homes. The main purpose for which the treaties with respect to refugees were adopted in the past was with an aim to regulate a particular circumstance involving a certain segment of the people.

In 1951, the United Nations Refugee Convention was adopted with the aim to provide protection to those who had to leave their homes because of persecution, hostilities, or war.¹² The Convention outlines the definition of a refugee and their rights. According to the Convention, a refugee is a person who cannot go back to their place of origin because they fear being persecuted because of their race, religion, nationality, membership in a specific social group, or political beliefs. This concept related to refugee's definition has now become part of customary international law and thus, it applies to all countries, regardless of whether they are signatories to the 1951 Convention

⁹*Environmental Migration*, May 12, 2023, available at: <https://environmentalmigration.iom.int/environmental-migration>, (Last visited on May 12, 2023).

¹⁰ Dimitry V. Ivanov and Damir K Bekyashev (eds.), *Environmental Migration in International Law* 5-20 (Cambridge Scholars Publishing, 2016), May 12, 2023, available at https://www.google.co.in/books/edition/Environmental_Migration_in_International/C-L6DAAAQBAJ?hl=en&gbpv=1&dq=Environmental+refugee+Define&printsec=frontcover, (Last visited on May 12, 2023).

¹¹ *Ibid.*

¹² *Ibid.*

or not. However, looking from climate change's point of view for people who are relocated as a result of environmental conditions or climate change, the Convention does not provide any protection to them. As these refugees have expanded in recent years, this has been a significant problem.

If we look at the definition of refugee provided by the 1951 Convention,¹³ we can identify two significant issues:

- First off, people who have actually crossed an international border are protected under the definition of a refugee. It is quite clear that a significant amount of the anticipated migration in response to climate change will be internal, thus it will not meet the first requirement.
- Second, it might be very difficult to define "climate change" as "persecution." This is so because "persecution" often refers to serious violations of human rights. Even while adverse climatic consequences like sea level rise, salinization, and increased frequency and severity of extreme weather events (such as storms, cyclones, and floods) are destructive, they do not meet the current legal definition of "persecution".

Thus, this calls for either an Amendment of the existing definition or the adoption of a new legislation keeping in mind the climate refugee issue. If the current Convention is amended, the requirements of climate refugees should be taken into consideration. For instance, the amendment should be amended keeping in mind to provide migrants or refugees from climate change with legal status. These people would have greater protections, such as relocation plans and legal aid, if they were granted the same legal status as refugees. Additionally, it would also demonstrate that wealthy countries, who are primarily accountable for the greenhouse gas emissions that warm the planet, have an obligation to assist those affected by climate change anywhere in the world.

What are some of the recent cases of migration and displacement due to climate change worldwide?

India:

Starting with India, the issue of Bangladeshi Migrants is not new. Bangladesh remains the sixth most affected nation by climate change, according to a report published by an environmental think

¹³ *Ibid.*

tank.¹⁴ As per the organization, Bangladesh had the same ranking in 2020. The factors that have contributed to the problems are its geographical position, flat, low-lying topography, greater rainfall in the basins of the Brahmaputra, Meghna, and Ganges rivers, and in addition to this, the melting of the Himalayan glaciers. In addition to all of this, coastal populations are finding it hard to survive due to rising sea levels. In addition to land loss, the rising sea level also contaminates agricultural land with salt water, which in turn affects cultivation. The number of environmental migrants relocating to the Assam (State in India) area has also increased as a result of climate change. With migration on the rise, the number of resources available likewise decreases as the population grows. In Assam and other parts of North Eastern India, conflict has unavoidably arisen as more people compete for the same resources. Additionally, a group of environmental refugees who have entirely different cultures, ancestries, and religions from the indigenous people are to blame for the population growth. Sometimes, this also results in violent struggles and conflicts between the two groups.

Pacific Islands- Kiribati:

Kiribati, at present, is facing the effects of climate change and is on the verge of submersion.¹⁵ Disease outbreaks and starvation are just a few of the direct and indirect risks the people of Kiribati face right now. Due to a drought, the government proclaimed a state of emergency in 2022. The inhabitants of Kiribati Island have already started to leave their homes and are moving to other countries. However, a few families are still trying to hold onto their property by finding short-term solutions, such as creating coral rock barriers. But as the sea level is on the rise, these barriers eventually get damaged by high tides. In order to prevent soil erosion and lessen storm surges, several of the inhabitants have also relocated a few metres inland and have planted mangroves. However, this is not the long-term solution to the problem of climate change and they are in the hope of getting a permanent solution.

One of the infamous examples of a climate Migrant in Kiribati is that of Ioane Teitiota. Ioane Teitiota, a climate migrant from Kiribati, was denied the asylum request in New Zealand in 2015

¹⁴Global Climate Risk Index 2021, May 10, 2023, available at: https://www.germanwatch.org/sites/default/files/Global%20Climate%20Risk%20Index%202021_2.pdf (Last visited on May 10, 2023).

¹⁵ Relief Web, *Kiribati: The remote island nation faces a triple threat to health*, May 12, 2023, available at: <https://reliefweb.int/report/kiribati/kiribati-remote-island-nation-faces-triple-threat-health>, (Last visited on May 12, 2023).

and was sent back to Kiribati together with his wife and kids. Upon denial of asylum, he wrote to UN Human Rights Committee, claiming that New Zealand had infringed his right to life by deporting him to Kiribati. He even alleged in the complaint that Kiribati had become inhabitable due to rising sea levels and other consequences of climate change. In a landmark decision in the case of *Ioane Teitiota v. New Zealand* in February 2016, the UN Human Rights Committee ruled that nations may not deport people living in conditions brought on by climate change that violates their right to life.¹⁶

A recent incident has come to a focus where, despite a UN judgement which was laid down in *Ioane Teitiota v. New Zealand* that says it's illegal to send refugees back to nations where their lives may be in danger due to the climate disaster, a refugee's application for protected status in New Zealand based on the fact that his island home is becoming untenable was denied. Although it is unlikely that the man would be sent back to Kiribati, however, he is now not protected as a refugee, which would shield him from that possibility.¹⁷

Caribbean:

The Caribbean has been a popular travel destination among tourists due to its tropical warmth and beautiful beaches. However, it has been dealing with Climate Change issues like deteriorating coral reefs, intense weather events, and rising sea levels that threaten the livelihoods of millions of people of the Caribbean. The area is undergoing dramatic changes that point to it as a potential hotspot for "climate refugees". The negative consequences of climate change, such as increasing ocean levels that result in extreme flooding, erosive soil erosion, and the loss of infrastructure and buildings, are particularly affecting the Caribbean Islands. Inhabitants have already started moving around throughout the Caribbean area. IDM Centre published a report in 2017 which estimated that approximately 2 million people were internally displaced in the Caribbean after a particularly severe Atlantic hurricane season.¹⁸

¹⁶*Ioane Teitiota v. New Zealand*, available at: <https://www.cir.santannapisa.it/sites/default/files/TEITIOTA%20v.%20NEW%20ZEALAND%20summary.pdf> (Last visited on May 12, 2023).

¹⁷ *Kiribati refugee claims climate change crisis prevents him from returning home*, available at: <https://www.nzherald.co.nz/nz/kiribati-refugee-claims-climate-change-crisis-prevents-him-from-returning-home/3MMMUKQ4PRBXPESQXVEG4VBY/> (Last visited on May 12, 2023).

¹⁸*Addressing Climate Migration in the Caribbean*, available at: <https://theglobalamericans.org/2023/03/addressing-climate-migration-in-the-caribbean/> (Last visited on May 12, 2023).

America:

Just like any other developed nation, where migrants usually would like to relocate to have access to better resources, America is also one of the favourable countries where migrants like to relocate. However, the situation is different in America, as its citizens are migrating internally.¹⁹

America is often affected by climatic disasters like forest fires. After forest fires, Americans usually began to migrate in search of safe and reasonably priced housing in an attempt to deal with the damage to their homes and communities. There are few people who rebuild their homes, sell them and relocate to locations they believe to be less vulnerable. According to recent status, Climate calamity cost about 3 million Americans lost their houses in 2020. If these calamities continue to happen in the future, many of them won't ever return to their original homes. Millions and tens of millions more people will be uprooted, and this will eventually drive Americans from the most susceptible regions of the nation into an erratic, essentially permanent exile from the places they know and love.²⁰

What preventive steps should be taken to help the Climate Refugees?

In addition to resources, economic, financial and other crises, crimes against migrants are also increasing as more individuals are relocating to new places. When migrants move by illegal means, they have limited access to legal jobs, and they also lack legal status or social safeguards. This makes them more prone to becoming victims of crime. Migrants are mostly subjected to organised crime, which also results in severe human rights violations such as forced labour, criminal recruiting, sexual assault, and others. This problem has gotten worse as a result of inconsistent migration routes and weak border control by the authorities.

For instance: In the year 2022, an incident came to light that the Egyptian government failed to safeguard vulnerable refugees and asylum seekers from rape and sexual abuse. Thus, the Egyptian government was charged by Human Rights Watch for Human Rights violations of migrants. The

¹⁹*The American climate migration has already begun*, available at: <https://www.theguardian.com/commentisfree/2023/feb/23/us-climate-crisis-housing-migration-natural-disasters> (Last visited on May 27, 2023).

²⁰Rima Parekh, "How California's wildfires spark migration", (2021), available at: https://escholarship.org/content/qt2t46h1hw/qt2t46h1hw_noSplash_a59a931a51682c4ac6678cd2a4125cef.pdf?t=qz2nz3 (Last visited on May 27, 2023).

Human Rights Watch reported 11 instances of sexual assault against Sudanese and Yemeni refugees between 2016 and 2022, one of whom was a minor.²¹

Those fleeing climate change require the same protections as other refugees, such as those who have fled their home countries due to armed conflict. A solution to this problem could be making an Amendment to the existing 1951 Refugee Convention to include potential climate refugees. However, because it would involve a thorough discussion and renegotiation of the whole Act at the International level, it is doubtful that such an Amendment would be approved in a short period of time, given that it was initially written in a post-World War II setting. The UNHCR is now the only legal entity qualified to provide rights to refugees. As a result, adding refugees as a result of climate change to its burden would severely drain its financial and infrastructure resources.

Another solution would be to draft a completely new legislation. A Brand new global legal framework that ensures the rights and protection of impacted climate refugees is required to stop climate migration and offer protection to climate refugees. This framework should be comprehensive and cover rights such as social welfare, economic security, and at the same time provide legal safeguards. In addition to this, a management structure that will oversee and manage the process of providing protection to people in need must also be established under the new legal framework.

Although many countries and organisations are fighting to safeguard these people, there is still plenty that people at the individual level may do that would be of great help to climate migrants. At the individual level, some of the actions which can be taken to provide protection to climate migrants includes:

- The first thing that can be done is to build up an atmosphere where migrants coming from different regions may securely relocate.
- Secondly, to facilitate refugees' relocation, people should educate themselves and others on the causes and impacts of climate change. Social networking, attending rallies, and participating in open forums are all ways to accomplish this. By spreading information, people may promote an atmosphere of sympathy and an inclusive culture for the displaced populations.

²¹ *The Egyptian government failing to protect refugees from rape and sexual assault*, available at: <https://www.middleeastmonitor.com/20221128-egyptian-government-failing-to-protect-refugees-from-rape-and-sexual-assault/> (Last visited on May 27, 2023).

- Thirdly, to help refugees and climate migrants, a number of organisations, especially non-governmental organizations throughout the world, should offer them basic amenities, including food, housing, and medical care. People can voluntarily participate in these organisations as volunteers or donors and thereby give these disadvantaged groups (climate migrants) the much-needed assistance they require to deal with the challenging realities of relocation. For instance, people in the legal field (Eg: Lawyers) can volunteer at businesses that offer legal assistance services to aid people seeking refuge and help them in understanding their legal rights and remedies.
- Fourthly, writing letters, signing petitions, and participating in marches and rallies are all ways that people may support policy advocacy and call on the government to take action against climate change.
- Fifthly, people may also promote progressive policies that will aid in the resettlement of climate migrants, such as sponsoring the development of humane and legitimate immigration laws as well as comprehensive protection plans that take climate migration into account.

In conclusion, even though protecting climate migrants may seem like difficult and burdensome work, a lot may be done at an individual level. By being informed, becoming engaged with groups that help refugees, supporting policy advocacy, and providing emergency housing, individuals can play a significant role in creating an environment that provides the most vulnerable members of our society with the safety, security, and comfort they so desperately need. We can work together to establish a future in which those who have been displaced due to climate change may restore their lives and contribute to society.