

The Difficulties to Define the Climate Refugees and Proposed Suggestions

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Abstract: The problems caused by climate change has drawn more attention from international society. One of reasons is that millions of people are severely influenced and facing the problems of displaced owing to the disasters caused by climate change and the secondary damage, and the number keeps rising. This climate refugees problem is getting serious has not been solved effectively. Thus, it has become more urgent for both international organizations and countries to take actions. The first significant step is to find out the main reasons. However, there are multiple factors caused the current situation of climate refugees, not only environmental reasons but also political reasons. One of reasons should be noted specifically. Due to the vagueness and uncertainty of the definition of climate refugees, the legal framework and practice about protection of climate refugees has been seriously influenced. Nevertheless, there are a sum of difficulties to make a universally admitted definition of climate refugees.

Keywords: climate refugees, climate change, international law

1. Introduction

The first The problem of climate refugees has been increasingly acute. The situation Bangladesh is facing now can be regarded as one of examples. Bangladesh is a country located in the alluvial fan delta which caused by the Ganges River and Brahmaputra River and shares borders with both India and Myanmar [1]. The coastal area occupied around 30 percent of Bangladesh's whole territory [2]. Under the circumstance that most of its area are in low altitude and near rivers or sea, there are high possibility Bangladesh will be seriously affected by the rising of sea level and river level. In addition, owing to the Tropical Monsoon Climate which is in a dominating position in most of its land, tremendous amounts of precipitation which is amount to 80 percent of total annual precipitation will concentrated in summer and lead to the dramatically rising of river level. Meanwhile, the rising of sea level caused by climate change will erode the coastal areas and lead to negative impacts as well. It should also be noticed that 46 percent of Bangladesh's total population live in the low lying and costal areas [1]. This increases risks the climate change will bring. As a result, a plenty of people lost their home in past decades and forced to move away from their original homes and countries they used to live. However, the Bangladesh government did not has the enough financial resources to resettle all these people. Hence, the only available choice for some of them is to move out of Bangladesh and start a life in a foreign country. According to the statistic, the number of climate refugee has exceeded 6 million and still keeps increasing rapidly. Nevertheless, owing to the insufficiency of

climate refugees' legal framework, especially the ambiguity of climate refugees' definition, there will be more difficulties to tackle the problem of climate refugees. In consideration of this problem, this essay will discuss the reasons why clear definition of climate refugee is necessary, the difficulties and the proposed solution.

2. Reasons Why the Definition of Climate Refugee Should be Regulated

2.1. The Current Situations of Climate Refugees

It was demonstrated by Intergovernmental Panel on Climate Change (IPCC), it is obvious that human migration could be considered as one of the greatest impact caused by climate change [2]. The number of people who suffered from climate change is enormous large and will keep climbing [3]. The statistics shows that since 2008, extreme weather disasters end up causing the displacement of around 24 million people every year [3]. In 2018, the number of people who faced the problem of displacement has exceeded 65 million. In 2019, according to the report made by UNHCR, more than 5.1 million people in 95 states and regions has moved to other countries because of climate change. It was argued by some experts that the number will reach 143 million in the following decades [4]. It was predicted by scientists that by the mid-21st century, nearly 200 million people, including who lives in Tokyo and New York, will be forced to migrate due to rising sea levels caused by greenhouse gases [5].

The number is not only the problem that should be noted. Life condition of these large amount of refugees which is seriously influenced by climate change needs more attention as well. Before these people leave their original resistance, they may suffered from extreme live environment, for example, the dearth of food or lack of medical treatment. During their journey to other countries, or when they reach their destination, there is possibility for they to be accidentally injured. After arriving to other countries, they may not able fit in the society and find new jobs quickly owing to there special status. As a result, even when they has run away from their original habitat, there is still a possibility for they to starve to death. An example of how such difficulties will influence climate refugees' life condition can be found in *Teitiota v. New Zealand* [6]. In this case, the claimant, Teitiota argued that the salinization of the groundwater table which caused by the rise of sea level has led to the lack of fresh water. Consequently, it was almost impossible to grow crops in his homeland Kiribati. It will be more than ten years that this area is not suitable for living and he was refused by New Zealand which meant that neither he would have income in following months nor he and his family could find a place to live. This has highly affected his and his family's life.

2.2. The Current Legal Status of Climate Refugees

The current legal status of climate refugees is rather vague due to the the insufficiency of current legal framework about climate refugee. The unclear definition of climate refugee can be considered as one of the reasons. Under the definition of 1951 Geneva Convention on Refugees, a refugee is a individual who "owing to a 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 former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it [7]."

Thus, according this convention, climate refugees can not be included in the category of refugee because it did not mention that the reason of being considered as refugees could be climate. However, this convention is widely applied in today's international society. For example, the United Nations High Commissioner for Refugees (UNHCR), a agency which is part of UN and established to help refugees does not admit that climate refugees possess the same rights with the refugees defined by

Geneva Convention on Refugees. As a result, there are a number of international organization do not recognize climate refugees as actual refugees. Also, some experts named these group of people as displacement instead if using the word of climate refugees. Such uncertainty and vague in academic field will have negative impact on the legal status of climate refugees as well.

Owing to the lack of related conventions and clear definition, some scholars turn to International Human Rights law to fill the blank. There were some cases related with climate refugee applied International Human Rights law. The legal basis can be found in the United Nations resolution which was adapted by Human Rights Community. In its documents, it can be found that it was admitted that there is a connection between human rights and climate change [8]. However, it was stated by the Office of the High Commissioner for Human Rights that despite the general human rights of climate refugees, there is no right of entry for them [9]. As a result, in the field of human rights, the protection of climate refugees is not complete as well.

3. The Difficulties to Regulate the Definition

3.1. The Origin and Development of the Definition of Climate Refugee

The reasons why there are many difficulties of defining the accurate meaning of climate refugee are closely related to the conflicts in this concept. The time when the refugee issue has gradually drawn more attention of global society and the concept of refugees gradually became known to the public is the period after World War II. After the World War II, the world refugee problem has become increasingly serious because the devastating effects of war. Some of them lost their homes which were destroyed by war and were forced to move away. Thus, in order to solve this problem, Geneva convention was made. However, at that time, very few people realize that there are not only refugees caused by war, but also refugees caused by environmental reasons.

The concept of climate refugees is derived from environmental refugees which is a concept mentioned and gradually used since 1940. About thirty years later, in 1970, the United Nations Environmental Protection Agency (UNEP), as well as the United Nations High Commissioner for Refugees (UNHCR) began to focus on the displacement caused by the environmental damage. Around 1980, the term "environmental refugees" began to be raised at conferences which were related with United Nations. However, the written form of "environmental refugees" was proposed in 1984 by Timberlake [10].

Then, Essam El-Hinnawi, who was one of scholars working in United Nations Environment Program ("UNEP") defined the term "environmental refugees" in UNEP Document as "people who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption (natural and /or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life." This concept has made further progress in defining environmental refugees [10].

In 1988, Jacobson (1988) defined "environmental refugees" as "those displaced temporarily because of a local disruption such as an avalanche or earthquake; those who migrate because environmental degradation has undermined their livelihood or poses unacceptable risks to health; and those who resettle because land degradation has resulted in desertification or because of other permanent and untenable changes in their habitat" [10].

In 1995, Myers defined the factors causing environmental refugees from the perspective of environment and developments: land destruction, for example, drought, flood, desertification, deforestation; lack of resources, including water shortage; urban environmental problems; Emergency issues, such as global warming effect; natural disasters, such as typhoons or earthquakes. The most recent development in the definition is the concept of environmental refugees developed by Laura to cover

all refugees who is related with environment, for example, climate refugees, and all displaced people, including those fleeing industrial and chemical hazards.

Also, the concept of environmental refugees was defined by the Climate Institute as "people fleeing from environmental crises, whether natural or anthropogenic events, and whether short or long term." According to this institute, an environmental refugee "encompasses any person uprooted from his or her home by long-term environmental degradation, short-term incidents or development projects."

Nevertheless, some people state that the border of climate refugees should be extended. For example, people who run away from natural disasters such as earthquake should be concluded in this definition. This idea can be found in the Cartagena Declaration on Refugees 1984. It was noted in this declaration that the concept of refugees can conclude "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order. However, some experts stated that the terminology "environmental refugee" is too vague. It was argued by others that owing to the ambiguity of this term, more terminologies should be created and used to distinguish the specific categories of environmental refugees [12].

3.2. The Relevant Concepts

Climate Migrant is one of relevant concepts of climate refugee. Some experts considered that climate migrant has the same meaning with climate refugee. As the Geneva Convention did not include environment and climate elements as one of the cause of refugees and it is difficult to rewrite this convention, experts suggest that these people who are forced to move away from their original countries should be called climate migrant instead of climate refugees [13]. However, according to other scholars, the meaning of climate migrant should be distinguished from climate refugees. They insist that refer in particular to those who move within their original country on the grounds of climate reasons and exclude the people who move away from their original country. They want to distinguish these two concepts and argue that it is more easy to find if it is an international problem or a domestic problem.

Another term which can be found is climate exiles. This term has been mostly applied to describe those climate migrants who may lose their nationalities in the near future due to their migration to other countries.

In addition, the term of environmentally displaced persons (EDPs) plays an important part in the discussions about climate refugee as well.

This term "environmentally displaced persons" (EDPs) was used by U.N. to refer to those persons "who are displaced from or who feel obligated to leave their usual place of residence, because their lives, livelihoods and welfare have been placed at serious risk as a result of adverse environmental, ecological or climatic processes and events." This term "environmentally displaced persons" (EDPs) was distinguished with the term "climate refugees" on the grounds of refugees are usually refer to those individuals who leave their original country because of racial, religious or political reasons. However, if these environmentally displaced persons are considered to be refugees, it is a breach of convention. It was demonstrated by UNHCR that one of most significant factors of refugee which is widely admitted is that the loss of national protection [12].

All of these relevant concepts are widely adopted not only in academic papers related with international law but also in formal documents which are carried out by international organizations. It is obvious that under such circumstance, the definition of climate refugees will be confused.

3.3. The Difficulties

There are a sum of difficulties of make an widely admitted definition of climate refugee. This essay will analysis some of them in the following paragraphs.

The first difficulty is the current conflict about whether there is real climate refugees or not. Some scholars stated that there is no enough evidence to show that the climate reason is the main reasons which forced these people to immigrate. They argued that climate reason may be one of the reasons, but there is high possibility that it is not the direct and the main reason. Also, they added that there is no need to divide climate reason with others. As a result, some scientists insist that there is no real climate refugee.

In addition, some people believe that if the existence of climate refugee is widely admitted, it will cause political risks. As mentioned before, there are many reasons which may cause the arise of refugees. They stated that some countries may use the climate reason to cover the main political reason. For example, if a individual has left his original country mainly because of his political status. It is also partly because of the climate change has effected his residence. Under the circumstance that the climate refugees are officially admitted, his original country may state that this person is a climate refugee instead of political refugee in order to get rid of its responsibilities.

Thus, many scholars refused to recognize climate refugees as real refugees. This can be regarded as the second difficult.

The third reason is that some countries worry that if climate refugees are included in refugees, their sovereignty in domestic policy may be influenced. The climate refugee problem is rather complicated, it relates to politics, industry, economy and culture. Some countries worry that other countries or international organizations will interfere their internal affairs on the ground of helping climate refugees. They are not willing to be forced to changed their policies because of the pressure of protecting climate refugees.

The last main reason is that some of international organizations worry that the recognizing of climate refugees will increase the difficulties of protecting other refugees. According to research, the number of refugees has already reached 15.2 million, and the number of long term refugee has already reached 7.2 million. It is argued that the sources which can be used to protect refugees are limited. If most of these sources are applied to help climate refugees, other refugees will in lack of protection [11].

4. The Solution to Overcome Difficulties

4.1. The Legislative Ways

The most substantive solution would be making a clear and widely admitted definition of climate refugees by making an international treaty within international entities. Among all legal sources of international law, international treaties are one of the most compulsory ones. International treaties can legally bounding the countries which has signed and passed this treaty through domestic process. Countries can make an agreement on the definition, rights and obligations of climate refugees by global negotiations. Thus, there will be less debate on climate refugees.

The advantages of this method is obvious. It can provide a clear and reliable definition. If there is any disputes in relevant problems, both party cloud refer to this definition. In addition, its stability can be seen as another advantage. When it is made, there is low possibility to change it frequently.

However, there is a unavoidable drawback. It is rather difficult to gather all the countries just for tackling the problems of climate refugees. Also, it is not easy to find out a definition which can be accepted by all countries.

4.2. The Others Ways

The first suggestion is promoting the international cooperation within countries. For example, the original countries of climate refugees can make agreements and treaties with the countries which receive climate refugees. Such cooperation can be regarded as the foundation of further collaboration on the climate refugees issues and contributes to define climate refugees.

The second suggestion is that a consistent definition on climate refugee can be established in academic cycle. It is much easier to make a widely admitted definition in academic cycle compared to that in international society. Once scholars tend to use the same terminology, it will make a great influence not only in academic cycle but also in the practice of international law. Thus, if there is a consistent definition in academic cycle, making a definition in global society is more feasible [14].

5. Conclusion

Climate change which may be caused by natural event or human activities has always been one of the most significant global problems for many decades. As climate change has become increasingly acute, the number of climate refugees is also rising markedly year by year. Therefore, the problem of climate refugees, a branch of climate change problems has also attracted more attention from global world. However, the issue of climate refugees is a rather controversial topic since there are disputes in various aspects, such as its definition, responsibility mechanism, and solutions. Although these conflicts are not easy to resolve, the international society should still try to make some progresses owing to its urgency and importance. A consistence and widely admitted definition of climate refugees can be seem as a starting point and foundation for addressing this controversial issue. After learning the difficulties of defining definitions, for example, some people deny the existence of climate refugees, international society and organizations can target these challenges. In the legislative method, countries could sign a treaty that defines the meaning of climate refugee. Meanwhile, in other methods, the international society can also cooperate more in order to established the basis for further cooperation.

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