

Making the Mythical “Climate Refugee” A Reality

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Recent research has observed that the Earth's climate is changing at an exceedingly rapid rate, far faster than previously anticipated. These rapid shifts have led to more extreme climate disasters, prolonged droughts, and environmental degradation (Hviding 2019). These conditions have forced millions to flee their homes in search of more habitable locations. However, despite the scale and immediacy of the problem, victims of such climate disasters are not guaranteed international protections by the UNHCR. Indeed, despite the prominence of the term "climate refugee", no such designation exists.

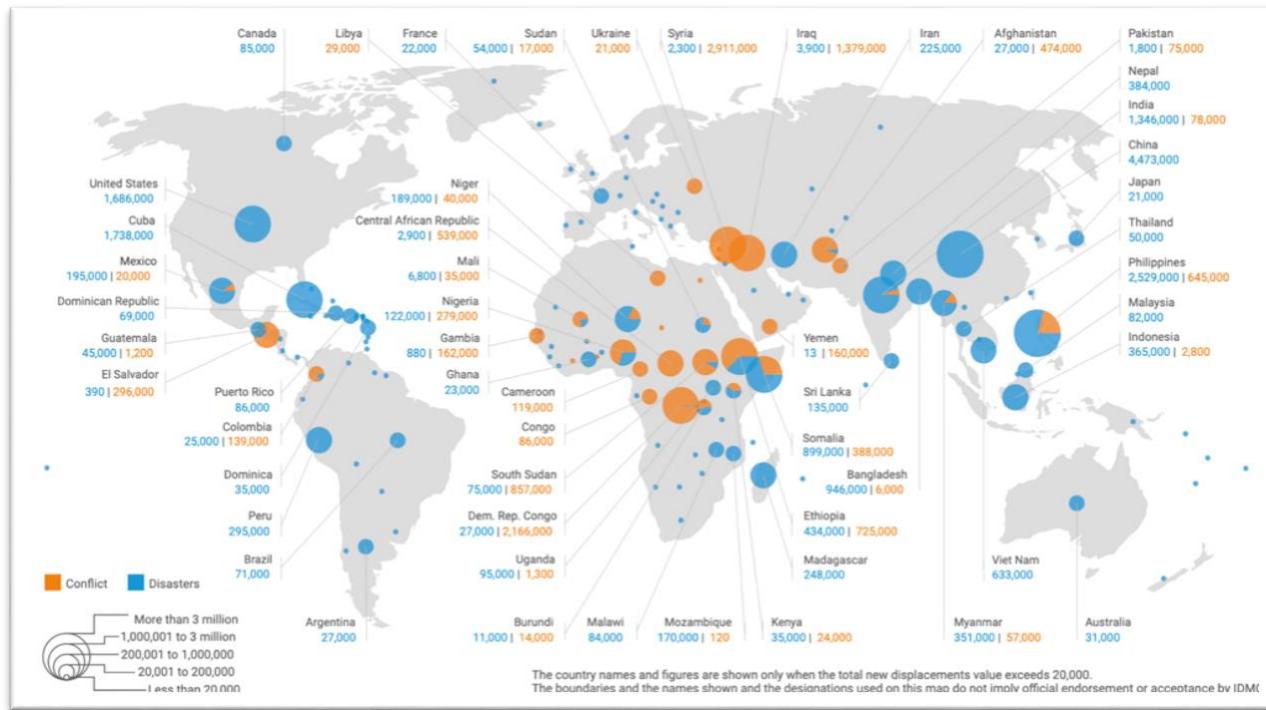
This policy brief identifies recent studies on climate-based migration and highlights current gaps in international policy regarding humanitarian protections for climate migrants. It takes a 'Right to the World' approach, countering nativist rhetoric with fundamental concepts of human rights (Nevins 2017). Finally, it recommends expanding UNHCR refugee criteria to include victims of climate disaster and environmental degradation, making the mythical "climate refugee" a solidified category with international rights and affordances.

Historical Context

In the last twelve years, 265 million people have been displaced by extreme climate factors (Francis 2020, 123). This number has risen sharply in recent years, with climate disasters continuing to [trigger the majority of displacements worldwide](#) (2020 mid-year update, 3). These factors will not disappear in the near future, but rather continue to escalate. In fact, a widely accepted projection by the [International Organization for Migration](#) projected that up to 200 million individuals could become climate migrants by the year 2050 (Brown 2018, 9).

These projections paint a grim picture, but one which is believable based on recent events. As *Figure 1* shows, millions of people are displaced by climate events every year. While many are internally displaced (IDPs), due to environmental degradation, international displacement is becoming more and more common. Of note is the nation of Kiribati, which, along with parts of Hawai'i, the Arctic chains, and soon to be joined by [Tuvalu](#), all of which have been swallowed by rising sea levels in recent years (Hviding 2019).

These populations have historically been refused international rights of asylum and refuge afforded to victims of war, violence, and persecution under international law.



Who qualifies for Refugee Status?

The UNHCR has strict guidelines for who it classifies as a refugee. According to UNHCR guidelines, established in the [1951 Geneva Convention](#) and its expanded 1967 Protocol, a refugee is someone who is forced to flee their home country due to war, violence, or persecution based on identity features, such as race, religion, or affiliation with a political group ("The 1951 Refugee Convention"). Refugees are entitled to certain international rights and benefits, such as food, shelter, education, and resettlement.

In order to receive refugee status, individuals must cross a national border from their home country and claim asylum in a second nation. This is a process in which they will be classified as asylum seekers, rather than refugees. By contrast, those who do not cross a national border but are nonetheless displaced within their own nation are classified as Internally Displaced Persons (IDPs), and are not entitled to any refugee care or special international rights. Rather, their rights are based on those of their home nations, which they still inhabit.

This last point has so far frustrated attempts to codify the rights of those displaced by climate disasters, as many historically have remained in their home countries as IDPs. In the first half of 2020 alone, an estimated [9.8 million](#) individuals were internally displaced by disasters compared to 4.8 million displaced by conflict in that same period ("Internal Displacement 2020: Mid-Year Update", 5). Note that because climate migrants are not asylum seekers or refugees, they have international rights of entry into a second nation, and thus are

often forced to remain in their home nations (Francis 2020). However, the argument for treatment of climate related IDP's is a conversation for another time and beyond the scope of this proposal. Rather I bring it up only as an example of confounding factors that have historically complicated this matter. This proposal will address only populations who *have* crossed borders, so called "climate refugees".

The "Climate Refugee" Myth

However, "climate refugees" often do not meet those requirements. While the [Global Compact on Refugees](#) (2018), adopted by the UN General Assembly in 2018, acknowledges that "climate, environmental degradation, and natural disasters increasingly interact with the drivers of refugee movements", this does not classify those displaced by climate change as refugees, nor does it offer them benefits of refugee status (Francis 2020).

The exception to this case is the rare circumstances which the UNHCR calls a [nexus dynamic](#), in which a cross-border movements occur in the context of both conflict and natural disaster (Weerasinghe 2018,4). While we can predict that conflicts will rise in accordance with natural disasters, we also know that a great many natural disasters happen outside of the context of direct violence. Furthermore, there are many environmental drivers of climate migration which are not based in violence, such as environmental degradation, land erosion, and natural disasters, all of which may make home nations uninhabitable (Hviding 2019). This has already been the case in many smaller island nations, of which 48 are predicted to be swallowed by rising water levels by 2100 (Deshmukh 2019)

The UNHCR has recognized the need for [intervention on behalf](#) of those who have crossed borders due to climate disasters, and, "when called on [can] provide concrete support in terms of registration, documentation, family reunification and the provision of shelter, basic hygiene and nutrition" ("Climate Change and Disaster Placement"). However, these interventions are not guaranteed, nor are they standardized in international law. They must be requested and negotiated by the receiving country, a process that could delay vital maintenance and lead to unequal care. Additionally, these interventions do not offer protection from deportation from secondary nations like refugee protections do, nor do they offer an opportunity for resettlement (Francis 2020).

On Nativism

It should be no surprise that many nations are hesitant to sign on to take in an increased number of migrants. At the core of this sentiment is the concept of the border, an embodied geographic symbol of sovereignty. On one side, victims are IDPs and the responsibility of their own nation. On the other side, they are migrants – as the laws stand, illegal migrants, and a violation of state sovereignty. While some European nations have been welcoming to refugees in recent years, many nations all around the world have not. Notably, the United States has seen an extreme wave of nativism and isolation in the last two decades.

This rhetoric casts migrants as "bogeymen", scapegoating immigrants of all stripes for societal shortcomings (Finley and Esposito 2020). This heightened scrutiny translates to enhanced securitization. Borders are literally built up to prevent migration, and figuratively built onto the bodies of migrants as they travel through their second nations (Smith et. al.

2015). Such borders, both physical and mental, present significant hurdles (even *the most significant hurdles*) to international climate migrant policies.

As a counterargument, in so much as a scholarly counterargument can be made against racist, xenophobic, and nativistic rhetoric, this proposal presents “The Right to the World”, a concept developed by Dr. Joseph Nevins (2017). This right to personal safety and wellbeing, as articulated by Nevins, hypothetically and aspirationally supersedes all national regulations on migration. Nevins asks how we as an international community can claim to support any human rights when so many fall through the cracks laid by nation-states butting up against each other, and problematizes the reality of migrants being forced to places where they have no citizen’s rights, yet are fully subjected to that nation’s laws. To answer this, Nevins advocates for universal rights of migration. We take the spirit of this work and apply it here, somewhat more humbly, to the rights of climate migrants.

Recent Progress

Regional powers have begun to extend protections that would include climate migrants, to the extent that they are able. The 1969 Organization of African Unity Convention (OAU Convention) included measures to protect people fleeing their nation due to “events seriously disturbing to public order” (Francis 2020). Again, the 1984 Cartagena Declaration includes protections for those who have been victims of “circumstances which have seriously disturbed public order.

Most recently, a [landmark decision](#) by the UN Human Rights Committee ruled that individuals effected by climate change should not be returned to their country of origin if their human rights would be at risk on return. This case has wide-reaching implications for international obligations to people displaced by climate change, and highlights the importance of nations proactively addressing climate concerns, but stops short of awarding victims of climate disasters refugee status – or indeed any other specific protections.

Recommendations

This brief recommends for the UNHCR to amend the 1951 Geneva Compact and its 1967 Protocol to include conditions of extreme climate and environmental disasters in its recognition of catalysts for migration, and to incorporate such migrants into the asylum seeking and refugee framework. This step would have the following beneficial effects under international law:

- Climate migrants would gain the right to cross borders without fear of immediate deportation or incarceration.
- Host nations and international refugee organizations would be obligated to provide some support while asylum and resettlement cases are being processed.
- Climate migrants would gain access to refugee status and resettlement processes, affording them the opportunity to resettle in a location which is not exceedingly dangerous or uninhabitable.
- Finally, this step would compel nations to host refugees from nations experience perpetual climate disasters and environmental ruined.

Conclusion

For generations, we have known that rapid climate change is not only an inevitability, but happening in our lifetimes at an exponential rate. As climate disasters have become increasingly frequent and destructive, as deserts have become uninhabitable, and as islands disappear into the ocean, the international community has done little to address the humanitarian needs of those affected. Nor have international communities adequately prepared for the climate-driven global humanitarian crises to come.

Rapid climate change cannot be stopped, its damage can only be accounted for and adapted to. As we look to the coming decades, we are faced with a choice to handle an inherently global humanitarian crisis in a chaotic, patchwork, nation-by-nation basis, or to address it uniformly, with order under international law which already exists. Climate migration is a global issue, and it will require global solutions. Put another way, by expanding the UNHCR's guiding criteria for who is afforded rights as a refugee, we can tackle the largest humanitarian crisis this world has ever seen together, or, be swallowed by it one by one.

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Appendix

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