The concept of 'climate refugee'
Towards a possible definition

SUMMARY

According to statistics published by the Internal Displacement Monitoring Centre, since 2008 over 318 million people around the world have been forcibly displaced by floods, windstorms, earthquakes or droughts, 30.7 million in 2020 alone. This is equivalent to one person being displaced every second. Depending on the frequency and scale of the major natural disasters occurring, there are significant fluctuations in the total number of displaced people from one year to the next, yet the trend over recent decades has been a growing one. Many find refuge within their own country, but some are forced to go abroad. In the summer of 2021, Europe witnessed heavy and unprecedented flooding, particularly in Belgium and Germany, and heat domes in the Mediterranean region. Scientists relate this directly to climate change. All things considered, the number of 'climate refugees' looks set to rise.

So far, the national and international response to this challenge has been limited, and protection for the people affected remains inadequate. What adds further to the gap in protection of such people – who are often described as ‘climate refugees’ – is that there is neither a clear definition of this category of people, nor are they covered by the 1951 Refugee Convention. The latter extends only to people who have a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group, or political opinion, and who are unable or unwilling to seek protection from their home countries. While the EU has not so far recognised climate refugees formally, it has expressed growing concern and has taken action to support the countries potentially affected by climate-related stress and help them develop resilience.

This briefing is an update of an earlier one from January 2019.

IN THIS BRIEFING

- Climate change and the displacement of people
- The complex task of defining the 'climate refugee'
- How climate change results in the increased displacement of people
- Toward an international legal framework: Filling the gaps
- How the Covid-19 pandemic has worsened conditions for climate displaced people
- Towards a European framework
- Outlook
Climate change and the displacement of people

Since 2008, over 318 million persons have been displaced because of climate disasters, this is the equivalent of one person being displaced every second, or the entire Australian population being displaced every year. In 2020 alone, 30.7 million people were displaced because of environmental disasters, notably linked to climate change. As the number of people affected by climate change could double by 2050 according to the International Federation of Red Cross and Red Crescent Societies (IFRC), the annual displacement of millions of persons worldwide due to environmental disasters needs to be addressed.

Since the international conference on population and development in 1994, the issue of international migration in relation to development has risen steadily up the international community’s agenda. The United Nations (UN) 2030 Sustainable Development Agenda includes several migration-related targets and calls for regular reviews of progress towards their achievement, using data that is in some cases disaggregated by migratory status. Many find shelter within their own country, but some are forced to go abroad. Such movements are likely to increase because of climate change. So far, the response to this challenge has been limited, and protection for those affected remains inadequate. The lack of a legal definition to describe people who are forced to move for environmental reasons is of particular concern, as it leaves them in legal limbo.

Although most people who are forcibly displaced by climate-related events stay within the borders of their homeland, some go abroad and are referred to as ‘externally displaced persons’. Yet, as most of the data available focus on internally displaced persons, it is hard to get a clear overview of the scale of cross-border migration resulting from environmental disasters. This lack of data is also caused in part by the legal void regarding the status of external climate migrants and prevents the implementation of an international legal framework to address the issue. However, since the Nansen initiative was launched in 2012, the international community has started to consider the phenomenon of external climate migration.

On 19 September 2016, the UN General Assembly adopted the New York Declaration for Refugees and Migrants, in which it called for the development of two global compacts, one on refugees and the other on ‘other migrants’. The second, the Global Compact for Safe, Orderly and Regular Migration (GCM), endorsed on 10 December 2018 in Morocco, acknowledges under its Objective 2 the urgent situation of migrants being displaced because of climate change. The same year, the 24th UN Climate Change Conference (COP24) addressed the issue of people being displaced because of climate change. However, although the climate migration issue is now a recurrent topic in international forums, the people directly concerned by it have not yet been granted any official status or legal protection. Leaning on the Intergovernmental Panel on Climate Change (IPCC) special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, the 2019 COP25 addressed the desertification issue and the stressed global food system as outcomes of climate change deteriorating human life quality. Building on that, the International Organization for Migration (IOM) has stated that these climate change-related outcomes are worsening the living conditions of already vulnerable populations and acting as triggers for human mobility. The connection between climate change-related disasters and displacements has therefore been acknowledged, but there has been no move to grant climate displaced persons any special status. Host countries prefer to address the ‘root of the problem’, by reducing pollution levels and minimising climate change. This is what will be discussed in November 2021 in Glasgow at COP26. However, whereas this approach will bear fruit in the long term, in the short term, displacements due to climate change continue and the people concerned find themselves in a legal void.

The UNHCR – in its 2020 article on climate change and disaster displacement – and the European Commission – in its 2019 Green Deal communication – have both expressed their understanding of the current and future role of climate change in the forced displacement of people. Nevertheless, a clear void remains in the international legal framework regarding the protection of these
The concept of 'climate refugee' populations. As the 1951 Refugee Convention extends only to people who have a well-founded fear of being persecuted on grounds relating to race, religion, nationality or membership of a particular social group or political opinion, and are unable or unwilling, owing to fear of persecution, to seek protection from their home countries, neither this convention nor its additional protocol acknowledges climate hazard as valid grounds to acquire refugee status. Hence, the meaning of the term 'climate refugee' is entirely uncertain in the context of law and practice.

In the future, environmental changes could have devastating effects on many populations, especially those in coastal and low-lying areas such as Vietnam, the Netherlands and certain parts of the US. 'Already, people are twice as likely to be displaced now than they were in the 1970s', according to Justin Ginnetti, head of the Data and Analysis Department of the Internal Displacement Monitoring Center (IDMC). This is due to the combined effect of rapid population growth, urbanisation, and exposure to natural disasters. According to the September 2019 IPCC Special Report on the Ocean and Cryosphere in a Changing Climate, scientists estimate that during the 21st century between 6000 and 17 000 km² of land will be lost as a result of the thermal expansion of ocean water and ocean mass gain, the latter primarily due to a decrease in land-ice mass. This could potentially lead to the displacement of between 1.6 and 5.3 million people. On 23 June 2021, Agence France-Presse (AFP) released a number of videos based on data that were subsequently published on 7 August 2021 in the IPCC report. The report made alarming observations on the future of coastal cities and their populations as a result of rising sea levels. Among the various observations, the reports' authors stated that 'It is unequivocal that human influence has warmed the atmosphere, ocean and land' (Summary for Policymakers, IPCC AR6 WGI, 2021, p. 5).

The latest IPCC report summary for policymakers states that human activities are responsible for an increase in hot climatic impact-drivers (CIDs), such as the melting of permafrost, snow, glaciers, and ice sheets. It is therefore very unlikely that it will be possible to keep global warming under 2°C. This has implications for people's health and daily life, as the rising sea levels will deregulate flooding seasons, increase coastal erosion, drought, and flooding, destroy people's homes and disrupt agriculture. Hence if the rising of climate change increase extreme rainfall and flooding will follow suit in Europe. This summer, Europe witnessed heavy and unprecedented flooding, particularly in Belgium and Germany, that scientists relate directly to climate change. In Belgium and Germany, these climate events cost 220 people their lives, with over 2 300 persons displaced in Belgium. Such phenomena are likely to increase with global warming.

Even if global warming is kept under 2°C, ocean levels will rise by up to 60 cm. Cities including Mumbai, Jakarta, Shanghai, New York and Venice are under significant threat from rising sea levels and flooding in general, with scientists referring to them as the 'true Atlantis'. Entire countries, such as the Netherlands, could even disappear, and their populations be forced to move. It is claimed that about 300 million people will be vulnerable to annual flooding by 2050. Furthermore, according to the UN, in Cape Town, South Africa, up to 125 000 people are likely to be displaced because of rising sea levels by the end of the 21st century.

The complex task of defining the 'climate refugee'

The phenomenon of 'climate refugees' has been present in public discourse since 1985, when UN Environment Programme (UNEP) expert Essam El-Hinnawi defined 'environmental refugees' as: "...those 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 jeopardised their existence and/or seriously affected the quality of their life'. This definition is also used for the term 'climate refugees'; whether there is a practical difference between 'environmental' and 'climate' remains unclear.

One of the key challenges when it comes to securing protection for those affected by displacement as a result of climate change lies in the complexities involved in defining the term 'climate refugee', while also taking into account pre-existing discourse surrounding the Refugee Convention and
previous attempts to define 'environmental refugees'. In 2020, during a European Economic and Social Committee (EESC) hearing, Isabel Borges, Professor and Researcher at the Norwegian Business School and University of Oslo explained: 'The absence of an accurate definition of what constitutes a person displaced by environmental factors has resulted in the inability to measure exactly the number of existing and potential displacement flows'.

According to academics Docherty and Giannini (2009), a 'climate refugee' definition should include the following six elements: forced migration, temporary or permanent relocation, movement across national borders, disruption consistent with climate change, sudden or gradual environmental disruption, and a 'more likely than not' standard for human contribution to the disruption.

There has, however, been criticism of the attempt to attribute the term 'refugees' to people displaced internally and externally. Initially, the term 'climate refugees' posed a threat to UNHCR, as it blurred the boundaries between the definition of refugees according to the 1951 Refugee Convention – 'Convention refugees' – and popular concepts regarding refugees. In June 2019, Dina Ionesco, Head of the Migration Environment and Climate Change (MECC) Division at the IOM, expressed reservations about granting refugee status to climate migrants. Her concern was that this could weaken the 1951 Refugee Convention while also excluding climate displaced persons who were unable to give suitable proof that their forced displacement was due to the climate from aid and support. As to whether climate refugees should be the subject of a new treaty or convention, UNHCR argues that those displaced as a result of environmental change could, in theory, still rely on the protection of their national governments, while traditional refugees could not, as States are often the source of persecution, thus making an individual 'unwilling to avail himself of the protection of that country' as required by Article 1A(2) of the 1951 Refugee Convention. Yet in reality, certain regions struck by recurrent climate disasters (mostly in the global South the main source of migration movements) have trouble recovering from these events, as they often overlap with already existing structural problems, disrupting the reconstruction and return home of the displaced people. Therefore, the endorsement of a new binding convention aiming to offer legal protection and support climate displaced people should be at least considered. A regional system, such as the Kampala Convention in Africa, might reflect notions of subsidiarity and the reality of State behaviour more effectively and might be preferable to the imposition of a top-down legal framework.

Professor Walter Kalin, former UN representative on the human rights of internally displaced persons, together with Nina Schrepfer from UNHCR, refer to some commonly used definitions:

- The term 'environmental refugee' has been used in position papers presented by various non-governmental organisations, but also in the media and the academic literature. The term is associated in particular with the early stages of reflection on the topic, before a distinction began to be drawn between the different types of environmental change and forms of mobility. It was used to raise awareness and to focus on the forced nature of displacement. However, the use of the term and the status of 'refugee' assigned to people in this situation have subsequently been criticised, primarily because the term 'refugee' has a specific legal meaning in the context of the 1951 Refugee Convention and international refugee law.

- Relevant UN agencies and the IOM have considered that use of the term 'refugee' is inappropriate in this context, and that it is not opportune or feasible to widen the definition of refugee provided by the 1951 Refugee Convention to include additional categories of people.

- The term 'environmental migrant' is also widely used, including by the IOM. Nevertheless, the term 'migrant' might not always be considered appropriate, as it suggests a degree of volition in the decision to move.

- The term 'environmentally/climate displaced person' is relevant when displacements occur internally.

One of the most recent terms to have gained popularity is 'environmentally/climate displaced person'. This term is descriptive – at least of one part of the mobility spectrum (displacement) – and does not necessarily imply responsibility as regards governance. Although there is no internationally accepted legal definition of a 'displaced person', the concept of 'internally displaced persons' (IDPs) is relevant when displacements occur internally.
The concept of ‘climate refugee’

The concept of ‘climate refugee’ involves people being displaced due to environmental crises, particularly climate-related disasters, such as storms and coastal flooding; and d) negative overall impacts on health (especially for the poor, elderly, young and marginalised). They also identify three kinds of impediment to the forced return of people following an environmental crisis:

- **legal impediments under human rights law**: when in forcing return, the host state would expose the individual to a substantial risk of torture, inhuman or degrading treatment or punishment;
- **factual impediments**: when there is no means of sending people back to the country (for instance, no airports, roads or other essential infrastructure);
- **humanitarian impediments**: where even though it is possible to return people and there is no human rights obstacle, there are compassionate and humanitarian grounds for not sending people back.

According to the authors, as long as any one of these three situations exists, the persons affected should be classified as forcibly displaced and in need of protection and assistance from another state.

How climate change results in the increased displacement of people

Climate change can generate refugees in a number of ways. While the link between climate disasters and climate change is not necessarily easy to establish, rising temperatures are known to increase the frequency and intensity of weather-related disasters.

While most climate displacement in the past has tended to happen internally, with people able to return soon after the disaster, increasingly the impacts of climate change are making certain areas uninhabitable and returning difficult. This downside of global warming is pushing affected populations to cross borders and seek shelter and help elsewhere. Although the numbers of people displaced externally as a result of climate disasters is not easy to quantify, studies show that external migration linked to climate disasters will most probably increase in the coming years. This will place additional pressure on the EU’s asylum agency and migration policies already strained by the migratory crisis that has been ongoing in Europe, notably since 2015.

Whether internal or external, forced displacement of populations can also lead to conflict and tension with other communities already living in the destination regions. As the IPCC explained in the above-mentioned 2019 special report, population displacement can create competition – for food and clean water access, but also on labour markets – while also exacerbating existing ethnic tensions, or gender violence. Furthermore, climate migration often combines with conflict-related displacement, and worsens the situation in already sensitive regions touched by war and violence. For instance, in 2020 floods displaced more people in Yemen than conflict and violence, aggravating what was already the world’s worst humanitarian crisis. Europe’s migration strategy is directly affected by these new causes of displacement.

Thus, whereas according to the IDMC’s recent Global Report on Internal Displacement (GRID), in 2020 Afghanistan was the worst affected state in terms of natural hazard displacements, with 1 117 000 people displaced because of climate disaster, according to Eurostat, Afghans are also the second most numerous nationality seeking asylum in the EU. Indeed, referring again to the GRID, when it comes to overall displacement data, climate disasters trigger over three times more displacements than conflict and violence while also triggering local conflicts or worsening ongoing ones. In any case, the forcibly displaced populations’ vulnerable position worsened by violence and insecurity. According to the GRID, in sub-Saharan Africa and elsewhere, for instance, ‘disasters often overlap with conflict’. For example, drought in Somalia drove people to flee from rural to urban areas where they are now at greater risk of eviction and attacks by armed groups. When people forcibly displaced because of the climate also encounter stigmatisation and violence in the region they flee to, their position can fall within the scope of the 1951 Refugee Convention, enabling them to be granted legal status and protection.
Figure 1 – Internal displacement of people due to natural disasters


Internally displaced persons (IDPs): persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of natural disasters, and who have not crossed an internationally recognised state border. Natural disasters refers, for instance to earthquakes, hurricanes, typhoons, floods, volcanic eruptions, tsunamis, tornadoes, landslides, extreme temperatures, etc.

Countries with the highest number of new displacements

<table>
<thead>
<tr>
<th>Country</th>
<th>Per million inhabitants</th>
<th>Million persons</th>
<th>EU countries, thousand persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vanuatu</td>
<td>260.459</td>
<td>5.1</td>
<td>42.0</td>
</tr>
<tr>
<td>Honduras</td>
<td>94.602</td>
<td>4.4</td>
<td>13.0</td>
</tr>
<tr>
<td>Somalia</td>
<td>65.248</td>
<td>4.4</td>
<td>10.0</td>
</tr>
<tr>
<td>Cuba</td>
<td>56.416</td>
<td>3.9</td>
<td>7.8</td>
</tr>
<tr>
<td>Fiji</td>
<td>41.274</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>40.509</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Sudan</td>
<td>39.576</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicaragua</td>
<td>35.021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuvalu</td>
<td>33.921</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td>26.978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>India</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vietnam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Somalia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The concept of ‘climate refugee’

Toward an international legal framework: Filling the gaps

Principle 1 of the 1972 Declaration of the United Nations Conference on the Human Environment (the Stockholm Declaration) states that there is ‘a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being’. The Stockholm Declaration reflects a general recognition of the interdependence and interrelatedness of human rights and the environment.

While the universal human rights treaties do not refer to a specific right to a safe and healthy environment, the UN human rights treaty bodies all recognise the intrinsic link between the environment and the realisation of a range of human rights, such as the right to life, health, food, water, and housing. The 1989 Convention on the Rights of the Child provides that states parties shall take appropriate measures to combat disease and malnutrition ‘through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution’. Unfortunately, the rights guaranteed by these conventions are difficult to implement, as climate disasters – intensified by climate change and since 2020 coupled with the Covid-19 pandemic – make it more complex to access these essential goods. Yet, global warming has among its consequences food competition, difficulty accessing clean water, water stress, and desertification, which exacerbate the violence and conflicts already present in tense regions, prompting people to flee. In that way climate change acts as trigger to cross-border migration. In April 2021, UN World food Programme (WFP) press release warned that southern Madagascar was on the brink of famine, because of long and successive droughts over the previous four years. In another press release, David Beasley, WFP Executive Director, explained that ‘This is not because of war or conflict. This is because of climate change’. According to the WFP, the situation had already forcibly displaced thousands of people in order to seek food elsewhere.

The non-binding 1998 UN Guiding Principles on Internal Displacement provides a framework for protecting victims of natural disasters who do not cross an international border. In 2009, the Council of Europe suggested that these principles could be taken as a model to develop a global guiding framework for the protection of displaced persons crossing international borders as a result of climate change and natural disasters. While these guiding principles have not been extended to cross-border displacement, they were nonetheless used to draft the Kampala Convention for the protection and assistance of internally displaced persons in Africa. Complementary forms of protection allow states to offer protection to people facing the prospect of being returned on human rights grounds in cases not addressed by the 1951 Refugee Convention and its 1967 protocol. These types of protection are subsidiary to the refugee status granted under the 1951 Refugee Convention and may vary widely from one jurisdiction to another. Also, it has been argued that complementary forms of protection may be relevant for some of the people forced to move on a long-term basis or permanently, i.e. when there is no prospect of return in the long term. In 2008, Office of the UN High Commissioner for Human Rights (OHCHR) studied the effects of climate change on human rights and found three obstacles that needed to be overcome before climate change could be treated as a human rights violation:

- proving that one country’s emissions cause a specific effect on another country;
- showing that human rights issues are caused solely by global warming; and,
- considering the fact that the human rights framework is usually utilised in response to violations, whereas climate change regulation is concerned with potential future harm.

The main instruments relevant to ‘climate refugees’ at present:

At international level:
- human rights conventions;
- UN principles relating to internally displaced persons.

At regional level:
- Kampala Convention (2009);
- Nansen initiative (2012);

At national level:
- subsidiary protection (Norway, Sweden, Finland and Denmark);
- policies facilitating economic migration (New Zealand, Spain).
In 2012, the Nansen initiative, launched by the governments of Norway and Switzerland, appeared as the first milestone towards the recognition and protection of people externally displaced because of climate-related issues. It aimed to fill the legal protection gap regarding the status of people externally displaced by climate disasters, by building a consensus among states to implement a protection agenda, with standards of treatment. In October 2015, this state-led consultative process resulted in a non-binding ‘agenda for the protection of cross-border displaced persons in the context of disasters and climate change’, which was endorsed by 109 states. This agenda enshrined 10 action points, which became known as the 10 Nansen principles.

The Nansen principles, while not formally adopted, reflect the outcome of the Nansen Conference on Climate Change and Displacement in the 21st Century. They contain, as stated in the preamble, a broad set of recommendations ‘to guide responses to some of the urgent and complex challenges raised by displacement in the context of climate change and other environmental hazards’.

As mentioned in Nansen Conference proceedings, Principle I highlights the need for a sound knowledge base to respond to climate- and environment-related displacement. Principles II to IV then set out the respective roles and responsibilities of the relevant stakeholders. In accordance with international law generally, they recall that primary responsibility for protecting populations affected by climate change and other environmental hazards, including displaced and hosting communities and those at risk of displacement, lies with states, but that the challenges created by climate change, including those linked to human mobility, cannot effectively be addressed without the leadership and engagement of local governments and communities, civil society and the private sector. Where national capacity is limited, regional frameworks and international cooperation will be needed to help prevent displacement, assist and protect communities affected by such displacement, and find durable solutions. In this context, it is particularly important to strengthen prevention and build resilience in accordance with the principles enshrined in the Hyogo Framework (Principle V) and to build local and national capacity to prepare for and respond to disasters (Principle VI). The Nansen principles stress that existing norms of international law should be fully utilised and normative gaps addressed (Principle VII). Although for those displaced within their own country, the Guiding Principles on Internal Displacement provide a ‘sound legal framework’, implementation is not possible without adequate national laws, policies and institutions (Principle VIII). At the same time, the principles acknowledge the normative gap regarding the protection of people displaced across international borders owing to sudden-onset disasters and suggest the development by states working together with UNHCR of a guiding framework or instrument (Principle IX). The final Principle reiterates that all ‘policies and responses, including planned relocation, need to be implemented on the basis of non-discrimination, consent, empowerment, participation and partnerships with those directly affected, with due sensitivity to age, gender and diversity aspects’, taking into account the voices of the displaced or those threatened with displacement (Principle X).

This paved the way for COP21 in December of the same year, at which the Paris Agreement finally acknowledged climate change as a threat to humankind and a trigger to human mobility. Also building on the endorsement of the protection agenda closing the Nansen initiative process, in 2016 a Platform on Disaster Displacement was launched during the Istanbul World Humanitarian Summit. Nevertheless, although the Nansen initiative opened up new perspectives for the recognition of people externally displaced by climate-related issues, a legal void regarding their status remains.
Since the Paris Agreement, the COPs have started to address the climate displacement issue, with the objective of building a framework to prevent the resulting migration. In this way, in 2017 COP23 developed an InsuResilience Global Partnership for Climate and Disaster Risk Finance and Insurance Solutions to help countries affected by climate disasters to implement suitable infrastructures and programmes to support populations that have fallen victim to climate hazard, notably through financial help, insurance, resilience programmes, and regional cooperation and coordination. In 2018, both COP24 and the UN global compact for safe, orderly, and regular migration recognised climate change as a driver of human mobility. COP24, held in Katowice, Poland, ensured the implementation of the Paris Agreement, to fight climate change. Furthermore, this conference framed a discussion to help both home and host states cope with the population displacement triggered by climate disasters and proposed a series of measures meant to improve the situation of people impacted by climate change. Subsequently, the 2018 Global Compact for Safe, Orderly and Regular Migration, established following the 2016 New York Declaration for Refugees and Migrants, also addressed the climate migration issue. The resulting framework encourages cooperation between states regarding migration, with a view to finding lasting solutions to prevent the massive displacement of people due to natural disasters, while granting suitable protection to people displaced because of climate change. As a result, so far it is not the legal status of climate displaced persons that has been addressed, but rather the root causes of their displacement, in an attempt to prevent the massive climate migration waves forecast for 2050.

How the Covid-19 pandemic has worsened conditions for climate displaced people

Although, forced people movements might have been expected to decrease during the Covid-19 pandemic, in certain regions – including sub-Saharan Africa, Europe and central Asia – human mobility flows related to climate disasters have increased. According to the IDMC, with 30.7 million displacements, 2020 has seen the highest levels of displacement linked to climate since 2010.
Nevertheless, as the GRID states, in some cases, fear of the virus led climate disaster-impacted people to choose to stay in their vulnerable homes rather than exposing themselves to infection in unsanitary migrant camps. Hence, following the devastating earthquake that hit Croatia on 28 December 2020, causing the death of 8 people and the displacement of over 2 000, according to a UNICEF earthquake situation report, the authorities feared an increase of Covid-19 infections. Indeed, two out of the six temporary shelters where 487 people were housed, were placed into quarantine. Furthermore, the haphazard population mix in the Croatian shelters and host-homes formed favourable conditions for contamination.

Furthermore, while access to camps and medical assistance is difficult for forcibly displaced people, the local restrictions, lockdowns and border closures brought about by the Covid-19 pandemic have also complicated conditions of entry into neighbouring or safe countries, postponing asylum applications and limiting the granting of refugee status. In 2020, according to European Commission figures, the virus and restrictions implemented by Member States caused asylum applications in the EU to decrease by 33%, while the number of pushbacks reported at borders (land and sea) increased. Between January and March 2021 the number of illegal border crossings was already higher than for 2020 in the same period, with 28 200 irregular arrivals.

The pandemic and border restrictions have made it harder to seek assistance, especially for vulnerable populations fleeing their home countries because of environmental hazards, for whom refugee status is not applicable. The September 2020 fire on Lesvos that destroyed the Moria camp, forcing 12 000 people to move, illustrates the vulnerability of migrants living in camps on the EU’s borders, the Covid-19 pandemic making the implementation of a swift and safe response more complex and critical. This event also highlights how living conditions are deteriorating as climate disasters and the virus keeps striking.

Towards a European framework

In its 2019 European Green Deal initiative, the European Commission recognised climate change as a factor in migration and instability, conflict and food insecurity. Indeed, the climate factor has been acknowledged several times by the European Commission and Parliament as a trigger to migration, with the numbers of displaced people expected to increase to between 25 million and one billion by 2050 if the issue is not properly addressed.

Nevertheless, although many developing countries have urged the EU to grant climate migrants refugee status, individual EU Member States have not supported the idea of creating a new category, that of ‘climate refugee’. The Commission’s Directorate-General for Migration and Home Affairs had suggested a status of ‘permanently forced migration’ as a new category to resolve the refugee problem, and in a staff working document on climate change and migration from 2013 argued that there was no need for ‘refugee-type protection’ on climate-related grounds.

The EU rather chose to address the root causes of these forms of migration, advocating with the green deal initiative for better global climate policies, and regional development programmes to reduce the impact of climate change on already vulnerable regions and populations then forced to flee. Therefore, in 2018, the European Commission made a proposal to address the main causes of irregular migration, i.e. underdevelopment, demography, lack of opportunities, climate change, and inequality.

Whereas the new pact on migration and asylum, published in September 2020, aims to protect refugee status, and to provide for legal pathways and improved integration, the pact does not address climate change as a recognised reason for migration nor are climate disasters listed as a legitimate motive to seek asylum. It is therefore difficult to draw any solid conclusions regarding the legal status of ‘climate refugees’ on the basis of the main EU instruments on migration.

At a hearing in 2020, the EESC highlighted the lack of an accurate definition to properly address the issue of climate migration. Isabel Borges, from the Norwegian Centre for Human Rights, stressed the
need for a comprehensive European framework to address the climate migration issue: 'Environmental displacement has to be seen as a human rights issue and there should be a rights-based approach'.

In any case, the EU looks set to become increasingly concerned by forced displacement due to climate within its own borders, and not just as a host region. According to the IDMC, in 2020 37.7 thousand people were forcibly displaced within the EU because of climate disasters. The main reason was wildfire, with 21 thousand displacements due to extreme temperature and drought most likely linked to climate change in the region.

**Outlook**

Various initiatives are now being taken to respond to climate change threats. On 22 April 2021, through the X-Prize foundation, Elon Musk launched a public US$100 million carbon removal competition, aiming to reduce the carbon present in the atmosphere and fight climate change. According to the IPCC, to keep global temperature rise under 1.5 or 2 °C by 2050, approximately 10 gigatons of net CO₂ per year will have to be removed. If these initiatives result in sustainable and feasible solutions, the displacement of millions of people could be avoided, and their living conditions could be at least stabilised, if not improved. Whereas measures are under consideration to address the root causes of external displacement due to climate by taking long-term action to resolve climate change, it is imperative to also understand and address climate displacement as a short-term challenge. A treaty based on the Nansen initiative and considering its 10 principles could perhaps offer one way to address the gap in the legal status of people forced to move because of climate hazards in the short and medium term. Looking ahead to COP26 in Glasgow in November 2021 and following the latest warnings of the IPCC, as reported by AFP, governments and leaders will need to take practical initiatives to support the victims of climate change and more broadly to fight climate change, and give full attention to what is a major challenge of this era.

**MAIN REFERENCES**


Hinkel J. et al., *Special report on the ocean and cryosphere in a changing climate*, Intergovernmental Panel on Climate Change, 2019.


ENDNOTES

1 Throughout this briefing, unless otherwise indicated, the term ‘refugee’ is used in its most general sense to refer to persons experiencing displacement, whether internal or trans-border. Where the term is intended to have the meaning of the definition included in the 1951 Refugee Convention, (i.e. among other things, excluding internally displaced persons), this is duly indicated. Initially, the 1951 Refugee Convention applied only to ‘events occurring before 1 January 1951,’ but this scope was later extended by the 1967 Protocol Relating to the Status of Refugees. The 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa includes in its definition of ‘refugee’, people displaced as a result of ‘events seriously disturbing public order in either part or the whole of his country of origin or nationality’ (Article 1(2)). South Africa’s 1998 Refugees Act adopts the wider definition set out by the OAU, rather than the narrower definition identified by the 1951 Refugee Convention (see Section 3 of the Act, which defines ‘refugee status’). The 1984 Cartagena Declaration on Refugees (Central America) concludes that it is necessary to consider enlarging the concept of a refugee so as to include ‘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’ (Paragraph III(3)). ‘Internally displaced persons’ (IDPs) are defined in accordance with the 1998 UN Guiding Principles on Internal Displacement as: ‘Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border’.


3 ILO Convention No 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries provides for special protection of the environment of the areas that indigenous peoples occupy or otherwise use. At regional level, the African Charter on Human and Peoples’ Rights and the San Salvador Protocol to the American Convention on Human Rights recognise the right to live in a healthy or satisfactory environment. Moreover, many national constitutions refer to a right to an environment of a certain quality.

4 See Resolution 1862 (2009) of the Parliamentary Assembly of the Council of Europe, point 6.5, which encourages the United Nations and its other relevant partners to seek avenues for extending the Guiding Principles to include people displaced by gradual environmental degradation, and to consider developing similar guiding principles or guidelines to cover the rights of those moving across international borders for compelling environmental reasons (“external displacement”).

5 The EU and scores of developing countries pledged to toughen their existing commitments to reduce greenhouse gas emissions, to enable the world to stay within a 1.5 °C rise in global warming.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.


Photo credits: © Ronald / Adobe Stock
eprs@ep.europa.eu (contact)
www.eprs.ep.parl.union.eu (intranet)
www.europarl.europa.eu/thinktank (internet)
http://epthinktank.eu (blog)