



Legal status and protection for climate refugees as a key part of climate justice

Climate refugees are defined here as: *Persons or groups of persons who, for reasons of sudden or progressive climate-related change in the environment that adversely affects their lives or living conditions, are forced to leave their homes either temporarily or permanently, and who move either within their country or abroad.*

Alongside all countries implementing the Paris Agreement, we recommend:

- UN member states develop an international agreement that will clarify the rights and ensure the protection of climate refugees. Such action must take place entirely outside of the scope of the 1951 Convention Relating to the Status of Refugees.
- UN member states develop a clear, legal definition for those forced from their homes as a result of the climate crisis to ensure a rights-based approach and give clarity to the legal status of climate refugees and give the relevant UN bodies the mandate to protect them.
- A UN Special Rapporteur on Human Rights and Climate Change be appointed to both examine the issues surrounding, *inter alia*, climate change and forced displacement and identify the most effective means to build complementarity between initiatives, existing legal agreements, and current commitments from the international community.
- All stakeholders be included in deliberations and negotiations, with special reference to local communities and the most vulnerable and disenfranchised.

Since 2008, weather-related hazards – which are increasing in frequency and severity as a result of the climate crisis – have displaced over 21 million people each year on average, equivalent to 41 people every minute.^[i] This does not include slow-onset climate impacts, such as desertification and sea level rise, that are also disrupting and undermining communities, eroding their livelihoods while increasing pressure on and reducing access to natural resources, all of which will exacerbate the causes of conflict.

The impact of global heating on existing economic, political and social divisions and how it contributes to violence is already clear. Out of the 20 countries deemed most vulnerable to climate change, 12 are mired in long-term conflicts including Yemen, Afghanistan, the Democratic Republic of Congo, and Somalia.^[ii]

We already live in a world of climate apartheid, where those who contribute the least to our heating planet, its poorest and most vulnerable inhabitants, are being affected first and worst, while the world's wealthy are still able to avoid the worst consequences of our addiction to carbon. The EU and USA together are responsible for 62% of all global CO₂ emissions between 1850 and 2011.^[iii] Yet in our unjust world, around 99% of all deaths from weather-related disasters occur in developing countries – even though the world's 50 least developed countries contribute less than 1% of global carbon emissions.^[iv] Migration, often forced and a last resort, is a necessary form of adaptation, and therefore the issue of 'climate refugees' is a central question of climate justice.

Explicit legal recognition that people are being forcibly displaced from their homes by the climate crisis is urgently needed, along with an understanding that this can be the result of either slow-onset degradation like desertification and rising sea levels, or sudden-onset disasters including storms, wildfires, and floods.

However, there is currently no international legal framework to provide protection for people displaced due to the impacts of climate change.

The 1951 Convention Relating to the Status of Refugees spells out the obligations of states to protect the rights of refugees, where refugees are defined as those displaced across international borders owing to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". This vital instrument has provided much-needed protection to countless individuals in crisis since its inception and should not be altered because of the need to recognise a different, but equally deserving, group. A separate legal instrument, which recognises displacement due to environmental hazards, including the climate crisis, is necessary.

We call on governments to recognise climate refugees and support a new legal agreement to guarantee their rights and their fair claim to our shared world.

In 2018, new, non-binding international agreements on displacement and migration were adopted by the UN: the Global Compact on Migration and the Global Compact on Refugees. The Compact on Migration includes recognition of climate as a driver of migration, along with acknowledgement of the importance of climate mitigation. However, despite the acknowledgment of climate as a driver of migration, the agreement lacks clear recognition of climate refugees.

Because those fleeing their countries as a result of the climate crisis are not defined as refugees, they are also largely absent from the Global Compact on Refugees. However, the need for clearer definitions and status determination was also raised in this Compact, along with a statement that, where appropriate, the UN Refugee Agency will advise on measures to

protect those displaced by climate change. The tacit acknowledgement from both the Global Compact on Migration and the Global Compact on Refugees that clearer definitions and protections are needed for those displaced by climate change shows that the time to act is now. Similarly, the Task Force on Displacement Associated with Climate Change established under the UNFCCC has yet to openly call upon the international community to adopt a legal instrument to protect climate refugees, opting instead to advocate for a softer approach.

A clear definition and a new legally binding international agreement are needed to protect climate refugees. These are crucial instruments in defining the rights of individuals and obligations of states, and in coordinating international action so that it is truly effective in protecting the fundamental human right to dignity and a safe home.

We are calling for a precise legal definition for climate refugees and clarification on the obligations that all countries have to people displaced by the climate crisis. Such action must take place entirely outside of the scope of the 1951 Convention.

Supporting organisations:



[i] Internal Displacement Monitoring Centre, Global Report on Internal Displacement 2021, <https://www.internal-displacement.org/global-report/grid2021/>

[ii] ICRC (2020) When rain turns to dust: understanding and responding to the combined impact of armed conflicts and the climate and environment crisis on people's lives. International Committee of the Red Cross, Geneva, Switzerland, 64 pp. https://www.icrc.org/sites/default/files/topic/file_plus_list/rain_turns_to_dust_climate_change_conflict.pdf

[iii] CGD (2015) Developed Countries Are Responsible for 79 Percent of Historical Carbon Emissions. Center for Global Development. <https://www.cgdev.org/media/who-caused-climate-change-historically>

[iv] Global Humanitarian Forum (2009) Climate Change – The Anatomy of a Silent Crisis, Global Humanitarian Forum, Geneva, Switzerland, 136 pp. <http://www.ghf-ge.org/human-impact-report.pdf>