

CLIMATE MIGRANTS OR CLIMATE REFUGEES; THE LEGAL VOID OF FORCED DISPLACEMENT

ACHRS STATEMENT | MARTINE RØNDE BJERG



More and more people are forcibly displaced because of Climate Change implications. Extreme weather events, such as floods, cyclones, prolonged droughts, and extreme heat, affect people's livelihoods and security. Human rights and Climate Change are interconnected, but displaced people fall into a legal void regarding protection and support

Climate Change and Displacement

Climate Change is seen across Middle Eastern and North African (MENA) countries in various ways and displaces many people.

According to the United Nations High Commissioner for Refugees (UNHCR), an annual average of 21.5 million people have been displaced by weather-related events. It further predicts that around 1.2 billion people could be forcibly displaced by 2050 if the climate changes as rapidly as the current state.

Climate change implications lead to different insecurities, destroying livelihoods, homes, health, and security while also having fatal direct consequences.

Firstly, various forms of natural disasters occur rapidly with a sudden change. These events are increasingly seen worldwide, including across the MENA region. Most recently, the 23rd of July started a week-long flash flood across Iran, killing at least 80 people, and severely damaging around 20,000 homes. This flash flooding was also seen in the United Arab Emirates, killing seven people.

Secondly, not all Climate Change events are sudden; the slow, onset nature of environmental degradation caused by drought, extreme heat, and water scarcity significantly impact the MENA region.

The MENA countries are among the most vulnerable areas regarding drought and water scarcity. This is seen through the agricultural drought, which started in the 1990s and peaked in 2017, affecting almost 80% of the region. The impacts of this ranged from reduced food security and availability to the personal consequences that many farmers suffered.

As both drought and overpopulation strongly impact food security, climate change is a push factor for, primarily internal, migration. Longer droughts can lead to large-scale internal migration from rural areas to the cities.

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This can be a problem, especially in MENA, where overpopulation in urban areas is widespread; Egypt is an example of this.

This urban overpopulation causes further unemployment and food and water scarcity, resulting in large-scale external migration to the surrounding countries.

World Bank researchers found in their 2021-report that "people are five times as likely to move following drought conditions as they are after floods or periods of excess water". This is significant, especially for the MENA region, which hosts some of the most water-poor countries in the world, besides already experiencing transboundary tensions over water resources and water mismanagement.

Climate Change and Human Rights

Climate Change and Human Rights are interconnected, as the implications threaten people's access to basic needs and therefore is a push factor for forced migration. Migration can threaten personal security, mainly when irregular and forced or includes binding contracts such as the controversial kafala system in the Gulf Cooperation Countries, enabling exploitation.

Furthermore, Climate Change insecurities hit very unequally across the globe and within borders. The poor, women, refugees, and people living in informal housing are disproportionately afflicted.

Therefore, Climate Change is a serious human rights concern.

Climate Change and International Law

According to international law, climate refugees are not recognized as seeking asylum. They are not included in the 1951 Refugee Convention, which "offers protection to those fleeing war and conflict who face persecution along grounds of race, religion, nationality, membership in a particular social group or political opinion".

Although it is widely recognised that people flee – not migrate - because of Climate Change implications (DRC, UN, IOM). According to António Guterres, UN Secretary-General and former UN High Commissioner for Refugees, Climate Change is now recognized as the critical factor accelerating other drivers of forced displacement.

Most forced migration is so far happening internally. However, when people cross a border, they will be considered migrants and, therefore, will not be offered the support that refugees are. According to the Mixed Migration Platform (MMP)'s study of 2017, Jordanian lawyers are stressing the need for amendments to national legislation to close the protection gaps for migrant workers.

To reach the United Nations Sustainable Development Goals (SDGs), Climate Change prevention, mitigation and protection for forcibly displaced people must be strived for in each state. Especially with regards to SDG 1; no poverty, SDG 2; no hunger, SDG 3; good health and wellbeing, SDG 10, reduced inequality, are negatively affected by the insufficient measures to implement SDG 13; Climate Action.

Although the SDG's do not address the interconnection between forced migration and climate change, the United Nations does address the link in their 2018 Global Compact for Safe, Orderly and Regular Migration.

The UN encourages addressing "the vulnerabilities of persons affected by sudden-onset and slow-onset natural disasters, by ensuring that they have access to humanitarian assistance that meets their essential needs with full respect for their rights wherever they are".

ACHRS' position

ACHRS expresses concern over the lack of a legal categorization of climate refugees. Despite often being as vulnerable as other officially recognized refugees, they do not receive the same support or protections. Evidently, there is a quickly growing need to assist with the increasing number of climate-induced displacements.

Given this, the ACHRS encourages further governmental and civil society empowerment initiatives for vulnerable people with migrant status and mitigation initiatives, together with a legal categorization to meet the needs of the forcibly displaced peoples.