

ABSTRACT

Environmental change, rather, environmental degradation is one of the most veritable realities facing mankind today. Years of pollution and the abuse and exploitation of nature has led to this juncture where climate change and global warming are imminent catastrophes, which far-reaching and severe consequences. Climate change has given rise to phenomena such as rising levels of seawater due to melting of snow caps and glaciers, freak floods in deltaic regions of major rivers, desertification, cyclones and storms of unprecedented magnitudes which have ravaged many parts of the world. These events have rendered many parts of the world as uninhabitable and has led to scores of people being uprooted from their homelands, forcing them to migrate to either other parts of their own countries or even across national territorial borders. EssamEl-Hinnawi of the United Nations Environment Programme had coined the term “environmental refugee” to refer to such persons who been displaced from their homelands for reasons related to climate change. However, as I am about to explain in my paper, it is extremely difficult to pinpoint a certain class of people as “environmental refugee,” since there may be many variants of migration stemming from environmental reasons. In the context of the term “refugee,” such displacement is presumed to be involuntary, due to steady or sudden degradation of living conditions due to climate change. However, such migration may also be due to foreseeing of inhospitable living conditions as an effect of climate change and in such cases, such foresight leads the person to move from his place of habitation, in anticipation of the future.

The next segment of my paper aims to discuss the need for the inclusion of “environmental refugee” within the definition of a refugee, in the 1951 Convention Relating to the Status of Refugees, as amended by its 1967 Protocol. The current definition of “refugee” does not incorporate an environmental refugee within the ambit of the Convention. I aim to discuss how the current definition is worded in such a manner that it will be difficult to include “environmental refugee” as a component of refugee status. The primary reason behind this is the usage of the word “persecution,” which narrows down the scope of who can be called a refugee – after all, how can a person be persecuted by nature, which as per its traditional definition, needs human agency? Other difficulties would include the fact that in most cases, a person who is displaced due to environmental reasons ends up falling under the category of an “internally displaced person,” who are not traditionally included within the mandate of the 1951 Convention. However, there have been situations when environmental reasons have also necessitated crossing national borders. The only positive is that after the New York Declaration for Refugees and Migrants in 2016, the United Nations General Assembly adopted the Global Compact on Refugees in 2018 which has acknowledged the problem of involuntary migration caused by climate change to be a marked problem and has addressed the reality of increasing displacement in the context of disasters, environmental degradation and climate change. The Global Compact provides for measures to tackle the many challenges arising in this area, which include applicability of arrangements for burden and responsibility sharing to countries affected by displacement resulting from natural disasters and environmental degradation, preparation for natural disasters and steps to mitigate risks of climate change, protection and assistance of environmental refugees as well as for regions and countries which host environmental refugees.