

Climate Migrants: The lack of legal protection and its implications

In the first half of 2020, environmental disasters displaced [9.8 million people](#) and remain the leading cause of new internal displacements around the globe. Unless immediate action is taken to end climate change, these numbers will continue to increase as coasts are flooded, farmland is disrupted, and weather becomes more severe. People displaced by climate change, also known as climate or environmental migrants, have no legal recognition or protection, leaving them vulnerable. While steps have recently been taken in some countries to expand definitions of asylum, the international community needs to take stronger actions to establish protection. Without such protections, climate migrants will continue to be excluded, not only from the polity, but from the larger discourse, leaving out an essential piece to the puzzle of creating equitable climate change solutions for those on the frontlines of these disasters.

Despite the ever-increasing threat of displacement and humanitarian emergencies, the international community has yet to reach any international agreement or legal framework to protect climate migrants. The United Nations has created the [United Nations Framework Convention on Climate Change \(UNFCCC\)](#), which acknowledges climate migrants, but fails to address the need for action to deal with climate-induced displacement. This in large part is due to the fact that states, especially those in the Global North, have been reluctant to expand protection under the Refugee Convention citing economic and national security concerns. However, some efforts have been made to achieve protection for those forced to move because of environmental reasons despite the limitations under the current framework.

Kiribati, a small Pacific island threatened by rising sea levels, has introduced the [“Migration with Dignity” policy](#) which promotes gradual international migration to give individuals and families the right to make their own decision, but aims to prevent forced migration and the need for humanitarian responses. A [decision from New Zealand](#) in 2015 is one of the first instances where individuals self-identified as climate migrants, citing a fear of environmental harm from sea level rise in their home islands of Kiribati. In 2020, this case was brought before the [UN Human Rights Committee](#) and considered in relation to non-refoulement obligations under Art. 6 of the [International Covenant on Civil and Political Rights](#). More recently, a [case before the German Higher Administrative Court](#) declared environmental conditions and climate disasters as factors for determining whether an individual should be granted protection under the non-refoulement principle on the basis of Art. 3 of the [European Convention on Human Rights](#).

These examples reveal creative ad hoc efforts to provide protection to climate migrants, but still lack the necessary teeth and international-backing to address and prevent both current and future humanitarian crises due to climate displacement. Further, developed countries seem unwilling to take the necessary steps to address climate change that would prevent such migration from happening in the first place. Without protection and without such action from developed countries, climate migrants are left extremely vulnerable without any recourse to justice or ability to leverage power to create change. As migrants tend to be on the frontlines of climate change impacts, they are well-situated to understand the most urgent issues and needs, as well as offer the best climate change mitigation and adaptation strategies. By failing to

provide protection to climate migrants and include them in the discourse, we risk impairing larger efforts to address a problem that will eventually impact us all.