

Environmental threats and the ecological refugee fate: a search for protection in the face of a changing environment

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Abstract:

The study aims to highlight and understand the relationship between environmental threats and environmental refuge, based on what international reports present of global environmental challenges that have produced large numbers of environmental refugees. Which made environmental refuge one of the most important discussion topics that enforced their way on the scene on the international arena over the past few years, due to the increasing number of refugees resulting from the exposure of their abodes area to environmental threats that obliged them to migrate to safer areas; the study reached the conclusion that international law did not include any mechanism for the recognition of these refugees, creating by so the problem of their protection, exposing the threats of the states' security, with the failure of international cooperation efforts to manage this crisis and ensure international protection for environmental refugees.

Keywords: Environmental Degradation; Climate Change; Environmental Refuge; Human Rights; Legal Protection.

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Introduction

Nowadays, environmental problems pose great challenges to the international community for their dangers are threatening the existence of the humanity, and due to the development of societies and the change of lifestyles, especially during the twentieth century, many environmental threats emerged, especially climate change, pollution, desertification and drought, floods, etc., which forced millions of people on different continents to leave their abodes and migrate to other places that provide them with livelihoods, and a new issue related to the environmental dimension emerged to the surface which is the environmental refuge. After the traditional perspective was based on the right of persecuted individuals to refuge, the current environmental changes have created another type of immigrants who are forced to seek asylum and leave their homes temporarily or permanently, whether inside or outside their countries, and they are known as environmental refugees.

Therefore, the issue of environmental refuge has become a new concern for the international community, after it witnessed a remarkable increase, as we live in a world marked by a great and unprecedented dynamism of human movement, as the numbers of those living in countries other than their original homelands are constantly increasing, so voices are raised calling for the need to confront the environmental threats to mitigate the severity of environmental refuge, particularly since many countries, especially industrial ones, are no longer satisfied with the large number of refugees, as this raises the potential for identity conflicts, which threatens many countries in their economic and societal security.

The study sheds light on the relationship between the repercussions of environmental threats and the phenomenon of environmental refuge by highlighting the impact of these environmental threats and how they contributed to the emergence of the issue of environmental refuge. Hence, our study sets out to answer the following questions:

- What is meant by environmental refuge? What is the status of the environmental refugee within the international law.?
- How did environmental threats contribute to the emergence of the phenomenon of environmental refuge.?

•How has the international community dealt with this increasing phenomenon? Are there global initiatives to protect the victims of environmental degradation and climate change?.

To address the issue, we decided to divide the article according to the following context:

1. Environmental Refuge: New style

The phenomenon of environmental refuge is one of the challenges that the world is witnessing during the twenty-first century and that haunts nations and peoples. After refuge was limited to those persecuted because of religion, race and affiliation according to the Geneva Convention of 1951, a new image has emerged associated with environmental changes that have increased in severity in the current era, after many reports revealed that millions of people have sought refuge and displacement to safer environments, after their traditional homelands were exposed to the dangers of these environmental changes, so they were known as environmental refugees.

1.1. Identification Of The Environmental Refugee

The increasing environmental deterioration created a new form of forced migrants known as the ecological refugee, which raised a question about the concept of the environmental refugee, especially since the conditions of these refugees expanded and became more complex in light of their growing need for security, assistance and finding solutions to their situation, especially since environmental threats are increasing day after day.

The phenomenon of refuge is defined in the international law as: “Victims flee from the dangers threatening them due to armed conflicts to places and entities where protection is available to them. The first place to which victims seek refuge is the International Committee of the Red Cross, as it is mandated by the Geneva Convention to protect the most vulnerable individuals, whether they are prisoners of war or civilians under attack, as it finds the missing, reuniting them with their families, supervising the return of prisoners to their home countries, and reminding all parties to the conflict that they are bound by the Geneva Conventions”¹

Whereas, according to the United Nations Convention relating to the Status of Refugees of 1951, what is meant by a refugee is: “Any person who has been abandoned or deported from his place of origin as a result of being persecuted

because of his race, religion, nationality, membership of a particular social group, or political opinion outside his country of nationality, and is unable or refuse to because of that fear, he wants to benefit from the protection of that country, so he resorts to the territory of another country to seek protection or to prevent him from returning to his original homeland.”²

As for the environmental refugee, the concept is still subject to some controversy due to the absence of a legal basis for it, whether in international refugee law or in the Geneva Convention on Refugee Issues. However, Lester Brown, founder of the World Watch Institute for Environmental Research in Washington, is the first to use the term "environmental refugee" in the seventies of the twentieth century, but the prevalence of the concept is attributed to Dr. Essam Al-Hinnawi in a report to the United Nations Environment in 1985, where he provided a definition of environmental refugees as: "people who were forced to leave their homeland temporarily or permanently due to ecological disturbance stemming from a natural cause or triggered by human activity"; ecological disturbance in this definition means any physical, chemical or biological changes in an ecosystem or resource base that make it temporarily or permanently unstable to support human life³.

In the absence of an internationally agreed definition, the International Organization for Migration developed a working definition in 2007 that defines “environmental migrants” as: “people or groups of persons who, for compelling reasons, have been required or chosen to leave their usual homes as a result of a sudden or gradual change in the environment that adversely affects their lives or whose living conditions are either temporarily or permanently, and who move either within their own country or abroad.”⁴

The United Nations program also defined environmental refugees in a report as: “Individuals who have been temporarily displaced due to sudden industrial accidents or natural sources of danger, or they are individuals who have been permanently displaced by economic development projects, or who have been forced to migrate due to the devastating waste of natural resources”.

Whereas, Article 2 of the draft treaty on environmental refugees states that: “Individuals, Families, Groups And Populations Confronted With A Sudden Or Gradual Environmental Disaster That Inexorably Impacts Their Living Conditions, Resulting In Their Forced Displacement, At The Outset Or Throughout, From Their Habitual Residence.”⁵

The environmental refugee is thus: "that person who was forced to leave his homeland permanently or temporarily for environmental reasons such as natural disasters and climate change, or who were forced to migrate due to the occurrence of environmental degradation that exacerbated the factors of poverty and the absence of economic development".

Based on the above, we can distinguish between three categories of environmental refugees:

A category that is temporarily displaced as a result of a sudden environmental stress such as earthquakes, floods, hurricanes, etc., and often these people return to their homes after the end of the disaster, as they are temporary disasters.

A category that is permanently abandoned due to a permanent environmental change that occurs in their usual areas of residence, which forces them to leave it, such as building a development project that affects the environment, building dams and artificial lakes, and here people resort to places within the borders of their countries.

As for the third category, they are those who leave their places of origin permanently or temporarily inside or outside their countries due to the occurrence of a gradual environmental disaster that affects their lives and the sources of livelihood that they depend on for living, forcing them to leave their abodes in search of better living conditions⁶.

1.2. The environmental refugee and International Law

Environmental refuge as a result of environmental degradation and climate change is a reality and its intensity is increasing day by day. However, the world has not yet agreed on a legal description of environmental refuge, which has made it an important topic in the discussions about rights. There are legal instruments, covenants and well-established rules at the global level to protect human rights. People forcibly displaced by conflict and persecution, while similar frameworks are absent to protect the rights of people forced to seek refuge due to environmental change.

There is still debate in the international legal community and global policy makers about how to consider the effects of climate change and environmental degradation as a violation of human rights in the legal sense. The law does not recognize the so-called environmental refugees despite the widespread use of the term of the Refugee Convention .

Therefore, there are conflicting opinions about the legal status of environmental refugees. At a time when some believe that those displaced as a result of environmental or climate change are real refugees, and then they defend the need to expand the definition of refugees within the 1951 Refugee Convention to include them and codify their protection, others call for the need to adopt new agreements that would provide a similar amount of protection that non-environmental refugees receive, and among the advocates for this we find Dr. Hans Van Ginkel of the United Nations University, who stressed the need to develop international legislation for environmental refugees to help confront the problem and develop solutions to it, while a third group believes that any belief about the existence of environmental refugees and their need for similar protection is an exaggerated belief, with a political background and no reason to spread confusion in the traditional concept of refugees⁷.

Despite this controversy and the absence of legal regulation of environmental refuge in the international law, there are international initiatives to find legislation aimed at building an international consensus on the main elements of refugee protection across international borders in the context of disasters, including refuge related to climate change and environmental degradation. Among these efforts is the initiative "Nansen" launched by the Norwegian and Swiss governments, in which the participants unanimously agreed that the world's governments should prepare for waves of mass migration resulting from the global rise in temperatures or the possibility of facing catastrophic results, with the need to reach an international agreement related to environmental refugee issues, so that countries can seriously seek to develop realistic solutions, and awareness of the problem, its dimensions, ways to contribute to its solution, and full protection of environmental refugees should be ensured⁸.

This was confirmed by the General Assembly of the United Nations, considering that the principle of international cooperation is a human duty, based on the Declaration of Principles of International Law relating to friendly relations and cooperation between states in accordance with the Charter of the United Nations, and what makes the principle of international cooperation or solidarity in the face of natural disasters binding on states is its inclusion in the Convention International in a way that guarantees legal protection for the environmental refugee, as stipulated in Article 4 of the draft treaty on migrants for environmental reasons, so that states, public entities and private agencies must do their utmost to

accommodate environmentally displaced persons and contribute to the necessary financial efforts⁹.

On the other hand, the lack of legal recognition of the problem is due to the fear of the international community for political, economic and even security reasons. However, silence and lack of action to find legal solutions may cause, on the other hand, greater problems affecting the security and stability of countries due to the possibility of conflicts over natural resources.

Therefore, the time has come to take this issue more seriously by drawing up a new international treaty concerned with the legal status of environmental refugees and their protection, which was confirmed by George Peden, an international climate expert, when he said: "This type of environmental refugee deserves to be mobilized for by all human rights institutions and organizations in the world, quickly, their calamity, if it is not equal to the calamity of their countries, then it exceeds it in enormity, for nothing, except that they survived and lost what was most dear to them.

Accordingly, the duty to recognize their legal rights, which should be enacted today before tomorrow, is a matter of shame for international justice to not pay attention to it until now, and to decide it with immediate, binding and applicable laws¹⁰.

1.3. The relationship between environmental threats and environmental Refuge.

Many environmental challenges are behind driving the population to environmental refuge in other regions, whether inside or outside their countries, among which we mention:

a. Natural Disasters

Natural disasters such as hurricanes, floods, earthquakes, droughts, and others are among the most common causes of environmental refuge, as they directly threaten the lives of the population. Usually, refuge is collective and rapid, and the destination is close and internal to safer areas, and is relatively temporary and includes various segments of society, as long as the destination is the same, many settle in collective camps that usually lack stability, and perhaps the earthquakes and floods that struck many times the regions of East Asia and the tsunami that struck some regions of Japan and Latin American countries are some forms of environmental refuge due to natural disasters¹¹.

b. Climate Change

Climate change causes environmental refuge in many ways, as the rise in sea level makes low-lying areas uninhabitable, Consequently, people are permanently displaced to other regions, and climate change has become associated with droughts and desertification that affect the living conditions of families, prompting them to temporary internal migration, and internal displacement can extend to long-term international movements, and in return climate change contributes to an increase in the frequency of weather phenomena and natural disasters such as floods, hurricanes and storms, which force people to leave their abodes and migrate to safer places,¹²The impact of climate change is more visible in the Arab world, Over the past decade, the region has witnessed cycles of drought, the frequency and severity of which are beyond anything seen for hundreds of years in the region as Syria experienced between 2006 and 2011 caused damage to 60% of the lands, a sharp decline in agricultural crops, and large losses in livestock and herds, which led to nearly three million people to extreme poverty. The year 2012 and the lack of food security that prompted thousands of them to migrate and caused great pressure on the country and the population. which led to revolutions and wars.

This could disrupt efforts to build peace, cause a spike in ‘eco-migrants,’ and undermine efforts to end hunger, poverty and inequality by 2030,” said Adriana Dinu, Director, Global Environmental Finance, UNDP.¹³

c. Scarcity and deterioration of natural resources

Environmental refuge does not only depend on natural disasters and climate change, but there are other factors, as the French demographer Alfrid Sofy put it: “Either the wealth leaves where there are people, or the people leave where the wealth is.” Thus, the continuous search for a better standard of living is linked in many cases, the scarcity of resources and national income, as well as the way of life, especially in areas whose people live below the poverty line, the environment that lacks natural resources is repulsive to human life, which prompts the search for alternative resources, which enable obtaining the basic conditions of life.¹⁴

All this confirms the need to deal seriously with environmental threats as a source of no less danger than wars and conflicts, which cause millions of people

to flee from their homelands to other countries, and thus the occurrence of serious humanitarian disasters in the present and the future.

2. Environmental Refuge in a Changing Environment

The problem of environmental refugees has witnessed severity and spread in recent years, with the increasing number of environmental challenges resulting from environmental degradation and the phenomenon of climate change, as residents are forced to leave their traditional areas and search for new ways of living. According to international reports, the number of environmental refugees has exacerbated during the past three decades.

2.1. Aspects of environmental refuge

Although it is difficult to estimate the number of environmental refugees worldwide, the International Organization for Migration has warned since 1992 in its report entitled "Migration and the Environment" that people are moving due to environmental degradation, which has increased dramatically in recent years, and the numbers of these migrants may increase largely in areas that have become uninhabitable due to environmental degradation and climate change.

Then to confirm in a report with the Institute for Sustainable Development and International Relations (IDDR) that in 2008 there were 10 million people who had to leave their abodes in the wake of a natural disaster, and after the number of "environmental migrants" was 15 million in 2009, it reached 38 million in 2010.¹⁵

According to a study issued by the United Nations University in 2007, desertification also caused the migration of tens of millions of people, mostly from sub-Saharan Africa and Central Asia. Thus, it represented great pressure on natural resources and on nearby societies by threatening stability and causing social unrest.

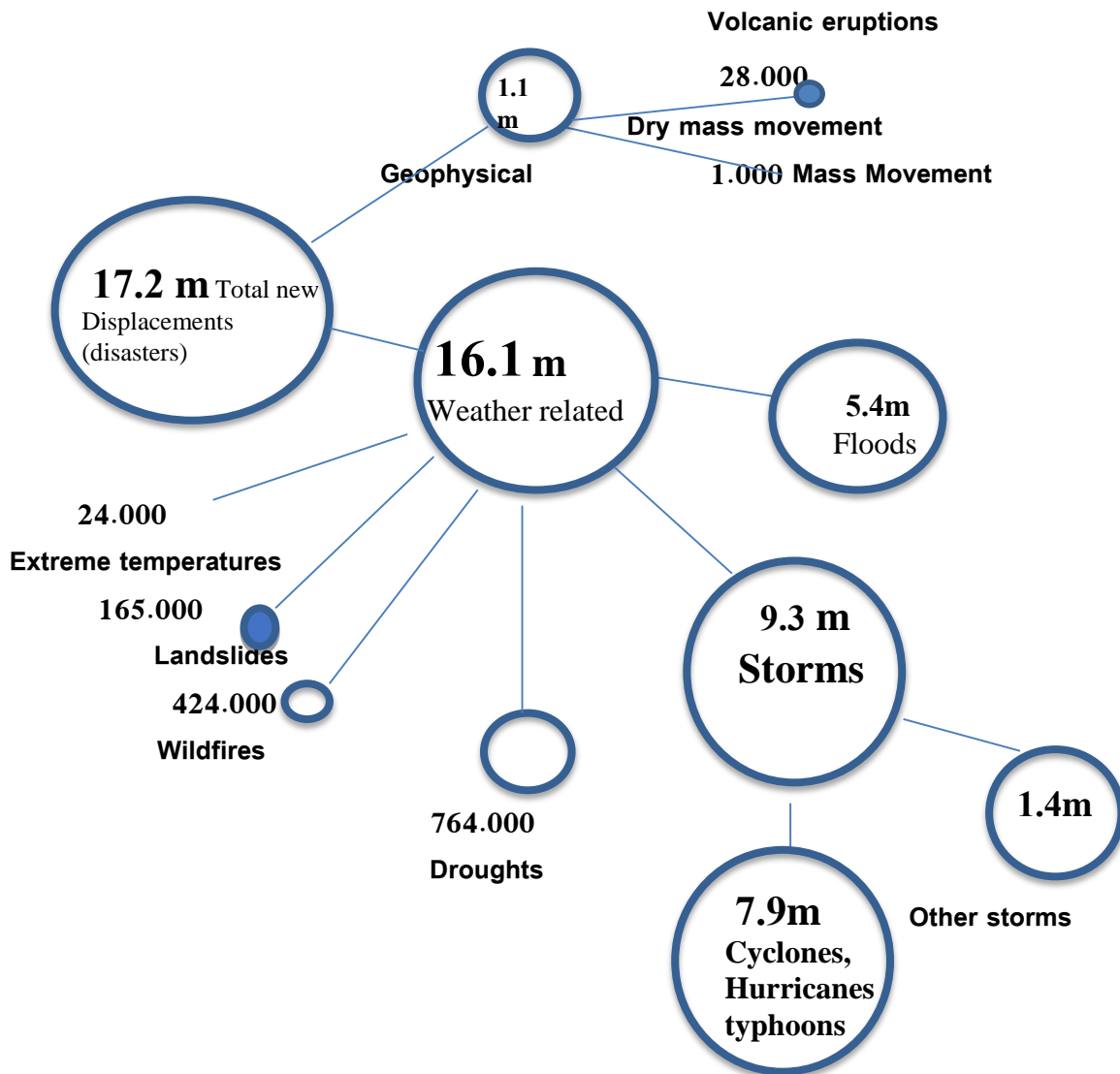
Many reports stated that between 2008-2014, approximately 184.4 million people were displaced due to natural disasters, or an average of 26.4 million environmental migrants every year, the World Bank indicates that there may be 143 million environmental refugees from sub-Saharan Africa, South Asia and Latin America alone due to climate change.

In addition, the deterioration of the environment led to the displacement of more than 200 million people from their homes by the end of 2016, according to the report of the United Nations High Commissioner for Refugees, inside or outside their countries, if there are no serious efforts to stop environmental degradation and limit climate change.¹⁶

In 2018, the state of Kerala in southwestern India suffered the worst floods since the 1920s, displacing more than 1.4 million people from their homes and affecting more than 5.4 million people, while large parts of western Japan experienced devastating floods in late June and early July, killing at least 230 people and destroying thousands of homes. The floods also affected many parts of East Africa, including Kenya and Somalia, which were suffering from severe drought - Somalia knew 642,000 new internal displacement cases - as well as Ethiopia, North and Central Tanzania.¹⁷

Fig.1. Graph showing displacement due to disasters during 2018





Source: Global Report On Internal Displacement Summary, May 2019,P9.

These repercussions created a new issue for the international community, having led to dire effects that threatened people in their homelands, as it has long-term repercussions on the refugees themselves and on the countries and societies that host them. Human overcrowding due to environmental refuge, which is concentrated in large cities, consumes very large amounts of the Earth’s energy in order to ensure the continuity of the infrastructure and the flow of daily human activity, and thus exacerbates the environmental risks. The issue of environmental refuge has become the focus of attention of many researchers, especially at the international level, as it is a renewable mechanism due to the outbreak of various conflicts such as: the conflict over water, in addition to the absence of environmental security associated with human imbalance, which in turn leads to

food insecurity on the one hand and the destruction of the environmental ecosystem on the other hand, as it creates a crisis of competition over limited resources, which exacerbates conflicts.¹⁸

In addition to the security consequences, such as the societal insecurity generated by ethnic and tribal conflicts resulting from the environmental movement, which appears in the form of an increase in unemployment rates, poverty, and service deficits, and leads to the weakening of traditional and sustainable local systems for managing natural resources, as well as the collapse of the social, economic and political systems of countries and regions; and the emergence of parallel, micro-communities within regions, creating an identity crisis and undermining international security through state conflicts. In the aftermath of perceived threats to social cohesion and national identity, environmental refugees can become a pretext for outbreaks of ethnic tension, civil unrest, and even political unrest.¹⁹

2.2. Towards a global vision for the protection of environmental refugees

The wide environmental refugee movements and their repercussions transcend all geographical borders, which have an unfair impact on neighbouring countries or transit countries, most of which are developing countries, but require a global approach and solutions, as no single country can deal with these environmental refugee movements on their own, because they carry the capabilities of these countries in many cases far beyond their capacity, which harms their social and economic cohesion and development, as we have already explained, which necessitates increased international cooperation to help host countries and societies.

Large-scale movements of environmental refugees and their prolonged conditions continue to exist in various parts of the world, and their protection and care represent two ways to save people's lives and invest in the future, and this is coupled with dedicating efforts to address the main causes, and while climate change, environmental degradation and disasters represent the main reasons for their refuge, the responsibility to address these reasons lie primarily with the countries of origin of refugees to address their motives and causes as early as possible, and to consolidate the bonds of cooperation between political, humanitarian and social actors.

Therefore, political awareness of issues related to environmental refuge has increased, which has been accompanied by an increase in the realization that this type of refuge represents a global challenge. As a result, many countries signed historic agreements, such as the Paris Agreement on Climate Change, the Sendai Framework for Disaster Risk Reduction and the Global Compact for Migration, which are agreements that chart a clear path for governments to move forward in addressing environmental threats and refuge.²⁰

In light of these challenges, we present some solutions to deal with the environmental refugee crisis, including:

- Drafting a new international charter that directly targets the causes of environmental refuge and how to mitigate its impact and protect those affected, which obliges the signatory countries to provide assistance to these refugees, provided that an agreement is reached on a definition that clarifies the characteristics of environmental refugees, and how to assimilate them into the international community, with the approval of a mechanism for mandatory financial assistance so that it is not optional or charitable.
 - Establishing a tripartite mechanism for cooperation with national governments, the parties of which will be: the United Nations as an international coordinator, non-governmental organizations and research institutes as consultants to provide advice to government agencies, and the private sector to use its expertise and financing capabilities.
 - Increasing awareness of the dangers of environmental degradation and climate change in preparation for countries' readiness to deal with its potential effects, including the displacement of many of its citizens due to environmental degradation and technology to poor developing countries that will be more vulnerable to climate change.
 - Integrate environmental considerations into the formulation of national and regional environmental refuge management policies in order to better address the environmental causes associated with refugee movements.
- ✓ These environmental refugees need to be recognized formally as refugees and entitled to be covered by the 1951 U.N. Convention on the Status of Refugees.²¹

✓ The Global Migration Panel also calls on the international community to recognize that the issue of refuge resulting from environmental degradation and climate change requires urgent action to be taken:²²

✓ Adopt human rights and human development measures to improve the livelihoods and increase the resilience of those vulnerable to the impacts of environmental degradation and climate change, to combat the need for forced movements.

✓ Pay particular attention to the human rights situation of those affected, regardless of their legal status; International human rights law, including the fundamental principle of non-discrimination, as well as specific instruments such as the Guiding Principles on Internal Displacement, should be applied to guide states' action towards environmentally displaced persons.

✓ Acknowledging that refuge is a strategy for coping with environmental risks and making it an option for the most vulnerable.

✓ Explore the complex interlink ages between environmental degradation and human mobility, with a view to collecting data, developing expertise and building capacity to address such threats, and achieving interdisciplinary collaboration that combines at least sociological, economic, geographic and environmental perspectives.

✓ Assist the least developed countries in responding to environmental change by including refuge and mobility in national adaptation plans.

Conclusion

Since time immemorial, the environment has represented the most important factor that drives people to determine their place of residence and settlement, but in recent years the severity of environmental changes has increased, threatening people's lives in many parts of the world, which has created a new pattern of refugees who were forced to leave their homelands and migrate to safer places, which is the issue that is presented nowadays to the international community for the increasing number of environmental refugees, which raised the problem of providing them with protection in the absence of a legal basis that addresses the legal status of these refugees. Hence, the delay in finding solutions to such a

problem may lead to destabilization and international security, as a result of the increasing number of environmental refugees.

The discussion in this article brings us to a number of conclusions, which we mention as follows:

- The absence of a unified international concept of the environmental refugee as a result of the lack of legal regulation defining his status at the international level.
- The absence of legal regulation of environmental refugee status raises the problem of having an international legal protection.
- Environmental refugees represent a major challenge to the international community that requires recognition and determination of their status within international legislation.
- The increasingly dangerous and widespread environmental threats constitute one of the most important factors causing the increase in the number of environmental refugees.
- The persistence of challenges posed by environmental threats will impede the ability of states to address the issue of environmental refugees.
- Failure to recognize the issue of environmental refugees as a reality would threaten the stability and security of countries in the future.
- Protecting environmental refugees requires international cooperation, as no single country can take in the huge numbers of refugees.

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