

CLIMATE REFUGEES IN THE PACIFIC

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It is now scientifically proven that climate change is causing disruptions to the world at large. These slow-motion consequences threaten most coastal areas around the world, especially the Pacific Island nations. Scientists predict that climate change will cause the forced displacement of people; desertification; protracted destructive wildfires; sea-level rise; ocean acidification; extreme weather events; and severe drought, which then impacts the supply of food.¹ It will also cause frequent flooding, torrential rainfall, and of course tropical cyclones, which damage agricultural lands, agricultural productivity, and livelihoods.²

These weather events will inevitably produce a large body of climate refugees and civil strife over diminishing resources. As the marine temperature rises and the warmer water expands the ocean, some coastal areas are getting inundated and are becoming uninhabitable.

This prompts involuntary human mobility both nationally and internationally for survival. It is believed that climate change will severely affect billions of people around the world, especially those living in coastal areas.³ It is therefore argued that the impacts of climate change are “ubiquitous and synchronous,” which can lead to state failure, civil conflict, and involuntary migration.

For example, in the atoll island nation of Kiribati, some islands have been overcrowded due to the migration of Kiribatians from outer islands. The new arrivals are competing with the indigenous dwellers over scarce and disappearing resources, which has led to tensions and violence as well as a health hazard.⁴ It is therefore about time that the international community establish global institutions and mechanisms to cope with climate-induced migration.

Climate change will also cause conflict, violence, and instability in areas where large numbers of new arrivals

have dwindled the already shrinking resources of water, wood, and cropland. This situation is already being experienced in many small islands in the Pacific region. Outbreak of communicable diseases is the other disaster that climate change could cause globally, with the Pacific region bearing a large brunt.

It is therefore logical to argue that climate change is undeniably a global phenomenon, which demands global actions. It severely impacts the world as a whole and no country will be immune from its destructive nature. The close correlation between global warming, greenhouse gas emissions, shifts in weather patterns, loss of ecosystem services, and loss of livelihoods is now a fact.

However, what is missing at this point in time is a general consensus to take coordinated joint action to tackle climate change. Given that global climate change impacts every nation, a holistic approach is needed to prevent further deterioration of the planet. If the world does not take drastic actions now, climate change will affect the Pacific region's 11 million inhabitants and their livelihoods disastrously.⁵ The region is already experiencing the severe impacts of weather events year in and year out. After every natural disaster, the people lose almost everything and are left destitute.

The region is therefore perpetually aid-dependent and cannot emerge from this cycle of dependency on foreign aid. No matter how fast the region grows socially and economically, one destructive cyclone can turn things around, and the region goes back to square one.

In addition, the Pacific region, with a population of slightly more than 11 million people of different races such as Melanesian, Micronesian, and Polynesian, is dispersed over a vast territory covering 13,000 kilometers.⁶ The Melanesian race is the largest group residing in countries such as Papua New Guinea, the Solomon Islands, Fiji, and Vanuatu. These countries have populations of eight mil-

1. THE AGE OF MIGRATION: INTERNATIONAL POPULATION MOVEMENTS IN THE MODERN WORLD (Stephen Castles et al. eds., 2014).
2. Mélissa Godin, *Climate Refugees Cannot Be Forced Home, UN Panel Says in Landmark Ruling*, TIME, Jan. 20, 2020, <https://time.com/5768347/climate-refugees-un-ioane-teitiotal/>.
3. R. ANDREAS KRAEMER, THE G20 AND BUILDING GLOBAL GOVERNANCE FOR “CLIMATE REFUGEES” 6 (Centre for International Governance Innovation, Policy Brief No. 107, 2017).
4. Bill Frelick, *It Is Time to Change the Definition of Refugee*, AL JAZEERA, Jan. 26, 2020, https://www.aljazeera.com/indepth/opinion/time-change-definition-refugee-200126095857235.html?gclid=EA1aIQobChMI9Ya85-Dn5wIVQZSPCh2_aQJJEAMYASAAEgKoM_D_BwE.

5. Lea Merone, *Calls for Action to Assist Climate Refugees, as Pacific Islands Forum Starts*, CROAKEY, Aug. 12, 2019, <https://croakey.org/calling-for-action-to-assist-climate-refugees-as-the-pacific-islands-forum-gets-underway/>.
6. WORLD FOOD PROGRAMME & PACIFIC COMMUNITY, FOOD SECURITY IN VULNERABLE ISLANDS: A REGIONAL FOOD SECURITY ATLAS OF THE PACIFIC (2018), <https://docs.wfp.org/api/documents/WFP-0000071751/download/>.

lion, 600,000, 800,000, and 264,600 respectively, which constitutes 90% of the Pacific population.⁷

The Micronesian island countries have medium-sized populations and are dispersed over many remotely located islands. Population in the Polynesian group is small, with most countries having a population of fewer than 1,000 people. The population growth rate in the region is relatively low at 2%. Transnational migration to industrialized nations is keeping population growth low.⁸ Historically, the Pacific population, especially in the Melanesian groups, has been steadily growing at the rate of 2.5%, which is considered a healthy growth rate compared to many non-Pacific countries where population growth has declined to a worrying level.

Transnational migration from the Pacific to developed countries is a worrying sign. Every year, more than 16,000 people from the Pacific region migrate to developed countries in search of a better life and to escape poverty.⁹ This trend has resulted in depopulation of a number of countries, such as the Cook Islands, Niue, and Tuvalu. The two overarching reasons that justify Pacific Islanders' migration to developed nations is unemployment and climate change.¹⁰

Migration is a way of life for many islanders who support their families in their hometowns through remittances. These remittances sustain the economies of the aid-dependent island nations. As the number of migrants has increased, so has the amount of remittances, which has helped to alleviate poverty.¹¹ However, climate change and environmental disasters have had a negative effect in the region. Every year, people are badly affected by extreme weather events. This prolongs the recovery process.

Further, migration from rural areas to cities and overseas has been mostly caused by climate change, where low-lying areas have been inundated by sea-level rise. Environmentalists claim that the effects of global warming, especially on sea levels and rainfall patterns, will lead directly to massive population displacement.¹² Many coastal communities are experiencing land erosion and saline drinking water.

Sea flooding has equally been damaging—mostly to agricultural lands where saltwater is washed onto the land, making it uncultivable. Tropical cyclones have equally caused severe damage to agriculture and tropical fruits. Heavy flooding and droughts have forced rural people to migrate to urban areas in search of employment because of damage to their subsistence agriculture.

When internally displaced Pacific people cannot find employment in the urban areas, they start migrating to nearby developed nations—mostly to Australia and New

Zealand. According to the United Nations World Food Programme and Pacific Community 2018 report, in the wider Pacific region, around 3.5 million, or 31%, of the population live below their country's national poverty line and are unable to meet their basic food and non-food needs.¹³

The region's geographic location renders it vulnerable to natural disasters. The region as a whole is heavily dependent on imported food and non-food items, which are not affordable to many low-income households. Dependence on imported goods means vulnerability to price volatility in the cities, thereby reducing the purchasing power of urban dwellers.

Environmental shocks coupled with a high rate of unemployment and soaring poverty have forced a large number of destitute people to migrate internationally, despite not having legal protection beyond their shores. As climate change and severe weather events intensify, so do the number of migrants. This will inevitably cause international resources to dwindle considerably, to the point where they are unable to meet the burgeoning demand of the migrants.

Climate migrants are not given refugee status despite calls at the international level that people affected by climate change should be given refugee status in their host countries to gain legal protections. However, most migrant-receiving countries have steadfastly objected to granting refugee status to climate migrants.

In this Comment, we argue that despite dwindling resources, the international community has a responsibility to protect affected people. When national governments are unable to protect their own citizens, the onus falls on the shoulders of the international community to protect affected peoples. With that in mind, the international community must give climate migrants refugee status so that they are protected outside their national borders.

I. Climate Refugee or Migrant?

"Climate refugee" is a relatively new term where there is no legally binding agreement or protocol to oblige nations to support climate-induced displaced people. The 1951 Refugee Convention¹⁴ does not have a provision to protect climate refugees, despite the fact that their conditions resemble refugees.¹⁵

Climate change and sinking island nations were not considered in the post-Second World War agreements, which focused on protecting refugees from western Europe.¹⁶ The Refugee Convention gives a narrow definition of "refugee" and is subject to geographical limits.¹⁷ According to the Convention:

7. *Id.*

8. *Id.*

9. *Id.*

10. JANE McADAM, CLIMATE CHANGE, FORCED MIGRATION, AND INTERNATIONAL LAW (2012).

11. TIRU K. JAYARAMAN ET AL., ROLE OF FINANCIAL SECTOR DEVELOPMENT IN THE FDI-GROWTH NEXUS IN PACIFIC ISLANDS: A CASE STUDY OF FIJI (2016), https://www.fnu.ac.fj/new/images/CBHTS/Working_Paper/2016/Role_of_Financial_Sector_Development_in_the_FDI-Growth_Nexus_in_Pacific_Islands_A_Case_Study_of_Fiji-working_paper.pdf.

12. THE AGE OF MIGRATION: INTERNATIONAL POPULATION MOVEMENTS IN THE MODERN WORLD, *supra* note 1.

13. WORLD FOOD PROGRAMME & PACIFIC COMMUNITY, *supra* note 6.

14. Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137.

15. John Podesta, *The Climate Crisis, Migration, and Refugees*, BROOKINGS, July 25, 2019.

16. NIKLAUS STEINER, INTERNATIONAL MIGRATION AND CITIZENSHIP TODAY (2009).

17. Podesta, *supra* note 15.

[Any person who] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. . . .¹⁸

It is due to the absence of a legally binding convention or protocol that most States that signed the Refugee Convention of 1951 refuse to provide the type of support climate migrants need. Thus, most migrant-receiving countries in particular steadfastly refuse to even designate them as refugees in order to avoid legal obligations. R. Andreas Kraemer observed that, historically, the term “environmental refugees” was used. In China, the term “ecological migrants” is used.¹⁹

The other major reason why States do not wish to give refugee status to climate migrants is because they cannot go back to their places of origin due to salination of their agricultural lands, inundation of sources of drinking water, and physical destruction of their ancestral homes. The assumption with war refugees is that once the conflict subsides and the recovery phase initiates, the forcibly displaced refugees would repatriate to their native places because there is no other destination country for them.²⁰

It has therefore been difficult for the international community to bestow refugee status on climate migrants because they cannot be repatriated to their places of origin, where their very existence was at risk.²¹ Instead, some governments have suggested the new term “survival migrants” to climate-affected peoples in a bid to avoid the responsibility to provide legal protection to the new wave of climate migrants. The unwillingness to provide legal protection to climate-affected people has resulted in the absence of an appropriate international legal framework to protect displaced people, involuntarily relocated, trapped, in migration, or in flight as a result of climate change.²²

“Climate refugee” still remains a controversial issue among experts and policymakers. In 2015, then-U.S. Secretary of State John Kerry used it in a speech for the first time, followed by European Commission President Jean-Claude Juncker in his State of the Union address that same year.²³ Usage of the phrase “climate refugee” in such high-level speeches was considered a positive step toward legalizing the term in order to give due protection to climate-induced involuntary migrants.²⁴

However, the decision of the Donald Trump Administration to withdraw from the 2015 Paris Agreement²⁵ on tackling climate change is arguably a “massive blow” to

the entire climate change project.²⁶ Given that the United States is the second biggest polluter in the world, the United States was expected to take actions to address climate change. The U.S. decision to withdraw from the Paris Agreement also restrained other countries from adopting green technologies to reduce greenhouse gas emissions.

Recognizing climate refugees depends on a global consensus. With the lack of U.S. support, refugee status will not be granted to climate migrants. Ironically, as severe weather events become more prevalent and damaging, more people will be forced to leave their communities.

Today, 21.5 million people have fled their homes due to climate impacts.²⁷ The United Nations High Commissioner for Refugees (UNHCR) has refused to grant these people refugee status, instead designating them as “environmental migrants.” UNHCR simply lacks the resources to address the migrants’ needs.²⁸ However, as the number increases every year, the international community must, sooner or later, recognize them as climate refugees and provide them with the necessary help.

According to the 2018 World Bank report, the three regions of Latin America, Sub-Saharan Africa, and Southeast Asia will produce a total of 143 million more climate-induced involuntary migrants by 2050.²⁹ This soaring number is likely to push the financial resources of the donor community to the brink and could cause a major humanitarian crisis.

Despite the fact that there are no legally binding regimes to protect climate refugees, the United Nations’ Sustainable Development Goals (SDGs)³⁰ embody both climate-induced involuntary migrations and climate change. With that in mind, Member States are obliged to abide by the provision of the SDGs. The SDGs oblige the signatories to “facilitate orderly, safe and responsible migration of people, including through implementation of planned and well-managed policies.”³¹

The United Nations Human Rights Committee has also called on Member States not to send back climate refugees because of the threats they are facing in their places of origin.³² Severe weather events put the lives of migrants at risk. Most islands are running out of safe drinking water. Lack of freshwater has also made agriculture impossible and plants have started drying up.

Further, some islands are grappling with the challenge of overpopulation because endangered people from outer islands have crowded into one major island. As a result, the

18. MICHELLE FOSTER, *INTERNATIONAL REFUGEE LAW AND SOCIO-ECONOMIC RIGHT: REFUGE FROM DEPRIVATION* (2007).

19. KRAEMER, *supra* note 3.

20. NICHOLAS HENRY, *ASYLUM, WORK, AND PRECARIETY: BORDERING THE ASIA-PACIFIC* (2018).

21. *REFUGEES AND THE LAW* (Ragini Trakroo Zutshi et al. eds., Human Rights Law Network 2011).

22. KRAEMER, *supra* note 3.

23. *Id.*

24. *Id.*

25. Conference of the Parties, Adoption of the Paris Agreement, Dec. 12, 2015, U.N. Doc. FCCC/CP/2015/L.9/Rev/1.

26. James McBride, *The Consequences of Leaving the Paris Agreement*, COUNCIL ON FOREIGN RELATIONS, June 1, 2017, https://www.cfr.org/background/consequences-leaving-paris-agreement?gclid=EAlaIqobChMI2u3cpeDG6QIVh2kqCh3p0wMcEAMYAiAAEgLSg_D_BwE.

27. HENRY, *supra* note 20.

28. Podesta, *supra* note 15.

29. Quoted in HENRY, *supra* note 20.

30. United Nations, *Sustainable Development Goals*, <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> (last visited May 20, 2020).

31. Quoted in Podesta, *supra* note 15.

32. Kate Lyons, *Climate Refugees Can't Be Returned Home, Says Landmark UN Human Rights Ruling*, GUARDIAN, Jan. 20, 2020, <https://www.theguardian.com/world/2020/jan/20/climate-refugees-cant-be-returned-home-says-landmark-un-human-rights-ruling>.

conflict over shrinking resources has skyrocketed. Overcrowding of islands has also resulted in the outbreak of various kinds of diseases, which has put many lives at risk.³³

Land disputes between the indigenous people and the new arrivals have been another large challenge. Some climate scientists predict that almost all atoll islands in the Pacific region will submerge in the not-so-distant future. According to the United Nations Human Rights Committee, climate change could deprive some individuals of their human rights, which would prevent governments under international law from deporting climate refugees back to their places of origin.³⁴

II. Sinking Islands and Planned Relocation

The Pacific region has been at the forefront of climate change. Every year, severe weather events take a heavy toll on the region's small island nations. Industrialized nations are mainly responsible for the current high levels of greenhouse gas emissions in the atmosphere due to more than 150 years of coal burning and other industrial activity.³⁵ Rapid sea-level rise threatens the entire region: low-lying island countries seem likely to submerge beneath the ocean and cause a total displacement of their inhabitants.

Seeking a remedy to climate change impacts, the Pacific Island nations have been resoundingly vocal about the loss of territory, a harbinger of island disappearance. As part of their climate diplomacy, island States have created the Pacific Plan as a framework for strengthening regional cooperation and integration.³⁶ In 2009, leaders of the Pacific Island countries, with support from a number of other affected nations, sponsored a resolution at the United Nations General Assembly (UNGA) on climate change and its possible security implications.³⁷

The delegates referred to the likelihood of disappearing island nations in the region. The resolution urged the global community to pursue greater guarantees of the region's territorial integrity. But despite this lobbying at the international level and after many years, climate change still remains a major threat to the very existence of island nations and their inhabitants.

At the UNGA, the president of Vanuatu stated:

[S]ome of our Pacific colleague nations will be submerged. If such a tragedy should happen, then the United Nations and its members will have failed in their first and most basic duty to a Member and its innocent people, as stated in Article 1 of the Charter of the United Nations.³⁸

The president of the Federated States of Micronesia placed climate change in a human rights context by stressing its impacts on their "own security and territorial integrity, and on our very existence as inhabitants over very small and vulnerable island nations."³⁹

An important element of climate diplomacy has been "political groupings" or interstate alliances to which they belong. This has been particularly pronounced in the Pacific, where governments are emphasizing coalitions or political groupings to "accentuate a Pacific voice" in the climate change regime at regional and international levels.⁴⁰ The island nations have realized that climate change is an existential threat. It is therefore about time to convince the world to take drastic actions about climate change to avoid en masse climate-induced displacement, which will have a domino effect on developed nations.

Further, climate change has also contributed to loss of coral reefs, with attendant implications for the ecosystems on which many islanders' livelihoods depend; changing rainfall patterns, leading to flooding in some areas; drought in others; and threats to freshwater supplies.⁴¹

Involuntary forced migration due to severe weather events will have multifaceted negative consequences in the region. Pacific identity, culture, and way of life are the major elements that will disappear forever when islands start sinking one after the other. State-led planned relocation seems likely to dilute Pacific traditions and practices. Despite all the challenges that lie ahead, people still choose to migrate to developed countries where they are not welcomed.

The new arrivals in the host country do not have the right to access social services, seek employment, or take part in democratic processes. Thus, there is a risk of de facto statelessness, which could turn into de jure statelessness should the affected States be considered to have ceased to exist.⁴² The atoll island nations of Tuvalu, Kiribati, and the Marshall Islands have already been rendered uninhabitable and their populations will become stateless before the end of this century.

Environmental and socioeconomic considerations increase the vulnerability of the island nations. For instance, Kiribati's National Adaptation Program of Action (NAPA)⁴³ identifies the following issues affecting its ability to cope with further changes to the climate:

- Emerging unacceptable level of inequity;
- Increasing population;
- Deteriorating states of coastal zones, coral reefs, fish-

33. Ian Fry, *Are There Climate Change Refugees in the Pacific?*, ASIA & PAC. POL'Y SOC'Y, June 24, 2019, <https://www.policyforum.net/are-there-climate-change-refugees-in-the-pacific/>.

34. Podesta, *supra* note 15.

35. George Carter, *Establishing a Pacific Voice in the Climate Change Negotiations*, in *THE NEW PACIFIC DIPLOMACY* (Greg Fry & Sandra Tarte eds., Australian National Univ. Press 2015).

36. Nicollette Goulding, *Marshalling a Pacific Response to Climate Change*, in *THE NEW PACIFIC DIPLOMACY* (Greg Fry & Sandra Tarte eds., Australian National Univ. Press 2015).

37. Carter, *supra* note 35.

38. Quoted in McADAM, *supra* note 10.

39. *Id.*

40. Carter, *supra* note 35.

41. Olivia Long, *Climate Refugees: A Global Crisis*, HELP REFUGEES, Sept. 16, 2019, https://helprefugees.org/news/the-plight-and-rise-of-climate-refugees/?gclid=EA1aIQobChMI9Ya85-Dn5wIVQZSPCh2_aQjJEAYASAAEgKdZ_D_BwE.

42. McADAM, *supra* note 10.

43. United Nations Development Programme, *Kiribati National Adaptation Programme of Action (NAPA)*, <https://www.adaptation-undp.org/projects/kiribati-national-adaptation-programme-action-napa> (last visited May 20, 2020).

- eries, fresh groundwater, health, and biodiversity;
- Inadequate urban services such as water supply and sanitation;
 - Overexploitation of natural resources in urban refuges;
 - Difficulty in enforcing land use management strategies and controls.

Tuvalu's and the Marshall Island's NAPAs have also acknowledged the same environmental challenges.⁴⁴

The global community's response to climate change, including funding and adaptation, has been piecemeal and inadequate. As a result, the devastating impacts of climate change in the Pacific will increase disproportionately and force millions of people out of their homes, thus creating even more climate refugees.

III. The "Climate Refugee" Debate

The lack of a clear international legal framework to protect people affected and displaced by climate change has prompted calls from various stakeholders for the formation of a new international legal framework to protect climate refugees. There have been various proposals, such as creating a protocol to the Refugee Convention, a protocol to the United Nations Framework Convention on Climate Change (UNFCCC),⁴⁵ or a "stand-alone" protocol, to provide climate refugees with international protection, including a legal status.⁴⁶

At the State level, the Maldives government in 2006 made a proposal to amend the Refugee Convention of 1951 and add a new definition of "refugee" in Article 1A(2) to include climate refugees. The principle of non-refoulement⁴⁷ is applicable to war refugees. However, climate refugees are excluded from this principle. It was, therefore, legally justifiable for the New Zealand High Court to reject Ioane Teitiota from Kiribati asylum as a climate refugee.⁴⁸

Moreover, many international nongovernmental organizations (INGOs) as well as civil society organizations have been advocating for the creation of a new protocol to the UNFCCC to ensure "social, cultural and economic

rehabilitation" of the climate refugees. Several heads of government have also been actively lobbying at the international level for the creation of a new legal framework to recognize and protect climate refugees.

For instance, in 2010, the Bangladeshi prime minister suggested a joint South Asian initiative to marshal international support and recognition under the UNFCCC "to ensure the social, cultural, and economic rehabilitation of climate change induced displaced people."⁴⁹ In the same spirit, the Bangladeshi finance minister stated: "The convention on refugees could be revised to protect people. It's been through other revisions, so this should be possible."⁵⁰

Legal scholars from the University of Limoges have published the Draft Convention on the Recognition, Protection, and Resettlement of Climate Refugees. In this draft legal document, they have proposed an "independent" or "stand-alone" convention recognizing the term "climate refugee," which should embody "guarantees of assistance, shared responsibility, and administration."⁵¹

The Council of Europe Parliamentary Assembly's Committee on Migration, Refugees, and Population has suggested "adding an additional protocol to the European Convention on Human Rights, concerning the right to a healthy and safe environment."⁵²

Further, lobbying from multiple stakeholders to include "climate refugee" in the Refugee Convention of 1951 or to create a new legal framework to protect climate refugees internationally is gaining momentum. The term "climate refugee" is a relatively new coinage, which may be one reason why it has not received any legal protection internationally.⁵³

Given that climate change is worsening and there is no improvement in sight, the global community must fulfill its "responsibility to protect" mandate. Although this principle is applicable in situations where a State uses violence against its citizens and then the onus falls on the international community to protect affected civilians, it makes a lot of sense for the global community to apply this principle to protect climate-affected civilians.

Most developing and least-developed island nations of the Pacific do not have the financial, human capital, and technical prowess to deal with climate disasters on their own. They are heavily dependent on the donor community to redress the losses incurred by climate change. Every year, the financial costs of climate change and severe weather events soar, which the sea-locked island nations can least afford.⁵⁴

It is true that the governments of the Pacific nations do not use violence against their civilian populations,

44. McADAM, *supra* note 10.

45. UNFCCC, May 9, 1992, 1771 U.N.T.S. 107.

46. Joaquin Arango, *Theories of International Migration, in INTERNATIONAL MIGRATION IN THE NEW MILLENNIUM: GLOBAL MOVEMENT AND SETTLEMENT* (Danièle Joly ed., Ashgate 2004).

47. According to UNHCR:

The principle of non-refoulement forms an essential protection under international human rights, refugee, humanitarian and customary law. It prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.

UNHCR, *THE PRINCIPLE OF NON-REFOULEMENT UNDER INTERNATIONAL HUMAN RIGHTS LAW* (2018), <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>.

48. Fry, *supra* note 33.

49. Quoted in Harriet Grant et al., *UK Should Open Borders to Climate Refugees, Says Bangladeshi Minister*, *GUARDIAN*, Dec. 4, 2019, <https://www.theguardian.com/environment/2009/nov/30/rich-west-climate-change>.

50. *Id.*

51. Quoted in McADAM, *supra* note 10.

52. *Id.*

53. Susan Kneebone, *Introduction: Refugees and Asylum Seekers in the International Context—Rights and Realities, in REFUGEES, ASYLUM SEEKERS, AND THE RULE OF LAW* (Susan Kneebone ed., Cambridge Univ. Press 2009).

54. ANDRES SOLIMANO, *INTERNATIONAL MIGRATION IN THE AGE OF CRISIS AND GLOBALIZATION: HISTORICAL AND RECENT EXPERIENCES* (2010).

which would require the international community to take action to protect the civilians. However, the type of destruction and the number of deaths that are caused by severe weather events should have made States capable of helping people.

Without a legal instrument in place and recognition of climate-affected people as refugees, the large body of climate-induced forcibly displaced people will deteriorate even further. It is therefore about time that the global community take action to address climate change and recognize “climate refugee” by placing it in a legal framework.

IV. Conclusion

Climate change and severe weather events are causing environmental havoc in the Pacific region. Every year, the region experiences various environmental disasters, which leave a large body of forcibly displaced population, ruined infrastructure, and inundated homes. Each natural disaster causes death, destruction, and displacement, which the developing and least-developed island nations cannot remediate from their national budgets. Hence, they urge the donor community to foot the reconstruction and rehabilitation bills.

Further, climate change is considered an existential threat to the entire Pacific region where the ocean level is rising rapidly and alarmingly. Destructive cyclones, crippling droughts, torrential rainfall, and powerful sea flooding all contribute toward destruction of people’s homes and livelihoods. All these natural calamities force people to involuntarily migrate elsewhere for survival.

Some atoll nations such as Kiribati, Tuvalu, and the Marshall Islands have relocated people from sinking outer islands to one relatively elevated island. This has caused overpopulation, violence, and shrinking of survival resources such as drinking water and cropland—not to mention soaring unemployment and poverty. Waterborne diseases and other health-related issues are becoming prevalent.

The governments have been unable to address the socio-economic and health challenges ahead of them. International assistance is meager and far from addressing the needs of the people. Every year, natural disasters forcibly displace thousands of people in the region. The international community is unwilling to give refugee status to climate migrants because it will add an extra burden to an already growing number of war refugees.

The Refugee Convention of 1951 was inked in the immediate aftermath of the Second World War to provide shelter and protection to war refugees mainly from western Europe. Although the UNHCR Protocol of 1967⁵⁵ gave a broader definition to war refugees by expanding the geographic limits of its predecessor convention, it still provides legal protection to people who were impacted by war and state violence on the bases of their religion, race, and ethnicity.

None of the legal frameworks embody climate refugees. Today, most governments decline to recognize climate-induced forced migrants as refugees simply because the number of affected people has gone far beyond their financial capacity to offer assistance.

Despite choosing not to recognize climate migrants as refugees, a number of civil society organizations, INGOs, and academics are advocating for climate migrants to be recognized as refugees. If the lobbying campaign from various non-state actors materializes and climate-induced displaced people are given refugee status, millions of affected people will have legal protection.

The developed world has a responsibility toward climate migrants, because it is due to their heavy industrialization and modernization that the island nations in the Pacific have been so severely affected. Greenhouse gas emissions from these island countries are minuscule. Yet they pay the maximum environmental price. The international community must give refugee status and legal protection to climate migrants.

55. Protocol Relating to the Status of Refugees, Dec. 16, 1967, 606 U.N.T.S. 267.