

# The problem of enviromental refugees



Introduction: The status of the refugees as individuals who seek international protection, as a result of the lack of possibility to be protected from their national state, has always been a subject to legal researches and legal dilemmas. Having in mind the bloody history of the mankind, the whole world after the World War II, wanted to end the tragedies of the people who were forced to leave their homes.

Therefore, the states signed numerous international documents regarding the status of the refugees and the methods of their protection. But considering all of the recent events, the question of whether already established law mechanisms for refugee protection are satisfying, or the law is failing to provide an answer for the new challenges, begins to rise again. Some major factors may combine to produce hundreds of millions of environmental refugees in the 21st century which are refugees that are forced to migrate, for reasons, different than the ones for refugees in the past.

According to the Norwegian Refugee Council, 51.2 million people had been displaced from their homes, which is the highest number recorded since the refugee crisis following World War II. 22 million of them were displaced by disasters. There are some indications that the refugee crisis in Syria has its background in the climate change phenomena since many of the people which are part of the conflict had no reliable access to food, water or jobs.

But regardless of all of the above, there is no existing international policy for environmental refugees and their protection depends from case to case,

which leave space for a polarized interpretation from one state to another, undermining the principles of legal certainty and legal predictability.

Purpose: The purpose of the research will be to argue that currently there is not any existing legal framework that protects nor applies to environmental refugees. The existing framework is focused on the refugees, defined as such in the Refugee Convention from 1951. This Convention does not recognize the term " environmental refugees" and these individuals are deprived of any material or juridical support of institutions like the UNHCR or government agencies.

Furthermore, the regional legal agreements expand the definition of refugee only accordingly with the Refugee Convention's narrative, and these agreements are not creative nor progressive in a context-specific manner of environmental refugees. The treaties of Copenhagen, Kyoto, and Paris regarding the climate change do not deal with the problem of already existing environmental refugees, but only offer a solution how countries need to act in order to cope with climate change and prevent future migration.

There is a significant lack of social awareness in these treaties when it comes to the corpus of rights which exist to protect individuals, especially those in vulnerable circumstances like the environmental refugees. The rights of this group of people are not the priority of these agreements and they enjoy zero protection from these legal acts. This research will provide two recommendations, as possible solutions to this problem which so far is not properly acknowledged in the international law.

The first recommendation is to make a change in the definition of a refugee in the Refugee Convention in favour of environmental refugees. Such a change will provide a complete and comprehensive legal framework, and the states will be legally bound to provide a core of rights that applies on environmental refugees. Furthermore, the states will have certain responsibilities when it comes to this group of refugees. The environmental refugees will be able to enjoy protection by the articles 31- 33 as well, meaning that the states will be obligated not to impose penalties, expel or return (refoulement) them into the country where they have migrated from.

The second recommendation is more creative and requires a higher level of political will and awareness for the process of empowering the human rights. I propose creating a new Convention which will be applicable to both, environmental refugees and people that are internally displaced because of natural disasters. Such approach will equal the rights of the individuals of both groups, which is necessary having in mind the reasons of their migration. Also creating a new Convention will significantly improve the status of these people because they will have a concrete document which will guarantee their rights and will provide adequate methods of their needs and protection.

Methods of research: The main used method is analysis of selected research works, documents, books, articles and information from specialized websites. I also want to conduct a survey between the law students in University of Skopje and University of Cardiff which field of interest is in the area of human rights. This survey should provide answers about whether there are any differences in the perception of the treatment of the environmental refugees

<https://assignbuster.com/the-problem-of-environmental-refugees/>

and the need for their protection, between the scholars in developing and developed countries.

In my opinion this is important because in order to change the international framework in the context of environmental refugee a consensus between a developing and developed countries is more than a necessity. Even more, environmental migration must be integrated into national development frameworks, poverty reduction strategies, and other areas of policy.

The processes of migration have different influence, especially from economic aspect when it comes to developing and developed states.

Therefore, their political and legal will of creating a framework for environmental refugees will be different. I strongly believe that the young individuals will be the future leaders of these processes and that is why their opinion matters.