‘Climate refugees’: is it time to legally acknowledge those displaced by climate disruption?

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Climate disruption and its consequences are an emerging public health crisis.1 While much emphasis is placed on adaptation and mitigation, there is no long-term plan to support those who face environmental displacement. Continued increase in greenhouse gas (GHG) emissions will result in perpetual rise in global mean temperatures. Global precipitation will increase with significant geographical variation; some locations experiencing much more precipitation and others experiencing far less. Increased global temperatures are likely to bring with them continued thinning of the Arctic and Antarctic sea ice. Global ocean temperatures increase in all predictive models; deep ocean warming is associated with sea-level rise. It is strongly anticipated that there will be increased frequency and severity of hurricanes and cyclones.2 These changes in climate are likely to bring about a number of adverse events for humans, including food insecurity,3 drought and coincident degradation of drinking water,4 increased infectious diseases5 and increased vector-borne diseases.6 Droughts are predicted to leave 700–1,500 million people short of water.7 Rising sea levels and storm surges are potentially catastrophic for low-lying land masses, particularly the Pacific Islands; Kiribati and Tuvalu are predicted to be uninhabitable by 2050. As vital resources such as food and drinking water increase in scarcity,8 it is not inconceivable that conflict may ensue. These are all some of the most imminent reasons populations may become displaced owing to climate disruption.9 Climate disruption poses two significant physical problems for Australian neighbours, the Pacific Island states: rising sea levels and the adverse effects of both flooding and drought on water supplies. As a low-lying collection of Islands, fewer than half the population of some states have adequate access to safe drinking water10 and these islands are significantly threatened by rising sea levels and consequent submersion. Climate disruption is not the sole cause of displacement; however, it exacerbates existing problems to an extent that would not be the case otherwise.11 By 2050, there will be an estimated 200 million people globally who are displaced by climate change.12 Outside of sudden, catastrophic events, such as earthquake or flooding, climate disruption is a slow process.13 This slow development has led to confusion surrounding the nomenclature of those displaced by climate change and leads to challenges with setting legal precedents. The International Association for the Study of Forced Migration includes those displaced by natural disasters and environmental change as reasons for necessary migration.14 It is difficult to argue that these people should remain in their country of origin if the land is no longer life-sustaining. To classify these people as migrants is erroneous, as a migrant is defined as someone who has voluntarily left their country of origin and can return at any time; for those displaced by climate disruption, return would likely not be feasible. The United Nations High Commissioner for Refugees (UNHCR) states there are increasing difficulties in categorising displaced peoples because of conflict, climate disruption and economic pressures.15 The International Organisation for Migration defines “environmental refugees” as those obliged to leave their homes owing to sudden or progressive environmental change that adversely affect their lives or living conditions.16 Australia’s definition of a refugee – an individual who has left their home owing to fear or racial, religious, social or political persecution – does not incorporate those displaced by climate disruption.17 Legally obtaining refugee status means that Australia has international obligations to protect the human rights of refugees arriving in the country regardless of visa possession. The principle of non-refoulement ensures those who meet the requirements for refugee status cannot be sent back to their country of origin.18 Refugees are able to live and work in Australian society and indeed often settle in non-metropolitan areas creating a positive and growing economy, often helping to meet labour shortages in lower paid jobs.19 Australia receives approximately 12,000 refugees each year and these individuals face substantial hurdles including language barriers, access to employment and subsequent access to healthcare.20 Australia has one of the most restrictive immigration detention systems in the world; retaining some refugees without time limit and capacity for people to challenge detention in a court of law.21 Much work is still needed to care for refugees currently entering Australia; many would say that the current handling of refugees in detention centres is a violation of human rights.22 However, with the pressing issue of climate disruption, particularly affecting the Pacific Islands, there is an argument to be made for urgent expansion of the definition of refugees. Providing support to refugees is a challenge; the current global refugee crisis of 22.5 million refugees has stretched the UNHCR state resources to capacity. This is only part of the story; there are a total of 65.5 million displaced people globally and clearly many of these do not have refugee status. The addition of climate refugees will be overwhelming. This highly likely scenario currently has few plans to address it.23 Given the current crisis, some argue for different classification of those displaced by climate disruption. However, this could take decades. The Nansen Initiative, which commenced in 2012, has made a start on this issue, but consultations appear to have ceased in 2015.24
Some argue that a treaty will not solve the issues and the battle for one must not overshadow measures to assist those significantly adversely affected by climate disruption now. While an essential point, unless a treaty to assist these people is formulated, entire populations of people face losing their homes, with little opportunity to rebuild. Despite flaws with a treaty-based strategy, it is universally agreed that international co-operation for accommodating those displaced by climate change is urgently required. There is urgent need for an independent, separate, protocol on recognising, resettling and protecting climate refugees. Those facing displacement due to climate disruption are in urgent need of a voice and a plan – now.

References

counter-refoulement-submitted-high-commissioner.html.