



ΕΥΡΩΠΑΪΚΟ ΚΕΝΤΡΟ ΑΡΙΣΤΕΙΑΣ JEAN MONNET  
ΕΘΝΙΚΟ ΚΑΙ ΚΑΠΟΔΙΣΤΡΙΑΚΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΑΘΗΝΩΝ  
JEAN MONNET EUROPEAN CENTRE OF EXCELLENCE  
NATIONAL AND KAPODISTRIAN UNIVERSITY OF ATHENS

Co-funded by the  
Erasmus+ Programme  
of the European Union



# ENVIRONMENTAL REFUGEES

*Katerina Papadopoulou*



APRIL 2018

Copyright 2018

ΕΥΡΩΠΑΪΚΟ ΚΕΝΤΡΟ ΑΡΙΣΤΕΙΑΣ JEAN MONNET  
ΕΘΝΙΚΟ ΚΑΙ ΚΑΠΟΔΙΣΤΡΙΑΚΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΑΘΗΝΩΝ  
Κλεομένους 22Α, 106 75 Αθήνα  
Τηλ. 210 7220508 Fax: 210 3617711  
Email: jmcenter-athens@pspa.uoa.gr, www.jmce.gr

All rights reserved

---

*Το Ευρωπαϊκό Κέντρο Αριστείας Jean Monnet δεν υιοθετεί πολιτικές ή άλλες θέσεις. Καταβάλλει, μάλιστα, προσπάθεια να παρουσιάζονται στο πλαίσιο των δραστηριοτήτων του και στο μέτρο του δυνατού όλες οι υπάρχουσες απόψεις. Οι αναλύσεις και οι γνώμες που δημοσιεύονται σε όλες τις εκδόσεις του Ευρωπαϊκού Κέντρου Αριστείας Jean Monnet θα πρέπει να αποδίδονται αποκλειστικά στους ίδιους τους συγγραφείς και να μην θεωρούνται ότι αντιπροσωπεύουν απαραίτητα τις απόψεις του Κέντρου, του Διοικητικού Συμβουλίου του, της διεύθυνσης ή των κατά περίπτωση και καθ' οιονδήποτε τρόπο συνεργαζομένων φορέων.*

*The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*

## Contents

Introduction .....	3
I. Refugees and Environmental Refugees: .....	4
II. Environmental Refugees and hostilities .....	6
III. The extension of the refugee regime as a solution.....	7
IV. Lost attempts of resolving the problem.....	9
V. Good news.....	10
VI. The European Union (EU).....	12
VII. Reception and admission – International Protection of environmental refugees .....	12
Conclusions .....	14



# Environmental Refugees

*Katerina Papadopoulou,*

*lawyer-PhD in public law, Adjunct Academic Staff at the Hellenic Open University*

## Introduction

António Guterres, former High Commissioner for Refugees, addressed to the UN Security Council in 2011 with these words: “Climate change is the defining challenge of our times: a challenge which interacts with and reinforces the other global megatrends such as population growth, urbanization, and growing food, water and energy insecurity. It is a challenge which is adding to the scale and complexity of human displacement and a challenge that has important implications for the maintenance of international peace and security”.<sup>1</sup>

Climate change is anticipated and will have enormous effects on many populations, especially those in coastal and low-lying areas like Vietnam, the Netherlands and certain parts of the US. Even the most optimistic case showed 85% of UK cities with a river, including London, would face increased flooding.<sup>2</sup> Already, people are now twice as likely to be displaced than they were in the 1970s, according to Justin Ginnetti, the head of data and analysis at the Geneva-based Internal Displacement Monitoring Center. This is due to the combined effect of rapid population growth, urbanization and exposure to natural disasters.<sup>3</sup>

This paper, though, is concerned with a group of refugees known as “environmental refugees”, who represent an important group of interest to many policy-makers at international level.<sup>4</sup>

---

<sup>1</sup> United Nations High Commissioner for Refugees: Overview, Climate change and disaster displacement: an overview of UNHCR’s role. UNHCR, 2017. Available at: <http://www.unhcr.org/protection/environment/5975e6cf7/climate-change-disaster-displacement-overview-unhcrs-role.html> [accessed 06.04.2018].

<sup>2</sup> Tom White: Climate change “will push European cities towards breaking point”. The Guardian, 21.02.2018. Available at: <https://www.euractiv.com/section/climate-environment/news/climate-change-will-push-european-cities-towards-breaking-point/> [accessed 06.04.2018].

<sup>3</sup> Amy Lieberman: Where will the climate refugees go? Aljazeera, 22.12.2015. Available at: <https://www.aljazeera.com/indepth/features/2015/11/climate-refugees-151125093146088.html> [accessed 06.04.2018].

<sup>4</sup> Richard Black: Environmental refugees: myth or reality? New Issues in Refugee Research, Working Paper No. 34, March 2001. Available at: <http://www.unhcr.org/research/working/3ae6a0d00/environmental-refugees-myth-reality-richard-black.html> [accessed 06.04.2018].

## Body:

### I. Refugees and Environmental Refugees:

According to the 1951 Convention Relating to the Status of Refugees, a refugee is a person who is fleeing persecution due to their race, religion, nationality, political opinion or membership in a particular social group.<sup>5</sup> There is no mention of the environment as a reason to flee.<sup>6</sup> And yet, if you have no water from a drought, have no food due to flooding, or if your home is underwater, what other option do you have but to flee?<sup>7</sup>

Abraham Maslow in his theory of Human Motivation, 1943, describes a pyramid of human needs where he categorizes the basic physical needs such as food and water as the most fundamental. Such vital needs are seen as more fundamental than religion or political beliefs. This is why a prisoner who is not being given enough food and water to survive will soon find his need for food and water prevails to everything else.<sup>8</sup>

Environmental degradation, disasters and climate change can hinder the effective enjoyment of a broad range of human rights, such as access to water,<sup>9</sup> and food,<sup>10</sup> all of which can lead to migration and displacement.<sup>11</sup>

---

<sup>5</sup> United Nations High Commissioner for Refugees. Available at: <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> [accessed 06.04.2018].

<sup>6</sup> Paroula Naskou – Peraki: 1<sup>st</sup> lecture of the Educational Seminar “European Asylum and Refugee Law: European Developments & Comparative Dimension” organized by Jean Monnet European Centre of Excellence of the National and Kapodistrian University of Athens- Kalliopi Koufa Foundation and the European Public Law Organisation (EPLÖ). Athens, 29.01.2018 and Paroula Naskou – Peraki: Η Σύμβαση της Γενεύης για το Καθεστώς των Προσφύγων in Πρόσφυγες και Αιτούντες Άσυλο, Παγκόσμια, Ευρωπαϊκή και Εθνική Διάσταση. Εκδόσεις Σάκκουλα, Αθήνα – Θεσσαλονίκη 2017, σελ. 144.

<sup>7</sup> Joanna Zelman: 50 Million Environmental Refugees By 2020, Experts Predict. Huffington Post, 22.02.2011. Available at: [https://www.huffingtonpost.com/2011/02/22/environmental-refugees-50\\_n\\_826488.html](https://www.huffingtonpost.com/2011/02/22/environmental-refugees-50_n_826488.html) [accessed 06.04.2018].

<sup>8</sup> As stated in Banti-Markouti, Victoria (2014) “Non-access to water as human rights violation? International protection and the application of the non-refoulement principle under the human rights legal instruments”, Int. J. Human Rights and Constitutional Studies, Vol. 2, No. 1, pp19-26. [Banti-Markouti, Victoria (2014) “Non-access to water as human rights violation? International protection and the application of the non-refoulement principle under the human rights legal instruments”, Int. J. Human Rights and Constitutional Studies, Vol. 2, No. 1, pp19-26.]

<sup>9</sup> On the other hand, non-access to water has led people to flee from their home countries seeking international protection. As an example, we could mention asylum claims of Comoros nationals who claim that clean and fresh water is not always accessible in their country. More particularly, according to the country of origin information Mount Karthala, one of the world’s most active volcanoes, has spewed toxic

Beyond food and water shortages, people are being forced out of their homes because, according to Oxford University's Norman Myers, "These are people who can no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation and other environmental problems, together with the associated problems of population pressures and profound poverty."<sup>12</sup>

"Environmental problems" have led to the notion of "environmental refugees". Thus in circumstances where an individual satisfies the criteria for being labeled a "refugee", the term "environmental" becomes redundant.<sup>13</sup>

In recent years, the concept of "environmental refugees" has gained new importance, as global climate change and desertification have threatened the livelihoods of millions of people, causing many to leave home in search of new opportunities. "Environmental refugee", a term coined by Essam El-Hinnawi, describes "people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardizes their existence and/or seriously effects the quality of their life".<sup>14</sup>

International Organisation for Migrants (IOM) refers to environmental migrants as "persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to

---

ash into the islands water supply, while bad hygiene practices and poor sanitation conditions cause cholera and diarrhea. [Banti-Markouti, Victoria (2014): Ibidem.]

<sup>10</sup> Food shortages have to do with climate change. Warmer winters keep pests alive, allowing them to carry plant diseases in the spring. Greenhouse gases and air pollution affect a plant's structure, reducing its ability to defend against pests and diseases. Heavy rainfall carries animal waste into human food, spreading even more disease.

[United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: UNHCR's perspectives. November 2017. Available at:

<http://www.unhcr.org/protection/environment/5a12f9577/climate-change-disaster-displacement-global-compacts-unhcrs-perspectives.html> [accessed 06.04.2018].]

<sup>11</sup> United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: UNHCR's perspectives: Ibidem.

<sup>12</sup> Norman Myers: Environmental refugees: a growing phenomenon of the 21<sup>st</sup> century. PMC. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1692964/> [accessed 06.04.2018].

<sup>13</sup> Richard Black: Idem.

<sup>14</sup> Environmental Refugees: Globalization 101. Available at: <http://www.globalization101.org/environmental-refugees/> [accessed 06.04.2018].

do so, either temporarily or permanently, and who move either within their country or abroad”.<sup>15</sup>

Particular reference should be made to three categories of supposed “environmental refugees”: those fleeing “desertification”, those displaced (or potentially displaced) by sea level rise, and victims of “environmental conflict”.<sup>16</sup>

An initial difficulty in dealing with “environmental refugees” or “environmental migrants”, is that there are perhaps as many typologies as there are papers on the subject. Whatever the precise definition or number of “environmental refugees”, a common feature of the literature is to talk of “millions” of displaced people, and their dramatic impact on host regions, such that regional security is threatened.<sup>17</sup>

## II. Environmental Refugees and hostilities

In some cases, and particularly in the “complex political emergencies” of the Great Lakes, Sierra Leone/Liberia and Somalia, environmental issues can be seen to have some relevance in the development of hostilities and a case can be made that environmental degradation forms an important root cause of the conflict.<sup>18</sup>

Of course, not everyone classed as an environmental refugee will flee their country – they could be forced to move somewhere else within the national boundaries.<sup>19</sup> In other words, most environmental refugees are rural and coastal residents who are forced to migrate to urban areas becoming internal migrants<sup>20</sup>

---

<sup>15</sup> Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Migration and the Environment, Some Reflections on Current Legal Issues and Possible Ways Forward. CNR Edizioni 2017. Available at: <https://www.iriss.cnr.it/migration-and-the-environment-some-reflections-current-legal-issues-and-possible-ways-forward-is-now-online/> [accessed 06.04.2018].

<sup>16</sup> Richard Black: Idem.

<sup>17</sup> Richard Black: Ibidem.

<sup>18</sup> Richard Black: Ibidem.

<sup>19</sup> Hannah Barnes: How many climate migrants will there be? BBC News, 02.09.2013. Available at: <http://www.bbc.com/news/magazine-23899195> [accessed 06.04.2018].

<sup>20</sup> Internal migration is the process of people moving elsewhere in their own country.

These climate refugees face numerous problems. Skills such as herding and farming are not relevant in urban areas. Rural farmers are often more self-sufficient than many urban dwellers, they may not be familiar with depending on a corporation or other people for employment.

or Internally Displaced Persons.<sup>21</sup> Environmental refugees who migrate outside their home countries face other difficulties.<sup>22</sup>

Although many environmental refugees would like to make it to Western Europe, the vast majority end up migrating to neighboring countries, which tend to be some of the poorest in the world. In many of these places, refugees are seen as unwelcomed guests, putting further strain on already scarce water and land supplies. This social mistrust and competition may escalate to further conflict and violence.<sup>23</sup>

Reporting on a major project sponsored by the American Academy of Arts and Sciences and the Peace and Conflict Studies Program of the University of Toronto, Thomas Homer-Dixon presented three hypotheses on the relationship between environment and conflict: a) that environmental scarcity lead to simple scarcity conflicts between states, b) that environmental scarcity causes large population movement, which in turn causes group-identity conflict and c) that environmental scarcity causes economic deprivation and disrupts social institutions leading to “deprivation conflicts”.<sup>24</sup>

### III. The extension of the refugee regime as a solution

As the 1951 Convention Relating to the Status of Refugees passes its 50<sup>th</sup> anniversary, the nature and scope of the “international refugee regime” continues to be a matter of debate. The last decade has seen a number of arguments to extend the regime, and/or the Convention.<sup>25</sup>

---

[Climate Refugee: National Geographic Society, 17.06.2011.  
Available at: <https://www.nationalgeographic.org/encyclopedia/climate-refugee/> [accessed 06.04.2018].]

<sup>21</sup> Recently, there is a growing consensus that “internally-displaced persons” (IDPs) should be brought under some form of international protection and/or assistance. [Richard Black: Idem.]

<sup>22</sup> They must adjust to different laws, languages and cultures. Climate refugees may encounter conflict with indigenous residents. Educational and health care systems must adjust to a sudden, new population.

[Climate Refugee: National Geographic Society: Idem.]

<sup>23</sup> Environmental Refugees: Globalization 101: Idem.

<sup>24</sup> Richard Black: Idem.

<sup>25</sup> Richard Black: Idem.

Since at least the 1951 adoption of the Convention Relating to the Status of Refugees, the global migration regime has distinguished between economic migrants, who come to pursue work, and refugees, who flee war and persecution. Environmental refugees do not fit neatly into either category, leading some scholars to call for an expansion of the international legal definition of a refugee to take account of the realities of climate change and to include people fleeing natural as well as man-made disasters, trying simply to survive. A new legal framework is needed to address the different challenges faced by communities severely affected by climate change.<sup>26</sup>

If academic and policy interest in the notion of environmental refugees is not overtly motivated by a desire to restrict asylum, the question remains as to why so much effort should have been spent in trying to separate environmental causes of migration from other political, economic or social causes, even to the point of trying to rewrite the definition of a refugee in international law. Arguably, the answer lies not in asylum literature of policy at all, but in environmentalist literature, as well as in the field of “conflict studies”.<sup>27</sup>

Of course experts are moving beyond the singular approach of expanding the 1951 Convention Relating to the Status of Refugees to include those impacted by climate change or environmental disasters, suggesting that to address such a large issue, states must focus on more than just terminology.<sup>28</sup> As one of the hidden costs of climate change is the displacement of millions of people in some of the poorest regions of the globe, one can easily understand that the existing international refugee regime is ill-suited to cope with those seeking refuge from environmental disasters. Countries must get serious about developing coordinated plans to address the issue, lest they be caught by surprise when another humanitarian crisis hits.<sup>29</sup>

Experts warn that Expanding the 1951 Convention Relating to the Status of Refugees cannot be a solution by itself also as identifying people affected by climate change can be difficult. One season of severe drought can knock out

---

<sup>26</sup> James F. Hollifield-Idean Salehyan: “Environmental Refugees”. Wilson Center, 21.12.2015.

Available at: <https://www.wilsoncenter.org/article/environmental-refugees> [accessed 06.04.2018].

<sup>27</sup> Richard Black: Idem.

<sup>28</sup> Amy Lieberman: Idem

<sup>29</sup> James F. Hollifield-Idean Salehyan: Idem.

someone's crops, but farmers and scientists alike are unlikely to immediately attribute the resulting food shortage to extreme weather caused by climate change. For example, multiple studies linked Australia's record –setting heat wave in 2013, stretching into 2014, to climate change. But typically, connecting climate change to extreme weather is not easy, given the complexity of the events.<sup>30</sup>

Finally, if protection and assistance were extended by the international refugee regime to “environmental refugees”, would this help or hinder the battle to focus the world's attention on pressing environmental problems?<sup>31</sup>

#### **IV. Lost attempts of resolving the problem**

When world leaders met in Paris to discuss ways to mitigate climate change, human displacement and its consequences for migration and refugee policy was hardly on the agenda although negotiators knew its critical importance. Displacement will likely increase. Most of those displaced will remain in their own country or flee to a neighboring state, as stated above, but a share of them will attempt to migrate to Europe, North America, Australia, Japan and other wealthy states.<sup>32</sup>

However, industrialized countries are not only ignoring the issue, but actively undermining attempts to craft durable solutions.<sup>33</sup> Furthermore, climate refugees were not central to the talks in Paris. The Paris COP21 conclusion agreement reportedly received a mixed welcome from participants and observers alike. This document does not mention “refugees” or other terms like “migration” and “mobility”. It does, however, call for a task force to “develop

---

<sup>30</sup> Amy Lieberman: *Idem*.

<sup>31</sup> Richard Black: *Idem*.

<sup>32</sup> James F. Hollifield-Idean Salehyan: *Idem*.

<sup>33</sup> James F. Hollifield-Idean Salehyan: *Ibidem*.

recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change”.<sup>34</sup>

If, however, developed countries do not get serious about mitigating carbon emissions and promoting development strategies that help the poor adapt to climate change, they will find an ever-increasing stream of migrants at their doorstep.<sup>35</sup>

Even if countries agree to robust mitigation and adaptation plans in Paris- a big “if”- it is likely that environmental pressures will continue to influence people’s migration decisions. Many environmental refugees will seek entry into Europe, the United States, Canada, Japan, Australia and even China – the very countries that have been the biggest contributors to greenhouse gas emissions.<sup>36</sup>

## V. Good news

The Nansen Initiative on the other hand is the good news about environmental refugees as it supported the inclusion of human mobility challenges in the Paris agreement. The Nansen Initiative is a three- year-old state-led, consultative process aimed at building a consensus on a protection agenda for displaced people impacted by environmental disasters or climate change. Headquartered in Geneva, the Nansen Initiative is among the champions of a multipronged way to approaching human mobility and climate change. More than 100 nations approved a non-legally binding agenda at a Nansen global consultation that prioritizes protecting cross-border displaced persons and linking different national policies. This could extend to helping new arrivals stay in a country that admitted them, if they are unable to return to their homes because of prolonged environmental issues.<sup>37</sup>

---

<sup>34</sup> Amy Lieberman: Idem.

<sup>35</sup> James F. Hollifield-Idean Salehyan: Idem.

<sup>36</sup> James F. Hollifield-Idean Salehyan: Ibidem.

<sup>37</sup> Amy Lieberman: Idem.

The Nansen Initiative has a great impact. The New York Declaration (September 2016) and the Secretary General’s report “In Safety and Dignity: Addressing Large Movements of Refugees and Migrants”<sup>38</sup> (May 2016) refer to the Nansen Initiative Protection Agenda as part of efforts to work towards solutions for addressing large movements of refugees and migrants.<sup>39</sup>

Moreover, as it is the first time in the history of the UNFCCC that an island state has the COP presidency,<sup>40</sup> COP 23 represents a unique opportunity to place high on the international agenda human mobility resulting from the effects of climate change. The Prime Minister of Fiji will preside over the conference. Loss and Damage, including averting, minimizing and addressing displacement linked to climate change impacts is an important issue for the Fiji Presidency.<sup>41</sup>

Additionally, as disaster displacement is a large humanitarian challenge and the world needs to be prepared for it, the UNHCR’s Strategic Directions (2017-2021) include commitments to advancing legal, policy and practical solutions for the protection of people displaced by the effects of climate change and disasters and to contribute to an inter-agency response to disasters emergencies. On the 4th October 2017, UNHCR, the Government of Germany and the Platform on Disaster Displacement co-hosted a very well attended high level side event to UNHCR Excom on “Addressing disaster displacement and climate change: Opportunities in partnership” that discussed concrete solutions and partnership opportunities to address disaster displacement.<sup>42</sup>

---

<sup>38</sup> Both documents explicitly acknowledge the challenge posed by climate change and disaster displacement. [United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: Ibidem.]

<sup>39</sup> United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: Ibidem.

<sup>40</sup> The three priorities for this COP are as follows:

1. Achieving the design of the Facilitative Dialogue
2. Developing rules of the Paris Agreement
3. Action on climate change – The Nansen Initiative Protection Agenda is a toolbox of effective practices that are already used in different regions, which can be drawn upon for this purpose.

[United Nations High Commissioner for Refugees: COP 23 – UNFCCC, 6 November 2017 – 17 November 2017.]

<sup>41</sup> United Nations High Commissioner for Refugees, COP 23 – UNFCCC: Ibidem.

<sup>42</sup> United Nations High Commissioner for Refugees: Concrete solutions to disaster displacement discussed at UNHCR Excom side event. 04.10.2017. Available at: <http://www.unhcr.org/59e5fde47.pdf> [accessed 06.04.2018].

## VI. The European Union (EU)

The EU itself is involved in the “Nansen initiative”, in the Steering Group of the Platform on Disaster Displacement and also is party to the United Nations Framework Convention on Climate Change (UNFCCC). But for the time being, due to the reluctant approach of the Member States, EU migration law regulates neither the definition and acquisition of the status of environmental refugee nor the content of protection, notwithstanding Articles 77 to 80 of the Treaty on the Functioning of European Union (TFEU) are designed in a broad enough manner to handle with it.<sup>43</sup>

## VII. Reception and admission – International Protection of environmental refugees

Some people who are displaced in the context of climate change and disasters may fall within the **refugee definition**. Over the years, it has been accepted that individuals fleeing across borders may be refugees according to the 1951 Convention Relating to the Status of Refugees definition where they are fleeing disasters, including drought or famine, where these phenomena are linked to situations of armed conflict rooted in racial, ethnic, religious or political divides or where such disasters disproportionately affect particular groups.<sup>44</sup> People fleeing extreme situations of disasters and adverse effects of climate change indeed may be compelled to leave their country of origin because of events seriously disturbing public order.<sup>45</sup>

Ensuring access to international protection for people displaced across international borders in the context of climate change or disasters and who

---

<sup>43</sup> Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Idem.

<sup>44</sup> It could be possible, under specific conditions, to include environmental refugees into the notion of “particular social group”, but it would happen in very few cases, namely where environmental disasters are linked to some extent to governmental actions or omissions.  
[Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Idem].

<sup>45</sup> United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: Idem.

cannot return may best be achieved by promoting the use of complementary protection mechanisms and temporary protection or stay arrangements.<sup>46</sup>

Some countries, such as the United States, already afford those fleeing natural disasters **temporary protected status** and a work permit as long as conditions in the sending country prevent safe return.<sup>47</sup>

Temporary protection is also set out in Council Directive 2001/55/EC, of 20 July 2001 (“Temporary Protection Directive” or “TPD”). At first sight, such protection seems to be more promising when dealing with environmental refugees. Indeed, the whole procedure aims at providing “immediate and temporary protection” regardless of any international protection status determination (Article 2 (a)).<sup>48</sup> Notwithstanding these positive elements, however, there are others that run counter an application in the case of environmental refugees.<sup>49</sup>

The same holds true for those “**provisional measures**”<sup>50</sup> set out in Article 78 (3) TFEU, insofar as the Council could adopt them “in the event of one or more Member States being confronted with an emergency situation characterized by a sudden inflow of nationals of third countries”, thus excluding environmental refugees moving on individual or in small group basis.

Environmental refugees could also seek **subsidiary protection** under Articles 15(b) of the Qualification Directive<sup>51</sup> and 3 of the European Convention of Human Rights, under specific conditions, could stem from situations of complete lack of food, water<sup>52</sup> and housing if they are returned to countries affected by

---

<sup>46</sup> United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: Ibidem.

<sup>47</sup> James F. Hollifield-Idean Salehyan: Idem.

<sup>48</sup> Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Idem.

<sup>49</sup> First of all, we are dealing with a “procedure of exceptional character” applicable only “in the event of a mass influx of imminent mass influx” (Article 2 (a)), inapplicable as such to persons moving individually or in small groups.

[Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Idem.]

<sup>50</sup> Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: Ibidem.

<sup>51</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0095> [accessed 06.04.2018].

<sup>52</sup> If water deprivation under the specific circumstances amounts to torture or inhuman treatment after the ad hoc examination, then par. b whereas “serious harm consists of: (b) torture of inhuman or degrading treatment or punishment of an applicant of the country of origin” can be applicable. [Banti-Markouti, Victoria (2014): Idem.]

huge environmental disasters.<sup>53</sup> Given the substantial limitations<sup>54</sup> of the Qualification Directive, one should pay more attention to the temporary protection status.

## Conclusions

No one can be sure just how many people will be displaced by climate change by the middle of this century. In fact, the estimates vary widely. What is clear, however, is that cementing a number is not the only hurdle facing those attempting to decipher the practical ramifications of climate change. Terms such as “climate refugee” and “environmental refugee” are still not classified as legal categorisations. And it’s difficult to determine whether a person is fleeing their home because of an environmental disaster, lack of work, or the established, long-term impacts of climate issues like drought or rising sea levels. However, one factor is increasingly clear: This amorphous, global population of refugees does not have any international legal protection or agency upholding their basic human rights and helping to keep them safe.<sup>55</sup> As environmental refugees are not protected by international laws, they face greater political risks than refugees who flee their homes due to conflict or political oppression.<sup>56</sup> Expanding the 1951 Convention Relating to the Status of Refugees cannot be a solution by itself but adopting an additional protocol - for the protection of environmental refugees - to the 1951 Convention might do the job!

---

<sup>53</sup> Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: *Idem*.

<sup>54</sup> Environmental refugees are reasonably expected to relocate within their home country and thus not allowed to claim international protection elsewhere.

[Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: *Ibidem*.]

<sup>55</sup> Amy Lieberman: *Idem*.

<sup>56</sup> Climate Refugee: National Geographic Society: *Idem*.

## Bibliography

Banti-Markouti, Victoria (2014) “Non-access to water as human rights violation? International protection and the application of the non-refoulement principle under the human rights legal instruments”, *Int. J. Human Rights and Constitutional Studies*, Vol. 2, No. 1, pp19-26.

Black Richard: Environmental refugees: myth or reality? *New Issues in Refugee Research*, Working Paper No. 34, March 2001.

Climate Refugee: National Geographic Society, 17.06.2011.

James F. Hollifield-Idean Salehyan: “Environmental Refugees”. Wilson Center, 21.12.2015.

Environmental Refugees: Globalization 101.

Giovanni Carlo Bruno, Fulvio Maria Palombino, Valentina Rossi: *Migration and the Environment, Some Reflections on Current Legal Issues and Possible Ways Forward*. CNR Edizioni 2017.

Hannah Barnes: How many climate migrants will there be? *BBC News*, 02.09.2013.

Lieberman Amy: Where will the climate refugees go? *Aljazeera*, 22.12.2015.

Myers Norman: *Environmental refugees: a growing phenomenon of the 21<sup>st</sup> century*. PMC.

Peraki - Naskou Paroula / Περράκη - Νάσκου Παρούλα -: *Η Σύμβαση της Γενεύης για το Καθεστώς των Προσφύγων in Πρόσφυγες και Αιτούντες Άσυλο, Παγκόσμια, Ευρωπαϊκή και Εθνική Διάσταση*. Εκδόσεις Σάκκουλα, Αθήνα – Θεσσαλονίκη 2017.

Peraki - Naskou Paroula / Περράκη - Νάσκου Παρούλα: 1<sup>st</sup> lecture of the Educational Seminar “European Asylum and Refugee Law: European Developments & Comparative Dimension” organized by Jean Monnet European Centre of Excellence of the National and Kapodistrian University of Athens-Kalliopi Koufa Foundation and the European Public Law Organisation (EPLO). Athens, 29.01.2018.

United Nations High Commissioner for Refugees: Climate change, disaster and displacement in the Global Compacts: UNHCR's perspectives. November 2017.

United Nations High Commissioner for Refugees: Concrete solutions to disaster displacement discussed at UNHCR Excom side event. 04.10.2017.

United Nations High Commissioner for Refugees: COP 23 – UNFCCC, 6 November 2017 – 17 November 2017.

United Nations High Commissioner for Refugees: Overview, Climate change and disaster displacement: an overview of UNHCR's role. UNHCR, 2017.

White Tom: Climate change “will push European cities towards breaking point”. The Guardian, 21.02.2018.

Zelman Joanna: 50 Million Environmental Refugees By 2020, Experts Predict. Huffington Post, 22.02.2011.