LINKAGE BETWEEN CLIMATE CHANGE, HUMAN RIGHTS AND HUMAN MOBILITY: CARIBBEAN AND THE PACIFIC CASE

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Environmental factors turn many people to become considerably more vulnerable, often due to slow-onset events, which, if accompanied by economic, social and political pressure, induce the overall long-term vulnerability of the countries and regions affected by long-lasting environmental issues. The effectiveness of human rights provision plays a crucial role for the degree of voluntariness in the decision to migrate. The inability to enjoy human rights and little access to basic necessities within the environmentally affected regions often lead to forced migration and also to worsening of the living conditions for migrating people. This paper seeks to provide an advanced understanding of the linkage between climate change, human mobility and human rights based on the case of Caribbean and the Pacific region. Our research indicates there is no internationally agreed approach, procedures and policies designed to protect the people affected by adverse effects of climate change. However, based on projections, further effects from climate change can be enormous which stresses the importance of broader international debate on climate change problems.

Keywords: climate change; international migration; quality of life; human rights

Introduction

The negative impacts of climate change on human rights and the nexus between climate change and human mobility has been already recognized in many studies and international reports. Human mobility nowadays has become a multi-causality phenomenon which requires the acknowledgment of the broader socio-economic and political contexts, especially due to adverse effects of climate change, both sudden and slow-onset events.

Environmental factors turn many people to become considerably more vulnerable than previously. If accompanied by economic, social and political pressure, this induces the overall long-term vulnerability of the countries and regions affected by long-lasting environmental issues (Přívara, 2019; Ivanova et al, 2018, Přívara & Přívarová, 2019).

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The effectiveness of human rights provision plays a crucial role for the potential decision to change the place of residence. The inability to enjoy human rights and have access to vital necessities in the climate-affected regions often causes forced migration. In the longer term, this assumes worsening of the living conditions for migrating people and their long-term quality of life.

This paper seeks to provide data for better understanding of the linkage between climate change, human rights and human mobility in the regional prospective.

The reviewed literature demonstrates that there is no internationally agreed approach, procedures and policies to protect the people affected by adverse effects of climate change. In particular, the research conducted by the United Nations High Commissioner for Refugees (UNHCR) back in 2012 on the climate change, vulnerability and human mobility in the Horn of Africa in 2012 indicated that “violent conflicts, state failure as well as state repression, reduced the adaptive capacity of those exposed to extreme weather and accelerated their vulnerability to other more acute political factors”.

According to their study, the refugees claimed that the “inability of the state actors or de facto authorities to maintain order and to prevent violent acts, as well as oppressive acts by these actors themselves, reduced their ability to cope with and adapt to climatic events forcing them to move” (Přívara & Přívarová, 2019). When researching the interaction between climate change, human mobility and protection in Africa, Kolmannskog has found that some individuals appear to be forced to move, whereas others are forced to settle or do not have the resources to migrate (Kolmannskog, 2010).

Some of the recent studies also indicate the same difficulties in smoothing climate change effects on people and lack of adequate policy response. In particular, the research on climate change, migration and human rights in Bangladesh (Afifi et al., 2012) has shown that the effects of climate disasters “have serious negative implications or the realisation of a broad range of internationally protected human rights, which can generate considerable direct influence on the displacement of millions of people in many and varied ways”.

The report of International Council on Human Rights Policy (Humphreys, 2008) mentions in this regard that the “human rights of individuals must be viewed in terms of state obligations. It is the state that is responsible for human rights fulfilment”. However, there are gaps in the area of protection of the people affected by climate change.

The sense of the notion “climate refugee” is most unclear in the context of international legal framework. As a consequence, there is a problem of providing effectiveness in provision and maintenance of human rights. Without full international legal recognition of the term as such, no legal provisions or procedures are in place, and, thus, no international protection and fulfillment of human rights can be ensured.

In order to provide advance understanding of the linkage between climate change, human mobility and human rights, this paper aims at identifying how gaps in international protection of the people affected by climate change affect the enjoyment of human rights and force these people to migrate due to uncertainty and unsafety (Naser, 2019; Ivanova et al, 2020).

The research design of the current paper is the following. In the second section we consider human rights and vulnerability affected by climate change effects. In the third section we are analyzing the international regulation of climate change induced migration and emphasize on the currently existing gaps. In the fourth section we consider the impact of
slow-onset events on human rights and migration on the example of Caribbean and the Pacific regions. Finally, the fifth section provides conclusions and their discussion.

The contribution of the current study is three-fold. First, we provide the evidence about the gaps in international regulation of human rights of the people affected by climate change. Second, we contribute to literature on how climate change effects on human rights and migration are linked in the specific cases of Caribbean and the Pacific regions. Third, we shape the policy focus to develop broader debate on climate change in the affected regions which would be interesting for both national governments and the international community.

**Literature review**

**Human rights affected by climate change**

Climate change, especially its slow onset events, can restrain the access to basic necessities and nutrition via the disruption of food systems, water insecurity. They can also cause increases in poverty and loss of livelihoods. In particular, desertification, salinization and flooding significantly decrease the agricultural outputs or can even cause total crop failure. Higher impacts of slow-onset events are experienced by socially marginalized people such as disabled people, ethnic minorities, women and children. These categories of people remain to be most affected by adverse slow-onset events, especially in the countries where hunger has been a long-term problem before climate change (Aleksandrova, 2019; Arkhipov & Rubinskaya, 2017).

In this context, the governments are obligated to guarantee the right to adequate food supply as well as the right to be free from malnutrition. The governments have to guarantee that everyone, including migrants under respective jurisdiction, will be provided with safe and appropriate access to adequate food and ensure freedom from hunger. This responsibility to provide proper access to adequate food also means that the governments must provide basic necessities to those individuals which are disabled (Aleksandrova, 2019).

Adequate access to water is also an unconditional right as well as one of the standards of living and standard of health which must be monitored and managed by governments. If proper access to adequate food and water supply is not provided in a stable manner, basic sanitation would become poor, human health and housing conditions would be worsening. Eventually, this increases the number of disease outbreaks and infections.

Availability of sufficient housing is also a right and a standard of living. The right to sufficient housing comprises access to affordable housing, protection against forced expulsions, availability of housing facilities, services and infrastructure, as well as adequate location, security, space and privacy (Sciaccaluga, 2020).

The right to sufficient housing means more than simply provision of shelter, it has to facilitate the expression of cultural identity. Under severe environmental conditions, the fulfillment of this right by governments is especially crucial for those migrants who were forced to leave their domicile (Přívara, 2019).

Another important right is to be protected against arbitrary displacement. This right means that in case there is a need in planned relocation, relocated population should be provided with the access to safe, healthy housing that is away from hazards. This right has to be fulfilled unless there is no crucial need for evacuation or the government implements relocation as a last resort (Wewerinke-Singh, 2019). In this context it should be noted that governments have to ensure also the fulfillment of the participatory rights which ensure that
before any relocation occurs, proper actions have been taken to guarantee active participation of the affected people. These rights are particularly important for protecting against forced relocation. Participatory rights should also insure access to education on environmental concerns and to provide affected population with an opportunity to take part in decision-making processes that will have an effect on their lives (Flavell & Chazalnoël, 2014).

As climate change induced migration very often implies relocation, it is crucially important to fulfil the right for self-determination. Due to the loss of domicile there is a risk of the loss of cultural livelihoods and territorial integrity for the people affected by climate change (Hollo, 2013).

The right for self-determination should provide people with the right to “freely determine their political status and freely pursue their economic, social and cultural development” (Nakashima, 2018; Koraus, 2019). As mentioned above, the right to be protected against arbitrary displacement is crucial in the context of climate induced migration, however, it should be also fulfilled along with the fulfillment of the right for self-determination as it can enable and guarantee communities guide this process.

Furthermore, the self-determination right is also crucial due to the land damage or loss can impede the right to participate in cultural life which means defending the languages of minority/ethnic groups.

It should be noted that while the effectiveness of the measures for mitigating adverse climate change effects varies, these measures should not be applied in a damaging or discriminatory manner. Thus, human rights law, non-discrimination and human self-respect, which are especially crucial in the context of migration due to climate change, underlie the fulfillment of all the above mentioned rights.

As reality confirms, the affected population is often unable to claim its rights and get justice due to the dangerous conditions they face as a consequence of climatic severe conditions. In this context, judicial mechanisms are vitally important for the affected population to be satisfactorily compensated for their losses. At the same time, these mechanisms also have to stimulate the accountability of those violating human rights. Thus, in order to efficiently defend the rights of the affected population, it is vital to insure their adequate access to justice in all situations caused by climate change effects (Korauš, 2019).

Even though the necessity to fulfill the considered above human rights is recognized by governments, it is rather complicated to track the linkage between vulnerability, human rights and climate change. In the next section, we will discuss in more detail the vulnerability of the population affected by climate change and how higher vulnerability precludes sufficient enjoyment of human rights.

Broader understanding of who are vulnerable population

There are many approaches to defining vulnerability to climate change, however, in general all the definitions indicate lower adaptive capacity to resist climate change. According to the Intergovernmental Panel on Climate Change (IPCC), vulnerability is defined as “the propensity or predisposition to be adversely affected”. The World Bank report (International Bar Association; Climate Change Justice and Human Rights Task Force Achieving justice and human rights in an era of climate disruption: International Bar Association Climate Change Justice and Human Rights Task Force report.; 2014) on climate change induced migration has defined that “...vulnerability encompasses a variety of
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concepts and elements including sensitivity or susceptibility to harm and lack of capacity to cope and adapt”.

Tomas et al. have defined vulnerability as “a function of exposure, sensitivity, and adaptive capacity” (Rigaud, 2018). Cutter & Finch (2008) have defined it as “a measure of both the sensitivity of a population to natural hazards and its ability to respond to and recover from the impacts of hazards”.

Fussel (Füssel & Klein, 2006) has proposed to define social vulnerability to climate change as “the lack of capability of individuals, groups or communities to cope with and adapt to any external stress placed on their livelihoods and well-being”.

Kelly & Adger (2000) have defined vulnerability to climate change “in terms of the capacity of individuals and social groups to respond to, that is, to cope with, recover from or adapt to, any external stress placed on their livelihoods and well-being”.

Schellnhuber et al. (2016) have proposed the term “differential social vulnerability” which the authors have defined as “the varying degree of adverse effects that different individuals and social groups in one location may suffer from the climate stressors they are exposed to”.

Thus, from the abovementioned definitions it is quite clear that the effects of environmental factors are different for the population appeared to be affected by the climate change effects but did not fall into the category of vulnerable population before, and the population which also turned to be affected by the climate change effects but is already vulnerable. The latter category of population faces highest risk of suffering human rights violations during all stages of its migration. These factors include “geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability” (Paul, 2019).

In particular, the gender factor plays a crucial role in vulnerability increase among women. In general, women appear to be less adaptable, as they may be trapped sometimes, often facing lack of capital and discriminatory laws. High vulnerability risk also increases for aged women, girls and women living in poverty conditions as well as women with disabilities. Women are also often disposed to gender-based violence and dangerous conditions while in transit (Merone & Tait, 2018).

The age factor also plays a contributing role to higher vulnerability, this especially concerns aged people and children. In particular, children can have vulnerabilities which are specific due to their developmental necessities. Changes in food, water availability and its quality can have substantial adverse consequences for their physical and mental health. Furthermore, children are often subjected to exploitation and abuse (Ahmed, 2018).

Vulnerable population, thus, under negative climate change conditions, should be defined in a broader context that includes the definitions mentioned above. The definition of vulnerable individuals in the context of climate change should also imply low or decreased efficiency in the enjoyment of human rights. The individuals vulnerable to climate change are those who initially are not able to sufficiently enjoy their human rights due to the abovementioned factors. Such population has limited ability to migrate and suffers from restricted freedom to choose to do so. There are also increased barriers to international migration, criminalization, labor market access, lack of steady migration pathways, including family unity, work conditions, education and humanitarian necessities (Přívara, 2019).

A great share of the problems related to efficient fulfillment of the considered above human rights lies in the gaps within international environmental legislation. In the section
below we consider international regulation of climate change induced migration and the existing gaps in its protection.

**International regulation of climate change induced migration**

*Steps towards recognizing the links between human rights and climate change: the international scope*

It should be noted here that the considered above human rights should be applied during all the stages of the full migration cycle: before, during, and after migration in origin, transit and in a hosting country. All individuals have the right to migrate from any country and return to their country, without being a subject to unreasonable restrictions. Cross-border migration implies that a host country ensures the protection and fulfillment of migrants’ human rights, regardless of their immigration status under its jurisdiction. The countries are obliged to evaluate the situation regarding migrating individuals and determine whether individuals can return to their origin country, to identify how they are allowed to specific human rights under specific vulnerabilities. Migrating individuals cannot be disallowed at the border or returned by force if they have the refugee status.

However, it should be noted that climate change induced migration appears to be a challenging phenomena for international regulation and there are serious gaps in international environmental regulation which preclude sufficient fulfillment of human rights for the affected by climate change migrating individuals.

It should be also noted that at the institutional level, the discussion on the linkage between climate change and human rights was first raised during the 7th session of the International Council back in March 2008. The countries discussed then the crucial consequences of climate change for human rights and appealed to the Council to focus more on the human rights dimension.

On March, 28, 2008, a number of states secured the adoption, by agreement; of the Council Resolution 7/23 concerning human rights and climate change (Přívara et al., 2019).

Then, the official UN resolution, for the first time ever, declared that climate change posed “an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights” (Přívara et al., 2019).

Therefore, the Office of the High Commissioner for Human Rights (OHCHR) was requested to develop a study on the extent of those implications. This study has clarified the negative effects of global warming on human rights, in particular, on housing, water, food, the highest standard of health and self-determination as well as evaluated its impacts on the most vulnerable groups of people: indigenous individuals, children and women. Finally, there was a review of potential responsibilities of the states regarding climate change (Tab. 1).

The introduction of human rights conception into the United Nations Framework Convention on Climate Change, 1992 (UN, 2006) procedure has been prioritized to emphasize the necessity of human rights provision in the content of global warming, in particular, to focus on eliminating inequality, discrimination and guaranteeing access to justice, information and decision-making.

In 2009, the Maldives and Swiss delegations to the Conference of Parties to the UNFCCC (COP UNFCCC) (UN, 2009) urged all states to include human rights in a new climate change treaty to be agreed at COP15 in Copenhagen. However, states failed to achieve agreement on a new treaty during COP15. Afterwards, the Maldives and Switzerland
raised this question again, one year later, during COP16 in Cancun, and finally succeeded in adding mentions about promotion and protection of human rights into the Cancun Agreements.

Table 1 - The links between climate, human impacts and human rights  
(Source: Limon, 2009)

<table>
<thead>
<tr>
<th>Climate Impact</th>
<th>Human Impact</th>
<th>Rights Implicated</th>
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<tbody>
<tr>
<td><strong>Sea Level Rise:</strong></td>
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<td></td>
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<tr>
<td>Flooding</td>
<td>Loss of land</td>
<td>Self-determination</td>
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<tr>
<td>Sea Surges</td>
<td>Drowning, injuries</td>
<td>Life</td>
</tr>
<tr>
<td>Erosion</td>
<td>Lack of clean water, disease</td>
<td>Health</td>
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<tr>
<td>Salination of land and water</td>
<td>Damage to coastal infrastructure, homes and property</td>
<td>Water</td>
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<tr>
<td></td>
<td>Loss of agricultural lands</td>
<td>Means of subsistence</td>
</tr>
<tr>
<td></td>
<td>Threat to tourism, lost beaches</td>
<td>Standard of living</td>
</tr>
<tr>
<td><strong>Temperature Increase:</strong></td>
<td>Spread of disease</td>
<td>Life</td>
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<tr>
<td>Coral bleaching</td>
<td>Changes in traditional fishing</td>
<td>Health</td>
</tr>
<tr>
<td>Changes in disease vectors</td>
<td>livelihood and commercial</td>
<td>Means of subsistence</td>
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<tr>
<td>Impact on fisheries</td>
<td>fishing</td>
<td>Adequate standard of living</td>
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<td></td>
<td>Threat to tourism, lost coral</td>
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<td></td>
<td>and fish diversity</td>
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<tr>
<td><strong>Extreme Weather Events:</strong></td>
<td>Dislocation of populations</td>
<td>Life</td>
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<tr>
<td>Higher intensity storms</td>
<td>Contamination of water supply</td>
<td>Health</td>
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<tr>
<td>Sea Surges</td>
<td>Damage to infrastructure:</td>
<td>Water</td>
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<td></td>
<td>delays in medical treatment,</td>
<td>Means of subsistence</td>
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<td></td>
<td>food crises</td>
<td>Adequate standard of living</td>
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<td></td>
<td>Psychological distress</td>
<td>Adequate and secure housing</td>
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<tr>
<td></td>
<td>Increased transmission of disease</td>
<td>Education</td>
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<td></td>
<td>Damage to agricultural lands</td>
<td>Property</td>
</tr>
<tr>
<td></td>
<td>Disruption of educational services</td>
<td></td>
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<tr>
<td></td>
<td>Damage to tourism sector</td>
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<tr>
<td></td>
<td>Massive property damage</td>
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<tr>
<td><strong>Changes in Precipitation:</strong></td>
<td>Outbreak of disease</td>
<td>Life</td>
</tr>
<tr>
<td>Changes in disease vectors</td>
<td>Depletion of agricultural soils</td>
<td>Health</td>
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<tr>
<td>Erosion</td>
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<td>Means of subsistence</td>
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Preamble paragraph 7 of the decision 1/COP.16 mentioned that “Resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability” (2009).

Also, Paragraph 8 declared that: “Parties should, in all climate change related actions, fully respect human rights”. This provision is principally essential as it clarifies that governments must act in line with human rights considerations. The Cancun Agreements also
urged states to engage “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels” (United Nations Cancun Agreements, 2011).

The approval of the decision 1/COP.16 was a significant advance for both human rights and climate change agenda, since it was the first time that human rights had been included in an international climate change agreement. However, there was (and remains today) lack of understanding of the benefits of a rights-informed approach to climate change and what it involves, and a certain worry that bringing human rights problems into climate change decision-making would further confuse an already difficult negotiation process.

There was also the hope of Switzerland and the Maldives that human rights language embedded in the Cancun agreements would appear as a catalyst for other states to integrate the human rights into climate change policy at both international and national levels. However, this hope was not realized, and between 2011 and 2014 only a very slight progress was achieved in integrating human rights duties into climate change policy. Governments, at the COP UNFCCC, failed to pursue preamble paragraph 7 and paragraph 8 of decision 1/COP.16.

Nevertheless, some essential advances regarding human rights have been still achieved. In particular, regarding the aspects of a rights-informed approach: the rights of people in vulnerable situations, including children, women, disabled individuals and indigenous individuals, non-discrimination and equality, as well as participating right and the right to access information.

At the same time, the existing gaps in environmental laws negatively contribute to sufficient enjoyment of human rights by the people affected by climate change. In particular, the most vulnerable categories of individuals which very often suffer from the lack of human rights provision due such a gap include both “refugees” and “stateless”.

In the next section, we will consider in more detail the gaps in international legal framework in regards to these categories of people specifically.

**Gaps in protection of human rights**

*Refugees: the climate change context*

It should be noted that most cases of displacement due to climate change happen within the states, rather than across international borders. However, the climate change effects sometimes also cause the cross-border displacement. In particular, it can happen when a disaster occurs near a border. In this case, the closest safe location might be in another country. In other cases it can happen that the government of an origin country has low responsive capacity to deal with a disaster, thus, the affected people are then seeking protection elsewhere. The crossing of international borders by the population affected by climate change can happen also if the domicile was rendered uninhabitable, and internal migration is not a workable option. Such situations often happen in the so-called SIDS-Small Island Developing States (Heslin et al., 2019).

International law sets a responsibility on the states to defend the people belonging to the categories of “refugees” and “stateless persons”, as both are eligible for such protection. This means that unless individuals clearly fall into one of these categories, they run the risk
of detention, interdiction and expulsion, if they try to cross an international border without a legal right to travel to and/or remain in the country of destination.

Under the 1951 Refugee Convention (2020) and its 1967 Protocol (2020), a refugee is “owing to 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

Whereas the term “climate refugee” has been discussed since 1985, when the UN Environment Program (UNEP) expert Essam El-Hinnawi defined “environmental refugees” as “those people who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life” (Hinnawi, 1985). It should be noted that this definition is also applicable for “climate refugees”. However, it is still not clear whether there is a workable difference between the notions “climate refugee” and “environmental refugee”.

Two other terms are also used when considering climate related migration: “environmental migrant” and “environmentally/climate displaced person”. “Environmental migrants” have been defined by the International organization for Migration (IOM) as “persons or groups of persons who, predominantly for 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 do so, either temporarily or permanently, and who move within their country or abroad”(International Organization for Migration Glossary, 2014).

Whereas “environmentally/climate displaced persons are defined as ”persons who are displaced within their country of habitual residence or who have crossed an international border and for whom environmental degradation, deterioration or destruction is a major cause of their displacement, although not necessarily the sole one. This term is used as a less controversial alternative to environmental refugee or climate refugee [in the case of those displaced across an international border] that have no legal basis or raison d’être in international law, to refer to a category of environmental migrants whose movement is of a clearly forced nature” (International Organization for Migration Glossary, 2014).

This term is explanatory and does not necessarily suggest obligations on the part of governments. Even though the notion “climate refugee” is often applied to forced migration in the context of climate change, this is not a legally recognized term as the 1951 Refugee Convention does not recognize environmental factors as the criteria to define a refugee. 1951 Convention clarifies the term “refugee”, however, and it should be mentioned that there is a number of issues related to the application of refugee law to displacement due to climate. Below, we consider in more detail these problems.

The first major problem is that refugees must express the fear of persecution, which involves violations of human rights that originate from their activities, and that are principally outrageous in their nature. Whereas climate change adverse effects are certainly damaging, yet, they do not fulfill the criteria of “persecution”.

Secondly, even if it appeared probable to confirm that climate change negative effects lead to persecution, the Refugee Convention sets up an additional difficulty: persecution
must be confirmed by an individual as the one for the reasons of political opinion, nationality, race, religion or membership of a specific social group. Climate change effects are mostly indiscriminate and are not related to specific features. In extraordinary cases, the refugee definition might apply, if, for instance, on the basis of Convention grounds, there is a limited (by a government) access to agricultural land or fresh water supplies, or to humanitarian assistance. However, in such cases, it would be exclusion that would establish the harm, rather than the climate disaster.

It should be also mentioned that the responsibilities of the countries to protect refugees have been expanded by the human rights law and the very category “refugees” includes now also the individuals at risk of unreasonable destitution of life or vicious, inhuman or debasing treatment. Such kind of protection is known as “complementary protection” as it implies additional protection to the one provided by the Refugee Convention. Complementary protection originates from the Convention against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR) (United Nations OHCHR, 2020) and is also reflected in regional procedures, such as the European Convention on Human Rights (European Convention on Human Rights, 1950) and the American Convention on Human Rights (American Convention on Human Rights, 1969).

Thus, given all of the above mentioned, it is obvious that one of the crucial challenges in ensuring protection for climate refugees lies in the difficulties with proper definition of the term “climate refugee”. In spite of the increasing number of climate refugees as such, there is still no international legal recognition of this category of vulnerable population, even taking into account that the very term “environmental refugee” first appeared back in the 1970s.

The sense of the notion “climate refugee” is most unclear in the context of international legal framework. And as a consequence, the central problem is to provide effectiveness in the enjoyment of human rights. Without full international legal recognition of this term, no legal provisions or procedures would be in place, thus, no international protection and fulfillment of human rights can be ensured.

**Stateless: climate change context**

Another vulnerable category of people which also often faces considerable difficulties in enjoyment of human rights is “stateless”. The 1954 Convention established the legal definition of a stateless individual as the person who is “not recognized as a national by any state under the operation of its law”, meaning that a stateless person is “someone who does not have the nationality of any country”. There is lack of standards in the treatment for stateless people regarding a number of rights that were also established by the 1954 Convention. These standards include, but are not limited to, the right to employment, education, and housing, as well as the rights to identity, administrative assistance and travel documents (United Nations, 2020).

Changing climate conditions, namely slow-onset events such as sea-level rise, for example, can pose an especially severe threat to coastal and low-lying areas, thus, the population in SIDS, in particular, is considered to be vulnerable due to the risk of becoming actually stateless.

However, it should be mentioned that the category of “stateless” individuals in the context of climate change does not fit properly into the present context of the 1954 Convention definition of stateless individuals. It means that the “statelessness” would not relate to the individuals whose country was at risk of a sea-level rise or flooding unless the
The government of this country legally eliminated nationality from them. In this case a question remains open whether it is possible to apply the provision on statelessness of the 1954 Convention if a country does not exist any longer because then there would be no country as such to provide nationality. Thus, it is not quite clear how the protection under the 1954 Convention can be applied to the stateless individuals who find themselves in a situation described above. Furthermore, it may also happen so that long time before climate affects a territory (it becomes flooded), other factors can make land inappropriate for human habitation, for example, insufficient fresh water supplies. This would mean that the population of this territory will need to migrate well before the territory is flooded.

Furthermore, the international legal process on statelessness does not provide migrating due to climate change people with a proper protection as the Convention on the Reduction of Statelessness (United Nations, 1961) and the Convention related to the Status of Stateless Persons (United Nations, 1954) are not properly ratified. In practice this means that only a few states have a process for detecting stateless individuals within their jurisdiction. Additionally, the definition of “stateless” individual provided by the 1954 Convention is very narrow as it identifies a stateless individual as de jure statelessness and does not extend the definition to de facto statelessness that happens when an individual legally owns a nationality, but is declined the rights of a citizen.

The abovementioned shapes the necessity to recognize legally the people who migrate and appear to be stateless due to climate change as well as to expand the internationally recognized definitions of refugees and stateless to those individuals who face climate disasters. It should be noted that climate refugees are recognized in the 2018 Global compact on safe, orderly and regular migration under its Objective 2 (United Nations, 2018).

The aim of this compact has been to protect the rights of individuals displaced and assist in addressing economic, environmental and social challenges that the people are facing while forcedly migrating from their domiciles (Apap, 2019).

In practice, the mentioned above gaps in international law mean that, for example, the inhabitants of the small islands like Kiribati, Tuvalu and Nauru, many of which migrated during the last decade, cannot be classified as refugees, even though they are the individuals who remain “ambushed” in deteriorating climate conditions. Another example is the estimated 200 000 Bangladeshis who appeared to be homeless due to a river erosion.

They cannot easily appeal for a shelter or domicile in another country. Chad – another climate-affected country – according to the recent data (IOM World Migration Report, 2020) was rated as facing the greatest climate danger. At the same time, this country has one of the fastest-growing populations in the world.

It is projected that in the future, climate change effects can become enormous for many countries and their populations, particularly those in coastal and low-lying areas such as the Netherlands, Vietnam, and some territories of the US.

Thus, it is vitally important to properly react to climate change effects, thinking, however, how to fill the gaps in regulation and provide adequate protection for all categories of people. In the next section we will be showing, on the examples of the Caribbean and the Pacific, how human rights are linked to climate change and migration.
The impact of slow-onset climate events on human rights and migration: Caribbean and the Pacific

Data collection and problem detection
Today an individual living in one of SIDs is three times more likely to be displaced due to climate disasters than an individual living elsewhere (Ciscar et al., 2018).

However, no matter how obvious the problems of climate change effects are, there is still a problem with proper data collection and recording. It should be noted that there is lack of data on climate-induced migration, especially in the Caribbean region. There are no proper data collection methods to record the number of displaced, evacuee and homeless. Furthermore, many cases of migration and displacement remain unnoticed and unrecorded.

There are also difficulties with collecting and recording relevant data on the climate-induced migration and displacement due to indirect effects of climate disasters. For instance, due to the drought back in 2013 the farmers in the Dominican Republic were forced to take loans and to provide collateral guarantee. Several years later, in 2016, many of them appeared to be displaced because they were not able to repay their loans on time and the banks took their assets. These consequences of slow-onset events represent the indirect effects of climate change, which, however, are not recorded as climate change-induced displacement. This points out to the gap in the proper current data on migration and displacement and the complication of various factors involved in it. In this case we can also point to arbitrary displacement which is a displacement that was not planned in advance and the affected people were not provided with an access to safe, healthy housing that is away from hazardous territories.

Furthermore, displacement situations across the Pacific and Caribbean often remain unnoticed by the international humanitarian community due to the fact that humanitarian help is more often based on the total amount of individuals affected, but not on the affected ratio of the individuals. So, if a climate disaster affects South Sudan where thousands of people can be displaced, then much international attention will be paid to this event, however, if the same happens in a much smaller Caribbean country – the problem will not be recognized so broadly, even though the climate change can affect the same share of people (up to 10% of the country’s population would be affected) (Ahmed, 2018).

Affected human rights due to climate change in Caribbean and the Pacific
The Caribbean region is especially at risk due to climate-related migration. It should be noted that this region is among the top ten countries and territories of the SIDS with the highest average annual internal displacement per capita. In particular, six of these countries are actually situated in the Caribbean (Scandurra et al., 2018).

In 2017 Hurricane Irma caused cross-border displacement from low- and middle-income SIDS. Due to this hurricane more than two million people became displaced. One fifth of the inhabitants in the Dominican Republic was forced to migrate after Hurricane Maria, also in 2017 (Richards & Bradshaw, 2017). It should be noted that the economic losses caused by Hurricane Maria are estimated at the rate of around 226% of GDP of the Dominican Republic (Deibert, 2018). The sea level increase poses a substantial risk to the Caribbean islands. Storms are a very frequent threat for the Caribbean SIDS as they make these countries economically weaker, without considerable adaptation measures. Generally
more than 8.5 mln people were displaced between 2008-2018 in 21 Caribbean countries (Neely, 2017).

It should be noted that the abovementioned climate change problems cause many troubles with further settlement. In particular, problems occur with proving land ownership after a climate disaster, people have to struggle for their housing rights and the right for basic safety. The harm caused by climate change disaster is also accompanied by other problems – unofficial residence decision-making, poverty, the lack of safe lands for residence and insurance schemes, social security nets.

Furthermore, unofficial settlements are often built on dangerous territories with the use of hazardous materials and construction methods which do not provide protection from climate change. According to the survey data, the inhabitants provided information that some households were initially not able to comply with the building regulations to construct their houses in a resilient way.

One more important fact to highlight here is that the Pacific and Caribbean governments remain silent and inactive in claiming climate-induced displacement as an internal problem as by default displacement is associated with a government failure and, thus, appears to be a politically sensitive topic that makes the displacement problem politically not accepted.

Therefore, if there is no acceptance of the problem, no solutions are being discussed either, and many rights mentioned above appear to be affected simultaneously, in fact, often most of them. There is no hard data on the displacement figures in the regions in question. However, almost every survey gave at least one example of such a displacement, many of which were presently continuing and are of a rather prolonged nature (Human rights, 2016).

**Conclusions and discussion**

In our research we have identified that the following human rights are more often affected by the negative effects of climate change: the right to adequate food, water, sufficient housing, the right to be protected against arbitrary displacement, the participatory right, the right for self-determination, the right to access justice, human rights law, non-discrimination and human self-respect.

We have also indicated that the definition of “climate refugee”/“environmental refugee” is only partially covered by the internationally recognized definitions of refugee and itself does not ensure sufficient enjoyment of human rights. This term is explanatory and does not necessarily suggest obligations on the part of governments. Even though the notion “climate refugee” is often applied regarding forced migration in the context of climate change, this is not a legally recognized term as the 1951 Refugee Convention does not recognize environmental factors as the criteria to define a refugee. The 1951 Convention clarifies the term “refugee”, however, it should be mentioned that there are a number of issues related to the application of refugee law to displacement due to climate.

Furthermore, our research has also identified that there is policy neglect of climate-induced migration and displacement as a problem. The cases of the Caribbean and the Pacific demonstrate that most of these countries lack policies and procedures to address or mitigate climate change-induced migration and displacement. Relocation in both these regions is often taken as a regular measure; however, it also lacks proper policies.
Thus, all of the abovementioned points out to the need to have much broader debate on climate change and affected by climate change regions, on both levels — the national governments and the international community. Our research highlights the following problems to be considered by researchers, policymakers and the international community.

First, governments should recognize climate change induced displacement as real and complicated phenomena and develop proper solutions to address it. Second, it is needed to recognize that human rights full enjoyment is often not fulfilled for the affected by climate change people. Thus, human rights-based framework to protect people should be fully developed, in particular, the right to reside without the threat of being removed. Third, regional approaches addressing migration and displacement issues should be developed to defend the rights of cross-border displaced individuals. Fourths, proper methods for collecting data on migration and displacement should be developed to track population mobility, to identify the scope and different factors affecting the number of migrating and displaced people.

The promising area for future research lies in researching successful cases of coping with climate change effects, in particular, in researching the opportunities for application of successful scenario in SIDs and other affected regions and in identifying the challenges while applying specific policy measures in these regions.

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