

# CLIMATE REFUGEES: UNDERSTANDING THE CHALLENGES FOR CLIMATE REFUGEES



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## Abstract

People are forced to leave their regions or countries because of the various effects of climate change. Insufficient water resources, floods, drought and rise of sea level are among the consequences of climate change. Various names are given to the people who have to leave their countries and their region due to the natural disasters such as environmental refugees, climate refugees, and environmentally displaced people. These people remain outside of the legal refugee definition declared by the 1951 Geneva Convention since exposure to environmental factors is not seen as a condition of being a refugee. Thus, they cannot directly benefit from the rights and responsibilities provided to the refugees with the 1951 Geneva Convention. Although climate change is on the agenda of most countries today, the problems of people affected by climate change cannot attract the attention of the international community. Since the impacts of climate change affect certain regions of the countries that are currently exposed, the persons who are living the negative effects of this change cannot reach a solution other than relocation within the home country. It is unclear how the world states will act if an island nation is destroyed by rising sea levels in the near future. Moreover, the current refugee regime does not recognize people affected by the climate change as a refugee. The need for the international protection of these persons in international law is vital, however, still there is no legal basis established for their status. The main question here is how the international community will find a solution to the problem of climate refugees, which will become inevitable in the future. In this study, the problems of climate refugees and the solutions offered to these problems have been mentioned.

**Keywords:** Climate Refugees, 1951 Geneva Convention, environmentally displaced people, international protection, problems of climate refugees

**Özet**

İklim değişikliğinin çeşitli etkileri nedeniyle insanlar bölgelerinden ve dahası ülkelerinden ayrılmak durumunda kalıyorlar. Yetersiz su kaynakları, seller, kuraklık ve deniz seviyesinin yükselmesi iklim değişikliğinin günümüzde kendini gösteren sonuçları arasındadır. Çevre mültecileri, iklim mültecileri ve çevresel etkenlerle yer değiştiren insanlar gibi çeşitli isimler, doğal afetler nedeniyle ülkelerini ve bölgelerini terk etmek zorunda kalan insanları adlandırmak için kullanılmaktadır. Bu kişiler, çevresel faktörlere maruz kalma, mülteci olmanın bir koşulu olarak görülmediğinden, 1951 Cenevre Sözleşmesi ile belirlenen yasal mülteci tanımının dışında kalmaktadır. Dolayısıyla 1951 Cenevre Sözleşmesi ile mültecilere sağlanan haklardan ve sorumluluklardan yararlanamamaktadırlar. Bugün iklim değişikliği çoğu ülkenin gündeminde olmasına rağmen, iklim değişikliğinden etkilenen insanların sorunları uluslararası toplumun gündeminde kendine yer bulamamaktadır. İklim değişikliğinin sonuçları, etkilenen ülkelerin belirli bölgelerini kapsadığından, bu değişimin olumsuz etkilerini yaşayan kişiler kendi ülkelerinde yer değiştirme dışında bir çözüme ulaşamamaktadır. Yakın gelecekte bir ada ülkesi yükselen deniz seviyesiyle yok edilirse dünya devletlerinin nasıl davranacağı belli değildir. Dahası, mevcut mülteci rejimi iklim değişikliğinden etkilenen insanları mülteci olarak tanımaması, gelecekte yaşanacak sorunların çözümsüz kalmasında en büyük paya sahiptir. Bu kişilerin uluslararası korunma ihtiyacı hayati önem taşımaktadır, ancak yine de statüleri için herhangi bir yasal dayanak bulunmamaktadır. Bu çalışmanın temel sorusu, gelecekte kaçınılmaz hale gelecek olan iklim değişikliğinin kalıcı sonuçları ve bu sonuçlardan etkilenen insanların sorunlarına uluslararası toplumun nasıl bir çözüm bulacağıdır. Çalışmada iklim mültecilerinin sorunları ve bu sorunlara getirilen çözüm önerilerine değinilmiştir.

**Anahtar Kelimeler:** İklim Mültecileri, 1951 Cenevre Sözleşmesi, çevresel etkenlerle yer değiştiren insanlar, uluslararası koruma, iklim mültecilerinin sorunları

**I. Introduction**

Natural disasters and the effects of climate change are events that have been affecting people for a long time. Natural disasters such as earthquakes, floods, and storms are natural problems that even the primitive faced. However, over time, the new developments that human beings discovered caused the natural balance to deteriorate and as a result of this deterioration, the severity of natural disasters increased. For example, landslides have increased as a result of over-construction and deforestation. In addition, the Industrial Revolution caused carbon emissions to increase rapidly. The effects of changing daily life events and human activities on natural balance have begun to cause negative consequences for humans. People who are the main cause of the climate change have started to pay attention to this change in a time. International agreements were signed as a result of this attention.

In 1972, the first international environmental summit was held in Sweden. The United Nations Environment Program (UNEP) was created after this summit. In 1992, the UN Framework Convention on Climate Change (UNFCCC) was published and was adopted by the member states. 1997 Kyoto Protocol, Vienna Convention for the Protection of the Ozone Layer, Paris Agreement were approved.

Climate change has caused people to move within the country or even to leave their country. Even though there are agreements and meetings on climate change, no initiation has been yet initiated for people affected by this change. People who leave their country due to climate change are legally undefined and unprotected. The 1951 Geneva Convention, which forms the basis of the refugee regime, does not cover climate refugees. According to the Convention, the refugee status is given to the people outside their home country. In addition, climate refugees outside their home countries still cannot benefit from this definition because the environmental factors are not considered as the reason for being a refugee. More clearly, threats of a natural disaster do not fall under the definition of a well-founded fear of persecution.

The problems of climate refugees are the focus of the study. The main subject of the study is the artificial challenges that climate refugees face, rather than the natural problems. The main source of the problems was considered as people who are exposed to environmental factors are not defined as refugees. Therefore, the refugee definition, which emerged with the 1951 Geneva Convention, was first examined. Then the concept of climate refugees is discussed. The main part of the study consists of the problems of the climate refugees and the solutions offered to these problems. The solutions proposals will be discussed under 3 main headings in the study: creation of specific regime, funding systems, and inclusion of 'climate refugees' in the 1951 Geneva Convention.

## **II. Definition of Refugee as a Legal Concept**

Human displacement is not a new concept for humanity and literature. Throughout history, human beings are forced by several reasons to change their place. In a time, with the start of the settled life, people have changed their place to find more proper conditions which comply with their situations and characteristics. Displacement, forced or not, can occur following reasons, religion, nationality, color, disintegration of states, political identity, climate conditions, economic opportunities in host countries, and so on.

Displacement has its consequences for the host-country, people who change its place and residents of the host-country in several ways. While displacement happens and brings consequences, needs on procedures which are about regulation and protecting the rights of both sides, the host country, and its citizens and of course people who are displaced, have increased over time. The aids given to the refugees in the host community and the institutions established in line with these aids have formed the basis for the development of new norms and refugee law in this field (Odman,1995:5). Interaction between people opens a way to regulate the status of refugees, their rights, and of course definition of refugees.

The Second World War and its effects have an essential place in the long history of international migration. Pre-war and post-war conditions towards concept of migration had changed within wartime. Also, the economic and social conditions were not the same as the comparison pre-war era. The Second World War continued to show its devastating effects after the War. Moreover, countries had suffered from the post-war worsening economic conditions. The casualties of the countries during the War began to show its effects as the lack of labor force in their economies and this situation made countries' economies vulnerable especially Germany, France, and Britain. This was the period of Turkish migrants arrived in Germany, North Africans arrived in France and Belgium (Koser,2007:3). A growing number of displaced people after the Second World War and their desire to find better economic conditions in industrialized countries increased a need for legal regulations over these people within many areas such as protection, their rights, and so on.

The need for the legal status and international regime on refugees found its solution in the 20th century. The 1951 Geneva Convention is a remarkable and fatal step for the world refugees and people who seek international protection. The process of the creation of the international refugee regime has started with the League of Nations High Commissioner for Refugees in 1921, thus, this was the first step to recognition of the refugee problem as an international problem (Barnett,2002: 242). According to Barnett, until the end of the Second World War international society had recognized the refugee problem as a temporary situation. After the War refugees still exist in the world, therefore international society felt a need to create a permanent solution. The League of Nations dissolved in 1946 because of unfulfilled promises like collective security due to broke out the War in 1939 and it was replaced with the United Nations in 1945, following years United Nations

High Commissioners for Refugees founded in 1950 (UNOG Library: History of League of Nations). The next step for the international refugee regime is the proclaimed status of the refugee and setting out a series of rights and obligations, thus, The United Nations Convention on Relating to the Status of Refugees (hereafter Geneva Convention 1951) signed in July 1951 (Barnett, 2002: 245).

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Article 1 of the Geneva Convention 1951 states that 'refugee term shall apply to any person who, as a result of events occurring before 1 January 1951, is outside his/her country of nationality or habitual residence: has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country or to return there for fear of persecution' (The Refugee Convention, 1951). In this definition of refugee, time constraints for the getting refugee status attract attention in the Convention. The first article of the Geneva Convention 1951 highlighted that a person who suffered all conditions as required in the article for being a refugee is only accepted as a refugee if only the events that she/he suffered happened before 1 July 1951. As the article mentioned above, Barnett argued that the creation of UNHCR shows that international society has started to accept the refugee problem as a permanent international problem, however, legal regulation of the refugees in the 1951 Geneva Convention pointed out the opposite direction from Barnett's argument with the time constraints. Citizens of the world face the required problems in the article to become refugees all time. The existence of time constraints has become less meaningful. With the changes over the 1951 Geneva Convention was made by the 1967 Kyoto Protocol which removed the time constraint, the provisions of the agreement started to be implemented without time constraint (Ekşi, 2016: 16).

The legal status, rights, and obligations were specified by the 1951 Geneva Convention. Besides, the 1951 Geneva Convention also states who will not be granted as a refugee. If any person has committed a crime against peace, a war crime, or a crime against humanity, a serious non-political crime, has been guilty of acts contrary to the purposes and principles of the United Nations, will not be granted as a refugee (The Refugee Convention, 1951).

The legal status of refugees, rights, and obligations, even not mentioned in this article, were stated in the 1951 Geneva Convention. Natural disasters

or climate changes are not counted among the criteria that form the basis for applying for refugee status (Ekşi,2016: 21).

### **III. Climate Refugees as a New Concept**

As the article mentioned above, refugee is a controversial concept. Throughout history, the concept of refugee has developed in line with the needs of the time. The recent increasing climate change and its impact on the world have brought new discussions on various issues. With the increasing number of people displaced due to climate change, a new topic of discussion has emerged. Displacement due to climate change, which is not included in the refugee regime, has become the main subject of the new discussion.

The human migration movement caused by disasters such as desertification, floods, drought, tsunami, and environmental problems is called climate migration. People displaced by environmental changes such as erosion, desertification, deforestation, air and water pollution, flooding, natural disasters such as floods, volcanoes, landslides and earthquakes, and human-made disasters such as industrial accidents and radioactivity are defined as “environmental refugees” (Castles and Miller, 2008: 146). In order to avoid any confusion in the literature, a distinction must be done between climate refugees and environmental refugees. Environmental refugees can be used interchangeably with climate refugees by authors, but environmental refugees refer to a broader definition than climate refugees do, environmental refugees, describe and include people displaced by natural disasters such as earthquakes and volcanoes, besides, the concept of climate refugees is used to describe today’s people displaced by global warming and climate change. (Ziya,2012: 231). According to Guterres, climate refugees or environmental refugees are concepts used to refer to people who seek protection as a result of natural disasters and climate change (Guterres,2009: 8-9). Biermann and Boas (2010) define the climate refugees as ‘the people who have to leave their habitats immediately or in the near future because of sudden or gradual alterations in their natural environment related to at least one of the three impacts of climate change’.

After the Industrial Revolution, especially after the Second Industrial Revolution, and enormous development of technological devices changed the world completely. With these developments, climate change has entered to the life of human, the rising CO<sub>2</sub> levels in the atmosphere prompted scientists and other authorities to take any action against the climate change

problem, also people have started to suffer from these changes and this suffering caused human mobility (Jaswal and Jolly, 2013: 48-50). According to Williams, although human mobility which is caused by environmental factors has risen after the 1980s, environmentally induced migration is not a new phenomenon, and it has a long history due to factors such as the reduction of arable agricultural land, depletion of natural resources, earthquakes, etc. (Williams, 2008: 507).

In addition to these problems of the refugee concept, the concept of climate refugees has its own problems. In the following part of the article, the problems of the climate refugees will be mentioned.

#### **IV. An Overview of the Problems of Climate Refugees**

-44- The world has been facing the growing problems which occur from climate change especially during the period after the Industrial Revolution. Although the effects of climate change have been around since the Industrial Revolution, the consequences of climate change have found a place in international politics after the 20th century. People who live in the countries or territories which are affected by climate change have suffered more from outcomes of climate change. Changes in the nature have increased the numbers and severity of natural disasters. Millions of people have been affected by those changes so far and humanity will continue to be affected in the future. People who are displaced due to climate change are called 'Climate Refugees' in this article. Climate Refugees not only suffered from natural factors but also suffered from the artificial factors. These artificial factors are the focus of this article. Artificial factors such as the economic and legal status have caused more problems besides environmental disasters. The article examines these problems under the four subheadings which are status problems, protection problems, economic problems, and lack of awareness.

##### **a. The Status problem of climate refugees: Refugees or Displaced Persons**

The 1951 Geneva Convention was adopted in 1951 as an official document determining the basis, principles, and norms of the international refugee regime. The convention has two purposes; the first one is that the refugees have their fundamental rights and freedoms and the second one is the solution

of the refugee problem through international cooperation and responsibility-sharing (UNHCR, Status of Refugees, 2011). The definition of refugee, clarified in the agreement adopted in 1951, has its own shortcomings. Even if the expression 'events that occurred before 1951' in the definition was abolished with the 1967 Protocol, the right to make geographical limits given to states was preserved (UNHCR, Status of Refugees, 2011). In addition to countries imposing geographical limits on the recognition of refugees, there are also problems arising from the definition itself and the possibility of broad interpretation. The concepts of persecution and well-founded fear in the definition of refugee have been left ambiguous in the Geneva Convention (Güler, 2016: 47-48). During the refugee application, the states interpret these two concepts without a certain pattern due to the ambiguity in the definition. According to Ergüven and Özturanlı (2013: 1022), this uncertainty has been left deliberately, so that the new types of persecution that will emerge over time will not be the exception from the scope of the Convention. Whether this ambiguity has been left with the intention of solving future problems or not, the ambiguity in the definition of the refugee caused rejection of the various refugee applications.

Beyond the problems mentioned above, there are problems faced by climate refugees whose status, rights, and freedoms have not yet been determined. The analysis of the benefits of the internationally accepted refugee definitions is crucial in order to understand problems of the climate refugees through the status problem. Although the 1951 Convention has uncertainties within itself, it imposes responsibilities on states with the definition of refugees' rights and freedoms. The non-refoulment principle encumbers responsibility on states not to force the refugees to return to their home country (Jayawardhan, 2017: 107). The consequences of the lack of legal status of Climate Refugees can be understood through the example mentioned above. States do not consider these people who are fleeing the persecution of nature under their responsibility, and the international community does not consider these people in the burden-sharing process.

Relevant organizations such as the International Organization for Migration and the United Nations High Commissioner are careful not to use the term "refugee" for these people, instead use the term "Environmentally Displaced Persons" to refer to these people (Bierman and Boas, 2010: 66). The reason for not using 'refugee' term for the climate refugees by the authorities might be considered as their conditions did not comply with essential requirement for declaring as refugee in the 1951 definition. However,



there might be other reasons which are obstacles for the authorities to using the term of refugee for the environmentally displaced people. The rights and freedoms of refugees are specified in the 1951 Convention. These rights and freedoms have placed a certain burden on the international community. Claiming and making use of these rights by climate refugees, whose number is increasing day by day, brings a burden sharing that the international community cannot deal with. The international community has not even been able to deal with the Syrian War refugees since 2011. In this context, the reasons why the relevant organizations hesitate to use the refugee term is understandable. The authorities are avoiding the discourses that might be preparing the legal basis for the demands of climate refugees to earn the refugee status. Unlike authorities, scholars use the term of 'climate refugees' in the literature. With the impact of the lack of accepted terminology in general, climate migrants, environmental refugees and climate refugees are used interchangeably. As a political scientist and environmental policy scholars Birermann and Boas used the 'climate refugees' term because they thought that it has strong moral connotations and also makes the problem legitimate and highlights its urgency (Jayawardhan, 2017: 106). The problem of cannot determine a common name is the first cause that leads to other problems. The rights and freedoms come from the legal status of the person. Thus, the lack of status means no responsibility for international society, no rights and no solution for the problems that they face daily. Ignoring the climate refugees and even naming them with the alternative names means leave them alone in the global problem of climate change.

### **b. Protection Problem of Climate Refugees**

The confusion in the terminology and the status problem are the main artificial problems faced by climate refugees. Especially status problem caused and being a reason for other problems such as protection of climate refugees. In order to understand the problems for climate refugees that occur from the lack of protection, it is firstly necessary to understand what protection is and what it means for refugees in general.

Countries have an obligation to protect their citizens and to ensure their safety. Also, the countries are obligated to represent and protect their citizens internationally. The main problem is that these people, who have fled from their home country to other countries, cannot be protected by their home country. The 1951 Convention added international protection to the rights

of refugees to be a solution to this protection gap and UNHCR has been assigned to be sure that international protection is ensured (Altınsoy,2015: 19-20). International protection is not limited to physical security of refugees. International protection entails activities aimed at obtaining full respect for the rights of individuals, in accordance with international humanitarian, human rights and refugee law (UNHCR: Note on International Protection,2018: 3).

The 1951 Convention provides international protection, but climate refugees cannot benefit from this protection because they do not meet the Convention's requirements for being refugee. The fact that they cannot benefit from international protection does not mean that these people do not need international protection. The main question this part of the article focuses on; from where will the citizens of countries that will be affected or even destroyed by climate change gain the right to protection? An example for this question is the case of Iona Teitiota - New Zealand. Iona Teitiota immigrated to New Zealand then applied to become a refugee. 'Teitiota applied to New Zealand for recognition of her refugee status for herself and her family, based on the prediction that her country of origin would be uninhabitable because of the rising sea level. However, New Zealand rejected the application of Teitiota on the grounds that her application for refugee status could not be granted because economic and environmental factors are not considered in the conditions of being a refugee.' (Ekşi,2014: 165). The protection needs of these people are clearly understandable and, as proved by the example mentioned above. While it is clear that these persons should be protected under international law, it is unclear on what grounds this protection will be granted to them. (Tekin,2020: 323).

### **c. Economic Problems of Climate Refugees**

Climate change affects the lives of every human being in the world, indiscriminately. However, while these effects increase in intensity according to the geographical location of the countries, the economic situation affects how they cope with these effects. Island countries and low countries are among the countries that are affected by climate change in the first place. 'The causes and consequences of climate change are very diverse, and those in low-income countries who contribute least to climate change are most vulnerable to its effects' (Tol, 2009: 29). The vulnerability of the states on the dealing with the natural disasters and protect its citizens leaves the citizens of these countries in a harsh condition. In a time, people of these countries

are faced with a relocation process to survive natural disasters. The relocation process, if it is not enough to survive, would end up with the immigrants to another country. The incapable economic conditions of the home country and the devastating power of the disasters on the personal properties leave the citizens in need of financial aids during both process of immigration and relocation.

When one country faces the effects of climate change, for example rising sea level, the country should protect its citizens who are living in areas destroyed by the rising sea level. The first and immediate solution and protection of those people is relocation. However, low-income countries do not have sufficient economic opportunities in the relocation process of their citizens who are or will be harmed from the outcomes of the climate change. Biermann and Boas (2008: 13-14) suggested the governance mechanism to solve the relocation problem of the climate refugees caused by the insufficient economic conditions. However, the establishment and effective operation of this system seems difficult for climate refugees who are not given priority in today's conditions.

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#### **d. Lack of Awareness of the Climate Change and Climate Refugees**

Climate change is a current global problem that occurs because of people's daily activities. Greenhouse gases produced by a country with a developed industry can have negative effects on a small island country kilometer away. Climate change is a rapidly growing global problem, and its solution involves the efforts of all countries and citizens of the world. The problem now threatens the near future rather than threatening centuries to come and it poses social dilemma, 'drama of commons' on a global scale (Dietz et al., 2003). The concept of migration is another social issue on which climate change has an impact. Climate change and changing natural conditions force people to migrate from their places of residence. Climate refugees are directly affected by these human-induced changes in climate conditions and who leave their places of residence. The main reason Climate Refugees must relocate is the global problem of climate change. However, globally there is a tendency to ignore both climate change and climate refugees. The fourth problem that Climate Refugees face and struggle with is a lack of awareness on both climate change and climate refugees.

The news media are the center of the getting information/sharing information system of the modern societies (Peters and Heinrichs, 2005: 2). Mass media is the key means for the rising awareness and spread of the knowledge. Also, mass media construct the central forum for the discussion of topics such as 'what it is?', 'how will the international community find a solution?' and also it creates legitimation of climate governance (Schneider et al., 2007:136; Nanz and Steffek, 2004: 321). However, the media attention for climate change strongly fluctuates over time (Schmidt et al., 2014). The specific focus of climate change of the media related to the domestication of the issue for example the Netherlands focuses on more technical solutions on the problem in the line with the ecological modernization, Swedish media focuses on the moral and ecological aspects of the problem, India claims that the problem mainly the Western concern (Schöfer, 2015: 858; Billet, 2010). Mass media attention and focus on the issue is shaped by its effects on domestic politics. Despite the relative focus of the media on climate change, their focus on the climate refugees is almost invisible. The issue has the same relationship with climate change-media relationships already through domestication of the issue. For example, Australia and New Zealand's media are more dominated with the climate refugee discourse than the other countries (Farbotko, 2012: 135) due to facing the threat of high climate refugees in the future. Their proximity to the island countries that are in danger of being submerged and the facts that they will be exposed to this danger have pushed the media of these countries to address this issue.

The media's interest in the issues which are mentioned above is insufficient, hence, their point of view is far from creating a public awareness.

## **V. Alternative Solutions to the Climate Refugees' Problems**

The fact that Climate Refugees are in need of protection is far from an academic discourse and debate anymore. Although the international community could not yet agree in a common language to define people who are escaping from the climate change effects and no putting enough effort to solve their problems, it accepted that the need for protection of these people was a reality. Scientific and academic studies have led the international community to focus on the climate change issue as they begin to address the effects of climate change and bring more to the agenda.

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In this way, the UN new UNFCCC secretariat was established in 1992 when countries adopted the United Nations Framework Convention on Climate Change (UNFCCC, 1992). The goal of the convention is 'stabilize greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with climate change' (UNFCCC, 1992). The secretariat facilitates the intergovernmental climate change negotiations, provides technical expertise, and assists in the analysis and review of climate change information, and serves through the implementation of Kyoto Protocol and Paris Treaty (UNFCCC, 2015). Although the UNFCCC is a special secretariat of the UN on climate change issues, the UNFCCC rarely mentions climate induced migration and climate refugees in their agenda. 'In the 2009 COP 15 (Conference of the Parties) meeting in Copenhagen, the climate refugees concept was addressed but then removed from the final Copenhagen Accord. The topic of climate refugees was reopened during the COP 16 meeting in Cancun.' (Malik, 2019: 17). The paragraph 14 of this meeting stated that 'enhance understanding, coordination and cooperation regarding climate change induced displacement, migration and planned relocation... at national, international and regional levels' (UNFCCC, 2010).

Another significant document on climate change is the Paris Agreement which was adopted on December 12, 2015. In this agreement, the climate refugees issue was handled as follows 'Parties should, when taking action to address climate change, respect, promote and consider... the right of migrants... and people in vulnerable situations' (UNHCCC, 2015). Like the other UNFCCC or other international legal documents, the term of climate refugees is unrecognized in the Paris Agreement (Malik, 2019: 18). Despite the disappointment over the legal absence of climate refugees in the Paris Agreement, this agreement has significant place as a legal status. The Paris Agreement is a legally binding international treaty on climate change (UNFCCC; Paris Agreement, 2015).

Especially at the beginning of the 20th century, many important developments took place around climate change. However, these developments did not include any solutions for the problems of climate refugees. Besides not being able to find remedy to the problems of climate refugees, they have not even included the concept of climate refugees in the Agreements. Therefore, the article will mention alternative solutions for climate refugees' problems in the following subtitles.

### a. Creation of the Specific Regime

The current refugee protection regime or the refugee regime, which frames the rights and responsibilities of refugees, is not sufficient to protect climate refugees. The World and Refugees have suffered from the current refugee regime for decades due to its inadequate structure and the unwillingness of the international community to share the burden. The United Nations High Commissioner for Refugees (UNHCR) estimates that global forced displacement has surpassed 80 million in mid-2020 (UNHCR: Refugee Data Finder, 2020). The estimated number published by the UNHCR shows that the current refugee regime is not sufficient to cover 80 million refugees besides not being sufficient in terms of content.

The protection of the refugees from climate change lies in severe changes in the countries' production style and awareness on climate change. If the international society wants to protect the citizens of the world from future threats, the carbon emission should be decreased by the industrial countries. The protection or recognition by the countries of the climate refugees requires further steps such as joint agreement on reducing carbon emission. However, the industrialized countries especially China and India do not want to agree on legal agreement due to the protection their interest comes from the industry.

For these reasons, the separate climate refugees regime should be declared by the authorities. The new regime included common policies, sufficient but different from the current responsibilities.

Biermann and Boas listed 5 principles for the new regime;

1. *The core of the agreement must be the objective of a planned and voluntary resettlement and reintegration of affected populations over periods of many years and decades, as opposed to mere emergency response and disaster relief.*
2. *Climate refugees must be seen and treated as permanent immigrants to the regions or countries that accept them. Climate refugees cannot return to their homes as political refugees can*
3. *The climate refugee regime must be tailored not to the needs of individually persecuted people (as in the current UN refugee regime) but of entire groups*

*of people, such as populations of villages, cities, provinces, or even entire nations, as in the case of small island states.*

4. *International regime for climate refugees will be targeted less toward the protection of persons outside their states than toward the support of governments, local communities, and national agencies to protect people within their territories. The international assistance and funding must be included into agreement.*

5. *The protection of climate refugees must be seen as a global problem and a global responsibility.’ (2008: 12-13).*

The new regime will reduce the burden of the current regime and create a well-defined and properly treated climate refugee status. The definition in the 1951 Geneva Convention includes controversial details for the climate refugees such as ‘a person who is outside his or her country of nationality’ or ‘fear of persecution’. The details in the definition make the climate refugees out of the scope of the 1951 Geneva Convention. Thus, the new regime must include the new and legal definition of the climate refugee as ‘environmentally displaced persons’ or ‘internally displaced persons’ (Biermann and Boas, 2008: 13).

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### **b. Funding Systems**

The resettlement process is the crucial step for the climate refugees. The destroyed territory by the effects of climate change hosted peoples for years. The local people of these lands should be relocated when the land will not host them anymore. The process of resettlement and the following steps are high-priced for climate refugees. Therefore, the ‘Funding System’ has the vital importance in the solution process in problems of the climate refugees. Tekin stated that ‘with the aid and fund mechanism, the climate refugees resettled in their home country’ (2020: 327). However, this system will be ineffective when the effects of climate change hit the country completely.

The special fund mechanism for climate refugees will be more convenient for focusing on their special needs and cost of resettlement. The common burden of the effects of climate change should be shared by the countries. Climate change is created by the citizens of the world. However, the most devastating effects are suffered by the most vulnerable countries in the world such as Maldives. The most important role in the establishment of the mechanism and the process of financing it belongs to the industrialized

countries. The cost of voluntary resettlement and reintegration of millions of people who have to leave their countries should be met by the governments of industrialized countries and possibly wealthier developing countries (Biermann and Boas, 2008: 15).

### **c. Inclusion of Climate Refugees in the 1951 Geneva Convention**

The reformation of the 1951 Geneva Convention is the first solution that comes to mind. There were several attempts to make amendments on the current Convention. 'In 2006, the Maldives brought up the demand about the inclusion of climate refugees in the 1951 Geneva Convention. In 2009, the Finance Minister of Bangladesh called the international society to revise the 1951 Convention with the purpose as Maldives.' (McAdam, 2011: 6). However, these initiatives did not achieve its goal. Although the earlier attempt for positive changes for the climate refugees did not end with the success, the possibility of future changes still exists. The Convention has already been revised with the Kyoto Protocol in 1967 (Malik, 2019: 23). The early changes on the Convention were made to adjust the Convention to the conditions of the day. Based on this example, it can be said that the definition of a refugee that is not suitable for today's conditions with the same purpose of 1967 Kyoto should be revised. However, this situation requires the states that have ratified the convention to come together again and agree on the issue. It seems unlikely that the member states of the agreement, which have difficulties even in the implementation of the current agreement, agree and implement a new amendment.

## **VI. Conclusion**

The climate refugees, which are mentioned with different names in the literature such as climate migrants or environmentally displaced people, neither have a legal status nor a designated name that people will use when mentioned about them. Authorities consciously avoid usage of the 'refugee' word when referring to environmentally displaced people because they are not recognized as refugees by the 1951 Geneva Convention. Although it is mentioned under various names in the literature, the problems of climate refugees are still same.



The problems faced by Climate Refugees are listed in the study that are status problem, protection problem, economic problems, awareness problems. Most of these problems arise from legal deficiencies rather than natural causes. In today's conditions, even legally recognized refugees are suffering from the legal deficiencies and the exploitation of interpretation in the law. The point should be understood that the situation of climate refugees is a struggle for law and life, while even people who are accepted as refugees struggle with various legal deficiencies. The main reason why the international community and the refugee regime are ignoring climate refugees is related to the ongoing migration crisis in the world. Especially after 2011, the increasing number of immigrants has been a political crisis for the world. The international society still struggle with the finding current migration crisis and ongoing migration flow to the developed countries. In order to not increase its responsibility, the international community insists on not recognizing environmentally displaced persons as refugees. Nowadays, refugees face obstacles in accessing their legal rights. The right not to refoulement is one of the most vital rights that a refugee has. Although the non-refoulement right have a vital position in the refugee's life, nation-states are turning away refugees who rely on their borders to ease their burden and responsibility towards the refugee. That is why the definitive inclusion of climate refugees in the 1951 Geneva Convention, one of the solutions to the problems of the climate refugee included in this study, will not solve existing problems by itself. Besides, it will deepen the problems and challenges for the climate refugee. The legal acceptance of climate refugees should be supported with other solution mechanisms. Because the problem of climate refugees contains problems on multiple dimensions such as economic, social, and psychological. The only legal regulation would not solve the whole problem as we have witnessed the current problems of the refugees and immigrants.

The establishment of a new regime will play a more active role in finding solutions, considering the importance and complex structure of the issue. During the establishment process of the new regime, the funding mechanism should be added the main structure of the regime for remediation the cost of the relocation process and the damages caused by environmental disasters. The three alternative solution proposals which are included in the study should be applied with the collaboration between themselves. The separate implementation of these solutions only would serve through the deepening the problems. International society must be aware of its crucial role in

the solution process of the climate refugees' problems. The main source of the problem, in this context climate change, is the common heritage of humanity, thus remedy to the problems depends on the humanity's collective mobilization. Although this study focuses not on the natural source of the problems, but on their artificial resources, the impact of humankind, who disrupts the natural order, on the problems of climate refugees is great. Therefore, burden and responsibility sharing have an important place during the construction of other alternative solution proposals.

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