

Global Climate Refugee Governance Status and Feasibility Pathway Study

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Abstract: Increasing numbers of people are also being forced to flee their homes and countries due to the effects of climate change. These people, displaced by the loss of their habitats due to climate change, are known as climate refugees, nowadays distinguished from both climate migrants and environmental refugees, but often overlooked and unprotected by the international community due to their unclear international status. The international community should therefore provide climate refugees with the legitimate protection and care that are necessary to uphold their human rights.

Keywords: Climate Refugees; Human Rights Protection; Refugee Resettlement; Duty Bearers

1. Introduction

Today, as humans exploit and use the planet, the global environment is being destroyed, with phenomena such as the hole in the ozone layer, rising sea levels, extreme droughts and floods in some areas, and increasing global climate change, with coastal countries and islands at risk of being swallowed up. In 2006 the people of the Carteret Islands in Papua New Guinea, in the South Pacific, began to migrate across the border to the island of Bougainville in order to secure the right to human survival^[1]. By this time refugees had been displaced from their homes due to climatic extremes, and these are known as climate refugees.

2. Definition of the climate refugee

The climate refugee is a group of refugees who are forced to leave their home country and migrate across borders due to loss of survival from severe meteorological disasters as a result of abnormal climate change. Two factors are necessary to define a refugee: firstly, it is caused by climate; secondly, it is forced to collective migrate to another country. Climate refugees are those whose environment has been severely degraded as a result of severe climate change, and those who have been forced to collective migrate as a result of environmental destruction caused by warming are known as climate refugees.

3. Status of climate refugees

According to a World Bank report at the end of 2019, more than 143 million people worldwide will become climate refugees in the next three decades. Three of the world's most densely populated regions are the most threatened - South Asia, Latin America and sub-Saharan Africa, which accounts for 55% of the total number of people in developing countries worldwide. As water shortages, crop failures, rising sea levels, El Niño, storm surges and other severe weather events become more frequent, most lands are no longer suitable for human life, while tens of millions of people will face migration and

become climate refugees to avoid the impact of climate change on their lives.

4. Climate refugee security

The security of climate refugees is divided into the security of relocation abroad, the security of resettlement abroad and the security of voluntary repatriation to the country of origin.

Safety of offshore transfer: When countries that are ecologically vulnerable due to climate change are unable to shelter their own climate refugees again, they need to contact the refugee receiving country for extradition of their own refugees. The right to health and survival of refugees transferred across borders during the extradition process, and security of resettlement during the reception and entry process.

Safety of resettlement abroad: When climate refugees enter a country, they may be ostracized due to ethnic, religious and policy differences, and their rights to survival, freedom, dignity and education may not be met properly.

5. The dilemma facing climate refugee governance

a) International legal status of climate refugees

The definition of a traditional refugee under the Refugee Convention and the Protocol relating to the Status of Refugees does not include climate refugees and therefore climate refugees do not fall under the category of traditional refugees [2]. Therefore, the international status of climate refugees is still unclear and not recognized by the international community, and climate refugees are only defined by academics. As a result, the international legal status of climate refugees is not clear, so the problem of climate refugees caused by climate change cannot be further solved and the international community has not reached a consensus.

b) Climate Refugee Protection Responsibility

The solution to the problem of global climate refugee governance is to be carried out mainly from two aspects: prevention and protection, and therefore the main body responsible for climate refugees should also be carried out from two aspects: prevention and protection. The lack of a clear body of responsibility for the protection of the human rights of climate refugees has led to a situation where the international community and national actors are shifting responsibility for this issue.

c) Relief mechanisms for climate refugees

The core of the solution to the problem of climate refugees lies in the maintenance of human rights and the resettlement and relief of cross-border movements. Human production and livelihoods have resulted in massive greenhouse gas emissions, which have led to severe changes in the global climate, affecting not only the stability of the global ecosystem, but also exacerbating the deterioration of the human condition and threatening the basic right to survival of refugees [3]. The root cause of this crisis is the lack of legitimacy of the international status of climate refugees and the inability to guarantee their safety and human rights accordingly.

d) Specialized protection agency for climate refugees

The lack of clarity on the international status of climate refugees, their lack of legal status as traditional refugees and their distinction from environmental refugees make it difficult for climate refugees to receive specific protection from the UNHCR. Although climate refugees receive assistance from international organizations such as the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC), the lack of clarity on the international status of climate refugees means that such assistance is only humanitarian in nature and not sustainable in the long term. As a result, there is currently no dedicated agency to provide protection for climate refugees, so they often have no recourse.

e) Population reception and resettlement after inundation of settlements

Following sea level rise, island nations and cities near the sea will be at risk of having their national territories submerged by seawater. The resettlement of populations in the event of inundation is therefore a particularly important aspect of the solution to the climate refugee problem. In order to ensure their survival and safety, climate refugees often choose to find new places to live in other

countries or regions once they have lost their homes. This makes the issue of reception and resettlement one of the most difficult human rights issues for refugees.

As the international legal status of climate refugees is not recognized, climate refugees cannot apply for refugee status. Therefore, other countries are not obliged by international law to accept climate refugees, and if they are found to have entered the territory of another country illegally, they will be deported or even punished with detention. There are also difficulties for climate refugees to enter other countries in the form of climate migrants. Many countries, in order to bring in talent and promote their own development, generally only accept young adults and highly skilled people who are beneficial to the country's development [3]. Most groups of climate refugees, on the other hand, simply cannot meet the requirements of the countries to which they migrate and are therefore often rejected.

6. Feasible ways to enhance the protection of climate refugees

a) Strengthening the protection of refugees in international law

In the current system of international law, the protection of refugees is divided into three main groups: firstly, as traditional refugees; secondly, as international migrants; and thirdly, as stateless persons [1]. Due to the unclear legal status of climate refugees cannot receive assistance from the international community. At the same time, the lack of clarity on the subject of responsibility for climate refugees has led to the phenomenon of states shirking their responsibilities to each other, resulting in the rights of refugees not being guaranteed.

Therefore, existing international law should clearly improve the protection and implementation of human rights at the level of substantive and procedural law, in particular by strengthening the protection of the rights of refugees moving across borders.

b) Clarify the subject of responsibility

Climate refugees are produced mainly due to climate change, and large amounts of greenhouse gas emissions are one of the main culprits. Global warming is not caused by a single country or region, but is created by all countries. Therefore, the consequences of climate change should not be borne only by some countries, but shared by all countries in the world. Similarly, one country cannot be blamed solely on its own country. According to the consensus reached in the United Nations Framework Convention on Climate Change and the Kyoto Protocol, all countries should bear common but differentiated responsibilities.

At the same time, climate change refugees also need protection from the international community and refugee host countries. Therefore, according to the different protection responsibilities, countries around the world can be divided into two categories of subjects: countries that are difficult to protect themselves and countries that are responsible for receiving refugees. Only when the protection responsibilities and obligations of each country are clarified can the protection of climate refugees be truly implemented and improved.

c) Long-term protection for the transfer, reception and resettlement of climate refugees

For the relocation of climate change refugees, the Republic of Refugees and the international community should strengthen safeguards by providing easy access and a secure political environment. For the host country and the host country: the government of the host country should keep an eye on the situation in the country and establish a comprehensive institutional framework and an emergency plan for the protection of its citizens in the event of inundation due to climate change, in order to protect the lives and property of the refugees to the greatest extent possible. In addition, the government should improve its information and early warning mechanisms to inform the population before a disaster strike, so that they have time to prepare for evacuation, and to inform them of developments in the country and possible future dangers after a disaster, so that they can prepare for relocation and resettlement in advance. The ROC government should also actively seek assistance from the international community and refugee-receiving countries and follow up on the relocation, reception and resettlement of nationals in other countries on a permanent basis [2]. Refugee receiving countries should guarantee the basic rights of this group, including political rights, to reduce discrimination and enable refugees to integrate into their local lives, so as to guarantee their right to survival and development.

d) Robust specialized protection agency for climate refugees

At present, UNHCR adopts resettlement, voluntary repatriation and local integration mechanisms to cope with the large-scale migration of refugees [4]. However, these three mechanisms are not entirely suitable for climate refugees. First, the migration of climate refugees is a permanent forced movement caused by the inundation of their home territory, and therefore cannot be voluntarily repatriated; Second, the resettlement of refugees is very difficult. Each country has different policies, standards and requirements for accepting and resettling refugees, and the resettlement process is too long and slow. Third, integration into the homeland involves complex issues, which may involve religious, ethnic, cultural and other fields, so there is no set of specific criteria to measure whether refugees can successfully integrate into the native life.

The assistance provided by the International Organization for Migration (IOM), which distinguishes climate refugees from climate migrants, provides only complementary, humanitarian protection to climate refugees. Therefore, there is a need to strengthen the human rights protection of climate refugees through the development of specialized protection agencies for climate refugees.

e) Financial mechanisms and capacity building for climate refugee protection

The plight of refugees is a common concern of humanity. Refugee situations are expanding and becoming increasingly complex, and refugees need protection, assistance and solutions. Millions of refugees live often in low- and middle-income countries. Financial assistance and capacity building from other major countries and international organizations is therefore needed.

(1) Financial mechanism for climate refugee protection

Aiding funding for climate refugee protection comes mainly from international and domestic sources as well as the mobilization of additional financial and non-financial resources. A basic model of green intergovernmental financing should be agreed between funding countries and funding recipients.

While refugee host countries and donors have been generous to countries severely affected by refugees, and humanitarian funding from the World Bank and major countries has reached unprecedented levels, the gap between material needs and humanitarian funding continues to widen. There is an urgent need for a more equitable sharing of burdens and responsibilities in assisting refugees globally, taking into account the capacity and resource levels of existing donor countries. Refugees and host communities should not be left behind.

(2) Capacity building for climate refugee protection

Capacity building, as defined by the United Nations Development Group, is the process of unlocking, strengthening, creating, adapting and managing the capacity of people, organizations and societies to manage their own affairs over time. Any intervention or activity that aims to contribute to developing or strengthening the capacity of people, institutions and systems can be considered as a capacity building.

Capacity-building to address the issue of climate change refugees can, on the one hand, facilitate the local integration of people affected by climate change within the country, reduce the pressure to move people outside the country, and guarantee certain rights to health, survival and education, and on the other hand, facilitate the reception of refugees in camps or voluntary repatriation for resettlement. Countries seriously affected by refugees can strengthen cooperation, establish partnerships with other large countries or international organizations to obtain funding and technical cooperation, improve their own institutional mechanisms and strengthen their infrastructure.

7. Late Impacts of Climate Refugee Admission and Resettlement

a) Public opinion

Due to factors such as civil strife in countries, climate change, environmental degradation and war. Millions of refugees from Asia, Syria and North Africa are fleeing their homes and rushing into other countries, and Europe is experiencing the most serious refugee crisis since the Homeland War, which has caused great public opinion and social pressure on European countries and neighboring countries. The attitude of European countries is clearly divided, with Germany showing its moral commitment by accepting 800,000 refugees, while Spain and other countries say they have no intention of accepting large numbers of refugees. The question of how to resettle millions of helpless refugees is not only a test of "European values", but for countries like Germany, which receive a large number of refugees,

the number of refugees to be resettled, their resettlement and the security of the country after resettlement have become the focus of public opinion, and it has also become a serious test of the attitude of major countries around the world towards humanitarian disasters. It is also a critical test of the attitude of the world's leading countries towards humanitarian disasters.

b) Social acceptance and safety risks

Countries that now receive large numbers of refugees also face serious challenges. The influx of refugees is causing Countries hosting refugees face serious social problems and economic crises. For example, the large number of refugees taking over the employment, education and medical resources of the local population have led to discontent among the local population and resistance from the government to accept large numbers of refugees. In addition, the difficulties in finding employment and integrating refugees into the local community have caused turmoil in the urban environment, posing a security risk, and conflicts between refugee groups have led to many fights and brawls, which have continued to increase xenophobic sentiments in the local community, affecting the security of the society and posing a security risk. This requires the host country to adapt its policies to its own situation and to reassure its citizens.

c) Hidden Diseases

With the prevalence of viruses such as malaria and Ebola, and the global outbreak of Newcastle Pneumonia, the spread of the virus is inevitable as refugees are relocated and settled. In response, UNHCR has entered into a long-term partnership with the World Health Organization (WHO), which will be crucial in reducing the spread of NCP and preventing other emergencies. The strengthened partnership will directly benefit refugees, asylum seekers, internally displaced persons and stateless persons. It will leverage the resources of both organizations to provide public health solutions for global operations.

8. Research findings

The analysis of the legal status of climate refugees, related concepts and the current status of protection of their rights reveals that the problem of climate refugees is difficult to solve in the following aspects: firstly, the legal status is unclear; secondly, there is a lack of clear responsibility; thirdly, there is a lack of specific relief, mainly in the form of a lack of special protection agencies, the problem of refugee resettlement and the post-settlement impact of refugee resettlement. The main problems are the lack of special protection agencies, the resettlement of refugees and the post-settlement effects. It is hoped that the international community will give climate refugees a corresponding legal status; that the responsibilities of responsible countries and international organizations will be clarified; and that the relief, protection and resettlement of climate refugees will be strengthened.

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