

CSHL NEWSLETTER

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The Environmental Refugees[1]

Since 2008, 24 million people have been displaced because of climates and weather-related disasters, such as floods, hurricanes, and other hazards.[1] Moreover, in 2013, natural disasters displaced three times as many people as war, with 22 million people driven out of their homes. Out of these, 80% were from Asia. For example, in Pacific and Indian oceans, countries such as Maldives, Tuvalu, and Papua New Guinea have met earthquake and massive flooding whereas countries in Africa faced with drought and famine.[2] There is no official universal definition of the term of environmental refugees under international law[3], but Essam El-Hinnawi a United Nations Environmental Programme researcher described it as “people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption that jeopardizes their existence and/or seriously affects the quality of their life”.[4] The main question is whether they are protected by the law.

Unfortunately, environmental refugees are not under the scope of the 1951 Refugee Convention. It states an exhaustive list of reasons of displacement and environment is not amongst those.[5] However, under the International Covenant on Civil and Political Rights (ICCPR), it is stated that “no one shall be arbitrarily deprived of the right to enter his/her own country. When environmental degradation is such that persons affected must leave their region of origin and go abroad, this right may come into play. Similarly, this may prove important should a State disappear on account of a rise in sea level”.[6] The ICCPR also enshrines the right to life of people during environmental degradation[7] and everyone’s right to adequate food[8] as it may become harder, or even impossible, for some people to feed themselves properly. Nonetheless, there is no specific legislation to protect environmental refugees in vulnerable areas.

[1] Internal Displacement Monitoring Centre, “Global Report on the internal displacement (GRID)”, 2018.

[2] Society of Environmental Journalists (SEJ), Environmental Refugees: U.S. and World Examples, December 19, 2007

[3] Alex Randall, “Environmental refugees: who are they, definition and numbers”: <http://climatemigration.org.uk/environmental-refugees-definition-numbers/>.

[4] Essam El-Hinnawi, United Nations Environment Programme (UNEP), “environmental refugees”, 1985.

[5] United Nations (UN), “Convention Relating to the Status of Refugees”, UNGA, vol. 189, p. 137, 28 July 1951.

[6] UN, International Covenant on Civil and Political Rights (ICCPR), vol. 999, p. 171, 23 March 1976, Article 12(4).

[7] ICCPR, Article 6(1); The European Convention on Human Rights and the European Court of Human Rights, Article 2.

[8] The International Covenant on Economic, Social and Cultural Rights (ICESC), 3 January 1976, Article 11(1).

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