

IN BRIEF

Climate Change Is Fueling Migration. Do Climate Migrants Have Legal Protections?

By Mia Prange | Last updated December 19, 2022 11:11 am (EST)



As climate change makes some parts of the earth uninhabitable, a climate migration crisis looms that international law is not prepared to address.

Climate change is imposing intolerable extremes on many parts of the world, threatening the livelihoods of tens of millions of people. The worsening problem has stoked the debate over how to classify and protect international climate migrants under international law.

Why is climate migration on the rise?

Climate migration occurs when people leave their homes due to extreme weather events, including floods, heat waves, droughts, and wildfires, as well as slower-moving climate challenges such as rising seas and **intensifying water stress**. This form of migration is increasing because the world has not been able to reduce greenhouse gas emissions and halt global average temperature rise, which leads to more climate disasters.

Most climate migration is projected to occur within a country's borders (internal), but cross-border migration will also rise. In some instances, extremes combined with other factors, such as natural subsidence and oil and gas activities, are **displacing entire communities**, forcing them to find refuge in different parts of their country or journey across borders. Some researchers project that drought-driven migration in particular **could triple** this century if international efforts fail to address the growing climate crisis.

More From Our Experts

David J. Scheffer

Working Together Toward Accountability: How the ICC and a Special Tribunal on Aggression Can Work Together on Ukraine

Edward Alden

Biden's New Southern Border Plan Might Just Work

Alice C. Hill

What the 2022 Midterm Elections Mean for U.S. Climate Policy

More on:

Immigration and Migration

Climate Change

International Law

Explore the Issue

A World Overheating



What regions will be hit hardest?

Latin America, South Asia, and sub-Saharan Africa are among the regions **most vulnerable** to the effects of climate change and could see large increases in both internal and **cross-border migration** [PDF] as a result. More than half of the developing world's population lives in these three regions, and many live in vulnerable areas, some of which are already experiencing **climate-driven migration crises**. The World Bank estimates that these regions could altogether produce 143 million internal climate migrants by 2050. There are no comparable projections for **cross-border migration**, but natural disasters and slower-moving climate consequences are linked to increased international migration, particularly for those who live near a border.

How does international law protect climate migrants?

Climate migrants have some basic rights under **existing international human rights law**, but advocates say they lack many important protections afforded to other groups, such as refugees. Governments are responsible for any internal climate migrants, but there are few instances in which governments are obligated to protect those crossing borders.

The **1951 UN Refugee Convention**, which was created to manage European refugees from World War II, as well as its expansion (via protocol) in 1967, established the fundamental rights of refugees. This more limited classification of people is defined as those fleeing violence or persecution. However, migrants fleeing climate extremes are not currently protected under international law, and there is no consensus on how to legally define them.

There are more recent documents, however, including the **New York Declaration for Refugees and Migrants** [PDF] and the **Global Compact for Safe, Orderly, and Regular Migration (GCM)** [PDF], that provide governments with a framework for how to handle climate migration. The GCM recognizes climate change as a factor in driving migration, but it does not outline special legal protections for those affected.

A woman cooks for her children in a displacement camp after widespread flooding in Pakistan. Akhtar Soomro/Reuters

Some experts argue for granting these individuals the same legal status as refugees. Proponents of the classification “**climate refugee**” point out that such a designation would provide these individuals with expanded protections, including access to legal services and planned relocation. It would also be a signal from wealthier countries, which are most responsible for planet-warming greenhouse gas emissions, that there is a global responsibility to help those harmed by climate change.

Others are wary about extending refugee status and prefer to continue categorizing such individuals as “climate migrants,” though this classification would not create any new protections. Some who prefer the broader term “migrant” argue that migration often has **multiple causes**, and it is difficult to isolate climate change as the primary factor behind a person's decision to leave their home. Additionally, some experts argue that a special refugee status for climate migrants could **end up excluding** some of the most vulnerable, such as internal migrants, from protections.

What comes next?

Some experts say that **opportunities for reform** to better protect climate migrants include revising the 1951 convention to include language on climate migration and creating a new Climate Refugee Convention.

Amending the 1951 convention would require adding a protocol, similar to the one created in 1967, aimed at defining the characteristics of climate refugees and granting them protections similar to those enjoyed by other refugees. Another option is to create a new convention specifically addressing the rights and needs of climate refugees. But the prospects for either of these happening in the next few years are slim, experts say, given the disagreements over how to classify climate migrants, the broader debate about how to **address climate change**, and the erosion of refugee protections more generally. Refugee advocates are wary of reopening the 1951 convention, for fear of governments further limiting the definition in renewed discussions.

Many experts also say that ramping up efforts to meet **the UN Sustainable Development Goals** and appointing a UN special rapporteur to guide climate talks would help mitigate climate-related migration in the short term. Already, some individual governments and regional groups are moving forward with more concrete measures, such as **Argentina's humanitarian visa** and the Asia-Pacific's **framework on climate mobility**, which is currently being developed.

Mia Prange is an editorial intern at CFR.

Creative Commons: Some rights reserved.

Explore More on Immigration and Migration

U.S. Detention of Child Migrants

by **Amelia Cheatham** and **Diana Roy**

March 27, 2023

How Does the U.S. Refugee System Work?

by **Claire Klobucista**, **James McBride** and **Diana Roy**

February 15, 2023

Deforestation in the Amazon

by **Hagit Ariav**, **Diana Roy**, **Danielle Rennick** and **Jeremy Sherlick**

October 19, 2022

Top Stories on CFR



What Happens When the U.S. Hits Its Debt Ceiling?

by **Noah Berman**

May 2, 2023



President Marcos Jr. Meets With President Biden—But the U.S. Position in Southeast Asia is Increasingly Shaky

by **Joshua Kurlantzick**

May 2, 2023



Why the Situation in Cuba Is Deteriorating

by **Will Freeman**

April 25, 2023