# BLIND-EYE TO A GLOBAL CRISIS: CLIMATE REFUGEES

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## ABSTRACT

In this paper, I seek to analyse the need to recognise "Climate Refugees" in the realm of International Law. Climate change is catching up with the human race, so much so that we have perhaps reached a point of 'no return' for the planet itself. However, people displaced by this phenomenon can still be saved – as long as the international community recognises their need and legality. I highlight prevalent gaps and issues in the current framework, and certain solutions that may be put in place to ensure that people displaced by climate change are not without a home and rendered 'stateless'. The *Kiribati Case*, discussed later, provides hope that the international community is perhaps finally waking up to reality. The problem of climate refugees is not something that *will* happen; it is happening *now.* I believe that this is an issue that will dominate policy making in Environment and International Law in the near future and thus, set about finding possible solutions to inevitable problems. I discuss the need to formally recognise such refugees, the challenges of a new framework which eventually gives recognition, and possible short-term solutions before a nuanced framework is developed. We must begin with a change in the *Refugees Convention* for a start and face the reality that millions are being displaced because of a lack of acknowledgment of the world to an ever-growing problem.

## INTRODUCTION

In June 2018, world leaders met in New York and Geneva to lay down new guidelines and agreements for the increasing number of displaced people around the world. But one particular alarmingly emerging category did not get the attention it perhaps deserves in the global context today - the people termed as "climate refugees". These are masses who are forced to flee their homes because of the devastating effects of climate change.

Climate refugees are without a legal definition, recognition and protection under the international law framework even as the predicament of climate change continues to shape our near future.

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According to a World Bank report in March 2018 – three regions most vulnerable to climate change are sub-Saharan Africa, South Asia and Latin America. An estimated 200 million people, globally, could be forced to migrate due to climate change by 2050.[1]

Climate refugees are known by a plethora of other names – none, however, officially and internationally recognized. They are often termed as eco-migrants, environment refugees and environment displacees, among others. In some instances, refugees who leave their homes but stay within the borders of their country were termed 'Internally Displaced Persons' (IDPs) who are forced to shift due to 'Environmentally Induced Population Movements' or EIPMs. The Refugee Convention is the ultimate legal instrument for dealing with migrant/refugee crisis. Under the 1951 Geneva Refugee Convention – a refugee is a person *who "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".* As is evident, there is no mention of refugees who are forced to flee due to climate change. Thus, they do not enjoy any legal status under the Convention.[2] International law has failed to interpret or evolve the Convention despite the ever-growing threat of climate change.

In December 2018, a two-day meeting was held in Morocco to discuss the adoption of the United Nations' *Global Compact for Safe, Orderly and Regular Migration* – shortly known as GCM. This meeting was attended by representatives of over 160 countries. GCM was a non-binding agreement that sought to make administration and life easier for people who were forced to flee their homeland due to difficult circumstances. One of the aims of the GCM was to recognise the increasing role of climate change in prompting migration of huge populations. The GCM called on signatories to *"better map, understand, predict and address migration movements, such as those that may result from sudden-onset and slow-onset natural disasters, the adverse effects of climate change, environmental degradation."* It remains to be seen, however, how effective the terms of the GCM are since it is a non-binding agreement. In my opinion, its non-binding nature is and will continue to be a shortcoming. State parties will never be compelled to follow it rigorously and can tend to be lackadaisical in their actions when agreements are not binding and

[1] Tim McDonnell, 'The Refugees The World Barely Pays Attention To' (*NPR,* 20 June 2018) <https://www.npr.org/sections/goatsandsoda/2018/06/20/621782275/the-refugees-that-the-world-barely-pays-attention-to> accessed on 1 October 2020

[2] Maria Trimarchi & Sarah Gleim, '1 Billion May Become Climate Refugees By 2050' (*How Stuff Works,* 22 September 2020) < https://science.howstuffworks.com/environmental/green-science/climate-refugee.htm> accessed on 2 October 2020

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involve no sanction.[3] As history would prove, this is the usual working of non-binding agreements.

## GAPS AND PROBLEMS IN THE CURRENT INTERNATIONAL FRAMEWORK

Humans migrating due to changes in climate is not a new phenomenon. But the international community has failed to recognise such migrations – which is alarming and surprising given it is so common. The three categories of displaced people that the international community does recognise with an obligation to protect them are – "refugees", "stateless persons" and people eligible for "complementary protection".

### 1. *The Incumbent Gap*

The gap in the international legal framework begins with aforementioned Geneva Refugee Convention (hereinafter referred to as the **"Convention"**). In my opinion, the drafters of the Convention did not deliberately leave climate refugees out of this framework. Given the times, the international community was more concerned about the Jews who had survived the *Holocaust* and other Eastern European natives who were fleeing persecution from newly established communist regimes. It is quite possible that the thought of climate refugees within the Convention did not cross the mind of the drafters. The main aim of the Convention was to address the chaos of migrants post the Second World War.

The exclusion of climate refugees at the time can be excused – but the subsequent failure to evolve the Convention and include them within its framework cannot. There have been numerous refugee applications in Australia and New Zealand from small island nations of the Pacific who are facing the brunt of climate change – rising sea levels and incessant flooding, for example. People from Kiribati, Tonga, Tuvalu etc. have sought protection from climate change. But given the letter of the law in the Convention, they are often denied refuge. For instance, in New Zealand – one of the most progressive nations on the planet – the authorities denied applications based on the fact that "*climate change displaced persons are not 'differentially at risk of harm amounting to persecution due to any one of [the] five grounds' and that 'all … citizens [of the threatened*

[3] Tim McDonnell, 'Climate Migrants Face a Gap in International Law' (*Center for International Governance Innovation*, 12 February 2019) <https://www.cigionline.org/articles/climate-migrants-face-gap-international-law> accessed on 2 October 2020

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*states] face the same environmental and economic difficulties' as the applicants, thus disqualifying them from protected status."*

The grounds required for establishing persecution and thus a refugee status is a barrier for climate refugees. It is time that the international community develops a mechanism that will allow for recognition of climate refugees within the Convention.

To illustrate the hardships, consider this case. The Australian Refugee Review Tribunal found in a case that climate change was no ground "persecution" as is required in the Convention since there is no "discriminatory" element that separates those who are eventually affected[1]. It is simply an act of nature.[4]

## 2. *Grounds for Qualifying as a Refugee*

Within the current framework, it is impossible for climate refugees to seek help under the Convention. The current grounds include - race, religion, nationality, membership of a particular social group or political opinion. None of these grounds fit for climate refugees. It has been suggested that such people be described as belonging from a different "social group" which is different from the normal, general population. This suggestion, however, was rejected. The New Zealand Immigration and Protection Tribunal held in *Teitiota*[5] that the appellant's claim under

the Refugee Convention must necessarily fail because the effects of environmental degradation were faced by the population generally and no such distinction could be made.

## 3. *A Fluid Legal Framework*

Despite the obvious shortcomings, the Convention has always been termed as a "living instrument" which is capable of adapting its needs to vulnerable groups as and when they emerge. A scenario may arise wherein countries are trying to protect their population's vulnerability from climate change and, inadvertently, commit discrimination in their policies on the basis of the grounds mentioned in the Convention. The requirement of persecution could be met if this

[4] Thea Philip, 'Climate Change Displacement & Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia' (2018) Vol. 19 *Melbourne Journal of International Law* <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf> accessed 3 October 2020

[5] *Tetiota v. Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZAR 688; Refugee Appeal No 72185/2000 [2000] RSAA

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discrimination resulted in a breach of recognised human rights.[6] However, the Convention has failed to live up to its reputation of being a "living instrument" by failing to adapt to the prevalent circumstances thus far.

## *4. 'Statelessness'*

Yet another gap in the international law framework is on how it deals with stateless persons. The definition of a 'stateless person' under art 1(1) of the *Convention Relating to the Status of Stateless Persons* is: *"one who is 'not considered as a national by any State under the operation of its law…"* Experts have pointed out this definition does not include populations who are threatened by events of climate change.

Four criteria must be satisfied under the *Montevideo Convention on the Rights and Duties of States:* a defined territory, permanent population, an effective government and the capacity to enter into relations with other countries. The question to consider in events of climate change are this: would this apply to a state whose landmass and/or defined territory has changed or ceased to exist due to nature's events? And, consequently, can that state's population be said to be "permanent", given people are continuously fleeing the area? It perhaps will not alter the scenario. The international community will continue to recognise these criteria, irrespective of their fluid nature. The convention fails to consider the physical disappearance/alteration of territories.

Thus, there is this gap between statelessness and the disappearance of a state. What if a state simply disappears due to, say, rising sea levels? Will their population not be considered as "stateless"? A state is likely to be uninhabitable long before it ceases to exist. And in our opinion, the international law framework is vague on how it would handle this ever-increasing eventuality. Therefore, even the statelessness mechanism will not apply to climate refugees and would fall short of sufficient protection as and when the need arises.[7]

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[6] Thea Philip, 'Climate Change Displacement & Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia' (2018) Vol. 19 *Melbourne Journal of International Law* <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf> accessed 3 October 2020

[7] ibid

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**THE KIRIBATI CASE: A "FAILED" PRECEDENT FOR THE FUTURE?**

In ***Teitiota v Chief Executive Ministry of Business, Innovation and Employment***[8]**,** popularly known as the "Kiribati case", a man named Ioane Teitiota from Kiribati, appealed against a decision of the New Zealand's Immigration and Protection Tribunal which had denied him refugee and/or "protected person" status. He brought this case before the United Nations Human Rights Committee (UNHRC) in February, 2016. In late 2015, he was deported from New Zealand back to Kiribati – which he had fled owing to increasing climate crisis

The UNHRC recognised that the decision of the New Zealand court was not "unlawful" – as Teitiota did not face any "immediate danger" to his life in Kiribati – but, nevertheless, there was a recognition of the threat posed by climate change and the impact it had on the basic "right to life" doctrine. So, while the Committee denied refuge to Teitiota, they allowed for the intervention of the international community to continuously monitor and adapt to the threats of climate change. The judgement addressed how it is possible that the people of Kiribati would need refuge in ten to fifteen years from today. Thus, the UNHRC noted how it is important, henceforth, to weigh-up the threat posed by a climate crisis when judging similar cases. Any evidence of climate change violating the basic rights of citizens has to be considered. One of the members of the Committee sitting on this case quoted as follows*: "The message is clear: Pacific Island states do not need to be underwater before triggering human rights obligations to protect the right to life".*

Thus, for Teitiota and his family, personally, the case was a loss. The Committee, however, released how people in the Pacific inhabit low-lying island states such as Kiribati. In fact, Kiribati is only a couple of meters above sea-level and that in itself makes the island extremely vulnerable. Add to this, the changeable weather patterns of the Pacific and it is evident why cases like *Teitiota* will only increase in the future. Experts saw this as a positive. This was viewed as a small window for claims related to the climate crisis – even though the eventual outcome of the case was not in favour of the victim. For the Committee, the evidence in this present case was not "strong enough" to provide refuge to Teitiota and his family. This, however, is a fluid concept and decisions will be made on a case-to-case basis and/or personal circumstances.[9]

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[8] *Tetiota v. Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZAR 688; Refugee Appeal No 72185/2000 [2000] RSAA

[9] 'UN Landmark Case for People Displaced by Climate Change' (*Amnesty International,* 20 January 2020) < https://www.amnesty.org/en/latest/news/2020/01/un-landmark-case-for-people-displaced-by-climate-change/> accessed on 4 October 2020

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## WHY DO WE NEED A SPECIFIC INTERNATIONAL LEGAL FRAMEWORK?

Under this section, it is important to acknowledge the reasons of why the international community must work towards a devoted legal framework for climate refugees. Apart from the gaps and shortcoming mentioned in the earlier section, through this section, I seek to further justify the an urgent need for a framework.

1. *Restrictions of National Solutions*

Climate crisis depends a lot on the locational vulnerability of a nation. Consequently, its ability to *adapt* to natural disasters also comes under scrutiny – how the disaster is dealt with while it wreaks havoc and the subsequent recovery. The *adaptive capacity* is where the national and local governments come into play. With the increasing threat of climate change, governments can make a conscious decision of not having settlements in highly vulnerable areas. For example, restrict settlements in the flood plains – governments, thus, will end up saving a lot of cost that otherwise would be used up in recovery of the area. Anticipate the threat and act accordingly. Another illustration could be water storage, irrigation systems and famine warning methods for adapting land degradation and such vulnerable areas.

If this proves too difficult or costly for some governments, the other possible "national solution" is resettlement. In fact, many experts term resettlement as an "adaptive" exercise – especially for low-lying areas and small islands. The international community, however, is reluctant to carry out resettlements. This was underlined UNFCCC on "Climate Change: Impacts, Vulnerabilities and Adaptation in Developing Countries" stated: *"international relocation is not an option"*. The UNFCCC also failed to provide an alternative for low-lying areas, and therein, in a nutshell, lies the problem with the international community. The international discourse is always around using *adaptive* measures as national policies, and thus, even domestic resettlement is seldom considered. To recognise resettlement as a policy, national governments must start implementing it so that, in due course, it finds its way on the international discourse. There is a fear that resettlement, especially across borders in the small islands of the Pacific, are likely to result in a loss identity and a feeling of alienation. The P.M. of Tuvalu, a small island nation in the Pacific, quoted that: *"Tuvalu is a nation with a unique language and culture and resettlement would destroy the very fabric of its nationhood and culture"*. The international community is not a

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Kate Lyons, 'Climate Refugees Can't Be Returned Home, Says Landmark UN Human Rights Ruling' (*The Guardian,* 20 January 2020) < https://www.theguardian.com/world/2020/jan/20/climate-refugees-cant-be-returned-home-says-landmark-un-human-rights-ruling> accessed 4 October 2020

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stranger to resettlements over the years, be it the Israel-Palestine conflict, the Ethiopian famine in 1984-85 or the resettlement of 20,000 Vietnamese from flooded areas to the plains. Yet, the constant fear remains to be the loss of identity, social links and employment.

Sadly, the most threatened regions are also the poorest. These regions are inherently under-equipped and under-prepared to deal with natural calamities. The *adaption* measure requires funds, and for these regions, funds are scarce. International financial aid is the alternative – but over a period of time, this may prove to be too costly for West to sustain as well and the generosity from the West is likely to end soon. Thus, huge financial aids are also ruled out as a possible long-term solution and this is why a discourse on a proper legal framework for climate refugees is needed.[10]

2. *Legal Responsibility of the International Community*

Perhaps the most common and logical argument: the international community simply owe those affected by climate change. Through the UNFCCC, the international community is obliged to *"assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects"*. It is safe to assume, however, that when the UFCCC was drafted in 1992, the drafters could not have imagined that entire populations would have to be evacuated due to climate change.

A second possible responsibility on the international community arises due to a humanitarian crisis. This is a moral obligations, if not legal, to intervene for states who are unable fend off for themselves. This can be accelerated by recognising the paradigm of human rights and basic fundamental rights of those in distress. If it is assumed that the protection or upholding of these rights is the duty of the incumbent state, if they, for reasons beyond their control, are unable to fulfil this duty, the responsibility must ideally fall on other states for aid. Such responsibility has fallen on other states in other situations as well: civil wars, genocide, crimes against humanity, famines etc. The rights violated during these crimes and climate change are not far apart; and since climate change is a global threat, the international community, throughout its commitment to intervene and aid those in need is also, indirectly, helping their own populations. The international community must ensure that adaptation programs, partnerships and cooperation is

[10] Benoit Mayer, 'The International Legal Challenges of Climate-Induced Migration: Proposal for an International Legal Framework' (2011) Vol. 22:3 *Colorado Journal of International Environment Law & Policy* < https://www.colorado.edu/law/sites/default/files/Mayer%20%28Corrected%29-S.pdf> accessed on 6 October 2020

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prevalent amongst state and these can be triggered in times of crisis so that intervention can be made in a "time and decisive manner upon the failure of a state to provide adequate protection".

The other obligation arises from the fact that those suffering are from the poorest and least developed regions of the globe; those who are responsible for climate change are the developed nations, emitting greenhouse gases, for example, which ultimately affect these poor regions. In fact, some developed nations like Russia and Canada stand to gain from climate change and global warming as their mostly frozen and inhabitable regions in the north could open for exploitation. The need of the Western world to help out those in need can also arise from the "polluters pay" principle in Environment Law.[11]

3. *International Security*

Another reason for international intervention and an established legal framework is general peace and security. When regions will be unable to deal with the climate crisis, a subsequent migrant crisis is inevitable. If the migrant situation gets out of control, we can only imagine the political and geopolitical fall out. People will begin to flee without proper documentation, crime will rise and deportation will be at an all-time high. History has proven that displacement hardly occurs without collateral damage and/or conflict. In my opinion, there is no better incentive for the international community than security, although this should be the least of their concerns. But, it is incentive nevertheless. In April 2007, the United Kingdom organised a debate at the *United Nations Security Council* to discuss climate change as a potential security issue for the future – this reveals that the developed world had clearly considered this probability. In 2009, the *United Nations General Assembly* adopted a resolution: **Climate and its Possible Security Implications.**[12]

## CHALLENGES FOR A NEW FRAMEWORK

With the prevalent shortcomings, there have been calls around the world for a new international instrument to address climate change displacement and migration. A crucial feature of any such potential legal instrument is guaranteed domestic legal status and the binding and enforceable framework on all state parties. Thus, no refugee should be forced to return to a state where climate-induced change would threaten and hamper the refugee's life and ability to survive. A new legal framework, however, will come with its own set up challenges.

[11] Ibid

[12] ibid

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*1. Definition*

Defining climate refugees will be the first big hurdle for any new framework. Who is deserving of protection and who is not? How is it to be determined? What are the grounds? Only once a clear discourse about these basic questions are satisfied can we move towards a consolidated definition of climate refugees. Under the current international framework, states have consciously interpreted definitions narrowly so as to avoid responsibilities and obligations. A strict definition is likely to cause trouble as individuals will either be "deserving" or "undeserving" of protection. This decision may be made without giving due regard to the circumstances of an individual.[13]

*2. Failure of Existing Framework*

With the failure of the global community to deal with the current migrant crisis, it is unlikely the states will agree to a new and separate framework drafted specifically for climate refugees. It will only add to a set of responsibilities with which the international community has failed to uphold – past and present. There is the fear that a renegotiation/redrafting of the *Refugee Convention* will lead to a widespread discussion that will only focus on the current flaws of the Convention and not really address the issues at hand. For far too long, the *Refugee Convention* has been criticised for being 'reactive' rather than 'proactive'. In the case of this migrant crisis, however, there is still time to be proactive before the situation worsens over the next decades.[14]

*3. Compensation*

Who covers the cost of damage, if a new framework is indeed made? A potential solution is the concept of *Principle of Common but Differentiated Responsibility* ("PCDR") – recognised in the 1992 *Rio Declaration on Environment and Development* and in the UNFCCC. The PCDR encourages that the climate change crisis be tackled collectively, while still being able to differentiate between different situations and states on a case-to-case basis. The PCDR can be used in two ways: either retrospectively, based on past emissions of countries; or on financial prowess. The former option will subsequently lead to the "Polluters-Pays Principle". The latter would defeat the purpose, in my opinion. It may be viewed more as a "gesture" or "generosity" which will fail recognise the gravity of the situation. Thus, personally, I feel that PCDR should follow the emissions based approach that leads the "Polluter-Pays Principle". Over the years, the Western world has accepted "responsibility" but not "culpability" for its actions. They simply

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[13] Thea Philip, 'Climate Change Displacement & Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia' (2018) Vol. 19 *Melbourne Journal of International Law* <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf> accessed 3 October 2020

[14] ibid

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accepted responsibilities due to their financial might. The United States, for example, has always maintained that it *"does not accept any interpretation of [the PCDR] that would imply a recognition or acceptance by the United States of any international obligations or liabilities, or any diminution in the responsibilities of developing countries".*[15]

### *4. Implementation & Domestic Policies*

A new framework does seem attractive, and if, somehow, the international community does arrive at a consensus regarding a new framework – implementation of it in this current political climate and sensitive borders will prove to be a challenge. Thus, an alternate solution has emerged with time: the development of domestic policies that enhance existing migration/refugee schemes. Affected states like Kiribati are also in favour of this alternative where it is possible for people to 'migrate with dignity'. The World Bank's publication 'Pacific Possible' gave an economic perspective on such a development – a policy that targets region mobility would allow for intermittent migration from nations in trouble and thus the overall cost of migration would be significantly less when the need arises. Additionally, developed nations of Australia and new Zealand are repeatedly encouraged to economically aid the Pacific Nationals – the Pacific region is home to millions. Migration could help such economies as well. It is predicted that Australia and New Zealand are about to face shortfalls in their labour market workforce. Populations migrating from the Pacific and can be trained and could, in turn, help fill this shortfall. Thus, it is a win-win for both. Australian and New Zealand can, therefore, divert their attention and budget towards developing a coherent regional migration policy that will be economically beneficial for them and the migrant population as well. This is just one example of how a domestic policy can 'kill two birds with one stone'. [16]

## SHORT TERM SOLUTIONS TOWARDS A NEW FRAMEWORK

While the debate rages on regarding a new, climate-induced framework, certain steps can be taken for the short-term that may help alleviate the problem to an extent.

### *1. Soft Law*

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[15] Benoit Mayer, 'The International Legal Challenges of Climate-Induced Migration: Proposal for an International Legal Framework' (2011) Vol. 22:3 *Colorado Journal of International Environment Law & Policy* < https://www.colorado.edu/law/sites/default/files/Mayer%20%28Corrected%29-S.pdf> accessed on 6 October 2020

[16] Thea Philip, 'Climate Change Displacement & Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia' (2018) Vol. 19 *Melbourne Journal of International Law* < https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf> accessed 3 October 2020

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For beginning considerate efforts towards tackling climate refugees, a group termed the 'Pacific Small Island Developing States' has been pushing the Security Council to address this issue again and adopt a resolution. Resolution 63/281 has been adopted by the United Nations General Assembly (UNGA) on climate migration and is seen as a better forum for widespread reach and implementation. A call by the UNGA would oblige states to ensure that they uphold the existing fundamental rights of climate migrants, including right to life. Fundamental rights may also lead to a recognition of the 'right to resettlement'. These are small steps towards the eventual goal – the ratification by all states of a concerted climate refugee convention. Thus, soft law can help in defining universal norms and methods but, as is the pitfall of any *soft* law, it will not be an obligation on any state. But nevertheless, a soft law can act as a starting point to a larger, global effort.[17]

### *2. Recognition of Human Rights in Climate Crisis*

Any policy, convention, soft law etc. must ensure that the civil, political, economic, social and cultural rights of those affected are fully respected. A recognition of these rights – even today – will go a long way in recognising the crisis as a whole and would prove to be a relief for many people who have had to flee their homelands because of the force of nature. Ensuring them that these basic rights are secured would help ease the crisis. States who receive such migrants must ensure basic rights – food, shelter, medical care, personal and financial security etc. Any national or international policy must focus on re-establishing and integrating the "migrated" population into the destination country. Access to legal assistance in these destination nations are essential – people must not lose the right to promote, appeal or defend their rights, irrespective of their geographical surrounding.[18]

### *3. Global Fund for Climate Refugees*

A temporary fund can be created which will gather funds from states and private sectors, along with institutions like the IMF, World Bank, UNICEF etc. States can set aside funds, every year, in accordance with their financial capabilities. The fund, subsequently, can be used annually to assist climate migrants who cross borders in matters such as resettlement. The fund can be made

[17] Benoit Mayer, 'The International Legal Challenges of Climate-Induced Migration: Proposal for an International Legal Framework' (2011) Vol. 22:3 *Colorado Journal of International Environment Law & Policy* < https://www.colorado.edu/law/sites/default/files/Mayer%20%28Corrected%29-S.pdf> accessed on 6 October 2020

[18] Thea Philip, 'Climate Change Displacement & Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia' (2018) Vol. 19 *Melbourne Journal of International Law* < https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2983057/Philip-unpaginated.pdf> accessed 3 October 2020

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subject to certain agreements like the UNFCCC or a particular Resolution that the UNGA deems fit for its regulation.

## CONCLUSION

The climate change crisis is only going to get worse, before it gets better, if at all. Thus, the global community must remain under no illusions about the refugee crisis that is about to strike us over the next few decades – in fact, it has already begun and is in danger of spiralling out of control. The solution for this problem clearly lies between international law and national-level development policies. The inadequacy of the current international law framework is likely to lead to legal issues in cross-border movement.

The problem of climate refugee will impact both ends of the spectrum – the poorest nations and the most developed. The poorest will be displaced because of the devasting affects and the developed nations will be under duress to take in migrants on "humanitarian grounds". It is in the best interests of the global community that a solution is found to tackle the problem effectively. Climate change impacts are inevitable – many experts believe that we have reached the point of "no return" in the climate crisis. However, the refugee crisis is still something that can be monitored and controlled – the sooner the better.

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