



**Climate refugees—“the world’s forgotten victims.”<sup>1</sup> How climate change is driving migration and demands a change in current international refugee law.**

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Since 2008, roughly 21.5 million people have been displaced annually due to weather and climate disasters.<sup>2</sup> Such disasters include floods, wildfires, rising sea levels, damaged ecosystems, and extreme temperatures—all of which are the result of climate change.<sup>3</sup> By causing weather and climate disasters, climate change has already affected millions of people.<sup>4</sup>

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<sup>1</sup> Sean McAllister, *There Could be 1.2 Billion Climate Refugees by 2050. Here’s What You Need to Know*, ZURICH (Jan. 13, 2023) [hereinafter McAllister], [https://www.zurich.com/en/media/magazine/2022/there-could-be-1-2-billion-climate-refugees-by-2050-here-s-what-you-need-to-know#:~:text=In%20March%202018%2C%20the%20UN,them%20from%20threats%20like%20deportation.\[https://perma.cc/5J7Y-CK28\].](https://www.zurich.com/en/media/magazine/2022/there-could-be-1-2-billion-climate-refugees-by-2050-here-s-what-you-need-to-know#:~:text=In%20March%202018%2C%20the%20UN,them%20from%20threats%20like%20deportation.[https://perma.cc/5J7Y-CK28].)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

And, unfortunately, trends suggest this number will surge in the coming years.<sup>5</sup> In fact, the Institute for Economics and Peace’s forecast predicts that “1.2 billion people could be displaced globally by 2050 due to climate change and natural disasters.”<sup>6</sup> This number is alarming and calls for a change in current international refugee law which excludes climate refugees from the definition of refugee, and thus, denies them the ability to seek refuge to escape climate disasters in their home country.<sup>7</sup>

Two essential documents in identifying the legal protections for refugees are the 1951 Convention Relating to the Status of Refugees (“1951 Convention”)<sup>8</sup> and the 1967 Protocol Relating to the Status of Refugees (“1967 Protocol”).<sup>9</sup> Both documents are global treaties that set forth the international standard for being considered a refugee and bind signatories to protect the rights of such refugees.<sup>10</sup> Under the 1951 Convention, the term “refugee” is defined as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”<sup>11</sup> Individuals who meet the definition of refugee are eligible to seek refuge; however, this definition does not include climate refugees.<sup>12</sup> Thus, “[d]espite the significant threats they face, climate refugees are not formally defined, protected, or recognized under the 1951 Convention or other provisions of international law.”<sup>13</sup> For this reason, the

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> McAllister, *supra* note 1.

<sup>8</sup> Caitlan M. Sussman, *A Global Migration Framework Under Water: How Can the International Community Protect Climate Refugees?*, 2 CHI. J. INT’L L. 41, 49 (2023) [hereinafter Sussman], <https://cjil.uchicago.edu/sites/cjil.uchicago.edu/files/Sussman%20%28final%202.1%29.pdf> [https://perma.cc/LGZ7-EJRG].

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *What is a Refugee?*, The UN Refugee Agency, <https://www.unhcr.org/en-us/what-is-a-refugee.html#:~:text=The%201951%20Refugee%20Convention%20is,group%2C%20or%20political%20opinion.%E2%80%9D> [https://perma.cc/447C-B3VA]. (last visited Feb. 27, 2023).

<sup>12</sup> Sussman, *supra* note 8, at 50.

<sup>13</sup> *Id.*

Human Rights Council described climate refugees as “the world’s forgotten victims.”<sup>14</sup>

These forgotten victims are living on the frontlines of the ramifications of climate change.<sup>15</sup> Many have gone hungry, lost their livelihoods, or have been forced to flee their homes as a result of extreme temperatures and desertification, lack of suitable drinking water, lack of food due to drought, or because of major flooding and rising sea levels.<sup>16</sup> To make a difficult situation even worse, these victims are left with limited options in terms of seeking refuge in countries that aren’t experiencing similar weather disasters.<sup>17</sup> This is the stark reality of climate change and the current, inadequate refugee laws. In order to better protect climate refugees and reduce the refugee crisis, it is necessary that the definition of “refugee” be expanded to include climate refugees.

By expanding the definition of “refugee” found in the 1951 Convention and the 1967 Protocol, climate refugees would be afforded the same legal rights and protections as those who currently fall under the definition.<sup>18</sup> This would allow climate refugees to flee climate-vulnerable regions and seek refuge in safe places while having their human rights protected.<sup>19</sup> By granting climate refugees this protected status, individuals would also be guarded from threats such as deportation.<sup>20</sup> With millions of lives at stake, and likely billions in the future, it is imperative that governments and legal bodies redefine what constitutes a refugee.<sup>21</sup> This is the first and most important step in both acknowledging and addressing the dangers that climate refugees are experiencing, as well as a means of lessening the impact of

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<sup>14</sup> McAllister, *supra* note 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> McAllister, *supra* note 1.

<sup>21</sup> *Id.*

climate change on the refugee crisis.<sup>22</sup> Climate change's effect on migration is a global issue, and requires a change in international refugee law as a result.

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<sup>22</sup> *Id.*