



Legal Status of Climate Refugees: Is it Regulated in International Law?

Azmi Julifa Wattiheluw; Arman Anwar; Popi Tuhulele
Faculty of Law, Universitas Pattimura

*Corresponding author : azmehulifah@gmail.com

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Abstract

This paper analyses the phenomenon of climate refugees, people who migrate due to climate crisis in their home country and the determination of their legal status, rights, and protection within the international law legal framework. International law defines refugees as someone who is forced to leave their country due to persecution, war, or violence. Refugees have a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a particular social group. The presence of climate refugees encourages an additional priority for those who are forced to leave their home country due to the climate crisis. This paper uses the normative legal research method to examine the International Law Instruments, books, theses, article, journals, websites, legal dictionaries, and encyclopedias, which are collected through normative qualitative legal analysis. The paper finds that there are several international legal arrangements that may provide protections for the climate refugees based on the context of human rights, where the climate refugees legal status are equalised as the refugees defined in the 1951 Refugee Convention.

Keywords: climate refugee; legal status; migration



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Abstrak

Tulisan ini menganalisis fenomena pengungsi iklim, yakni orang yang bermigrasi akibat krisis iklim di negara asalnya dan penentuan status hukum, hak, dan perlindungannya dalam kerangka hukum internasional karena hukum internasional mendefinisikan pengungsi sebagai seseorang yang terpaksa meninggalkan negaranya. negara mereka karena penganiayaan, perang, atau kekerasan. Pengungsi mempunyai ketakutan yang beralasan akan penganiayaan karena ras, agama, kebangsaan, opini politik, atau keanggotaan dalam kelompok sosial tertentu. Kehadiran pengungsi iklim mendorong adanya prioritas tambahan bagi mereka yang terpaksa meninggalkan negara asalnya akibat krisis iklim. Tulisan ini menggunakan metode penelitian hukum normatif dengan mengkaji instrumen hukum internasional, buku, tesis, artikel jurnal, website, kamus hukum, dan ensiklopedia yang dikumpulkan melalui analisis hukum normatif kualitatif. Makalah ini menemukan bahwa ada beberapa pengaturan hukum internasional yang dapat memberikan perlindungan bagi pengungsi iklim berdasarkan konteks hak asasi manusia di mana status hukum pengungsi iklim disamakan dengan pengungsi yang didefinisikan dalam Konvensi Pengungsi 1951.

Kata Kunci: pengungsi iklim; status hukum; migrasi

A. Introduction

The human civilization has been existing since approximately 4000 to 3000 years BC, not only as inhabitants but also as seekers, inventors, designers, and makers that produce positive benefits and negative impacts.¹ One of the negative impacts of the

¹ M Baiquni, "Industrial Revolution, Population Explosion And Environmental Problems," *Journal of Environmental Science and Technology* Vol. 1, No. 1 (2009). p. 38.

evolution of human civilization is the crisis caused by global warming in the form of rising sea levels.²

The phenomenon of increasing sea level volume can be caused by several factors, such as increased sea water temperature and the melting of ice sheets, glaciers, and sea ice.³ Average sea levels are known to have risen by more than 8 inches (20.3 cm) since 1880 and about 3 inches in the last 25 years. Every year, the sea level rises by 0.13 inches (3.3 mm).⁴ Research published in February 2022 stated that the rise of sea level is predicted to accelerate and will rise by around 30.48 cm by 2050.⁵ Many coast-line countries, such as Kiribati which is located in the Pacific Ocean with the highest point of the land area only 2 meters above sea level⁶ and Tuvalu with the highest point of the land

² Eko Yuli Handoko, Yuwono, and Reny Ariani, "Analysis of Indonesia's Sea Level Rise in 1993-2018 Using Altimetry Data," *Geoid* Vol. 15, No. 1 (2020). p. 59.

³ Ibid.

⁴ Christina Nunez. Sea Levels are Rising at an Extraordinary Pace: Here's what to know, <https://www.nationalgeographic.com/environment/article/sea-level-rise-1> accessed 13 Mei 2023.

⁵ Ibid.

⁶ Ajeng Wirachmi. Countries Threatened to Drown Due to Global Warming, <https://news.okezone.com/read/2022/10/19/18/2690280/4-negara-ini-terancam-tenggelam-akibat-pemanasan-global?page=2> accessed May 12, 2023.

area reaching 4.5 meters above sea level,⁷ are facing the threat of sinking due to rising sea levels caused by the climate crisis.

It is known that there are more than 16,000 people from the Pacific region that migrate to developed countries, resulting in depopulation in a number of countries, such as the Cook Islands, Niue, and Tuvalu.⁸ The rise in sea level is one of the reasons why Pacific Islanders move out from their home countries to developed countries.⁹ They are worried that they will lose their homes permanently as a result of the increasing sea water volume.

The term 'climate refugees' has not been included in international legal arrangements, leading to uncertainty about the legal status and legal protections these people should enjoy. According to Article 1 Paragraph (2) of the 1951 Refugee Convention,¹⁰ refugees are any individual who leaves their place of residence due to anxiety based on issues and reasons of race, religion, nationality, membership in a

⁷ Ibid.

⁸ Armin Rosencranz, "Climate Refugees in The Pacific," *Jurnal Environmental Law Institute* (2020). p. 2.

⁹ Ibid.

¹⁰ Article 1 Paragraph (2) of the 1951 Convention on Refugees

particular social group or political opinion. Unfortunately, the element of 'migrating due to the climate crisis in their country of origin' is not included in the definition of refugees as explained by Article 1 paragraph (2) of the 1951 Refugee Convention, even though the environmental damage arising from the climate crisis is already in a critical stage that causes massive migration. Although it seems like a new issue, climate refugees itself has been discussed several times in other research journals. In this study, the issues discussed include the legal status of climate refugees in international law using a case approach related to the climate crisis, especially regarding the reduction of land for people living in several island countries due to sea level rise.

Based on the description above, this study intends to examine the status of climate refugees in the context of international law. This research deploys a normative juridical research with a legislative approach, a conceptual approach, and a case approach. The research sources used, namely primary legal materials that include international legal instruments, and secondary legal materials such as books, scientific papers, such as theses, and journal articles, as well as

journalism works, are processed and analyzed in the process of answering the formulation of this research problem.

B. Discussion

1. Climate Refugee Concept

In general, refugees are defined as those who move out of their homes to find a decent livelihood by visiting other destination areas where they can meet their needs. In another sense, a refugee is a person or a group of people who, for some reason, are forced to leave their area of origin to another region, either in their own country, or another country.¹¹ Refugees are also those who move out to other regions because of political, racial, and religious pressures that cause fear.

The Huguenots Refugee Period in 1687 is the beginning of mass refugees phenomenon, shortly after the revocation of the Edict of Nantes in 1598. The year 1685 marked that the Protestant faith was no longer peacefully tolerated in France, which prompted the French Protestants (Huguenots) to leave their homes,

¹¹ Atik Kusriyati, "Refugee Handling Policies in Indonesia: A Study of the 1951 Refugee Convention and the 1967 Protocol," *Law Review* Vol. 12, No. 2 (2012). p. 175.

and transferred their community dominance to England in 1687, where England had a prosperous economy and a supportive religious climate at the time.¹²

From 1789 to 1793, the nobility went to seek safety in England during the French Revolution of 1789 in France, and these nobles, often referred to as former immigrants, left the king and their country behind. After 1792, the immigrants gained support from the public. Figures who sided with and helped them were Edward and novelist Fanny Burney who promoted a national subscription program for aid to them because supporting the refugees was described as an act of patriotism and a national duty.¹³ As time went by, the surge in refugees occurred along with the World Wars I and II afterwards.

There are various causes that affect a person or a group to seek a refuge and leave their home country, armed conflicts, discrimination, violence, and severe economic hardship are among them. The migration that results in these movements is generally driven by fear of a

¹² Anne Irfan dkk, Understanding Historical and Political Contexts to Contemporary Refugee Movements, <https://refugeehistory.org/timeline-refugee> diakses 19 Februari 2024.

¹³ Ibid

place where the refugees can no longer live peacefully and pose a threat to their survival.

The factors that drive an individual or a group of people to seek a refuge including the decline in environmental sustainability, low demand for raw goods sourced from agriculture, and lack of employment.¹⁴ Ethnic, religious, racial, and inter-group issues caused by a lack of mutual respect and respect for differences and resulting in divisions among citizens in a region, even resulting in prolonged conflicts. In addition to the factors mentioned above, another factor that leads to migration is the expectation of improving the standard of living in the destination area, the opportunity to get a good education, the situation around a comfortable residence, and entertainment that they may enjoy in the destination area, especially in the big cities.¹⁵ These factors provide an overview of the reasons of migration to take place.

The refugees who move out of their home country due to human actions are those who are the victims of continuous interference with their personal or

¹⁴ Gita Mulia Purnamasari, "Kajian Faktor-Faktor Penyebab Migrasi Internasional Dan Pengaruhnya Terhadap Daerah Asal Di Kecamatan Juntinyuat Kabupaten Indramayu," *Prosiding Perencanaan Wilayah Dan Kota* vol. 3 (2017). p. 479.

¹⁵ Ibid.

fundamental freedoms, with race, skin color, ethnic origin, religion, social class, or political opinion as the basis for experiencing such persecution .¹⁶ Meanwhile, refugees who move out of their home country provoked by another cause can still ask for help from their home country.¹⁷

In recent decades, ninety percent of natural disasters have been climate-related. Scientific evidence shows that most natural disasters are rooted in the phenomenon of global warming.¹⁸ There is a wide spectrum of interactions between humans and the environment that have the potential to influence people's decisions to migrate, such as the environmental conditions or societal changes.¹⁹ Thus, global warming has a negative impact on the environment and society in large numbers, ultimately leading to mass migration.

¹⁶ Ibid.

¹⁷ Cipta Primadasa, Mahendra Putra Kurnia, and Rika Erawaty, "Problematika Penanganan Pengungsi Di Indonesia Dari Perspektif Hukum Pengungsi Internasional," *Jurnal Risalah Hukum* Vol.17, No. 1 (2021). p. 45.

¹⁸ Mostafa Mahmud Naser, "Climate Change , Environmental Degradation , and Migration : A Complex Nexus," *William & Mary Environmental Law and Policy Review* Vol. 36, No. 3 (2012). p. 722.

¹⁹ Robert A Mcleman, "On the Origins of Environmental Migration," *Fordham Environmental Law Review* Vol. 20, No. 2 (2017). p. 404.

The refugees whose migration is caused by natural disasters are known as "climate refugees", "climate migrants", "environmental refugees", "environmental migrants", "survivors migrants", "climate-change refugees", "climate-induced migration", "climate change-related migration", "environment-related refugees", "victims of environmental damage", "people displaced by climate change", "people displaced by the environment", "trapped populations" and "forced climate migrants".²⁰ The term "climate refugee" was first introduced around 1970 by Lester Brown of the World Watch Institute²¹ and the term is officially used for the first time in 1985 by El-Hinnawi through a report of the United Nations Environment Programme which defines climate refugees as people who are forced to move or leave their traditional habitats, either temporarily or permanently, due to the presence of tangible environmental disturbances, either natural cause or triggered by

²⁰ Mira Lulić, "In Support of The Debate On The Terminology Related To The Terms Climate Refugees, Climate Migrants, Environmentally Displaced Persons And Similar Terms," *EU and Comparative Law Issues and Challenges Series* vol. 7 (2023). p. 12-13.

²¹ Shimul Dutta, "A Tale of Climate Refugee Vis-A-Vis Responsibility Shifting and Responsibility Sharing," *Indian Journal of Law and Justice* Vol. 11, No. 1 (2020). p. 185.

humans that endangers their existence and/or have a serious impact on their quality of life.²²

On the other hand, Compton argues that the term "environmental refugees" has a broader meaning than the term "climate refugees", as it comes from the UN Environment Programme and the narrower term "climate refugees" has recently emerged in an attempt to define a specific part of the "environmental refugees".²³ The phenomenon of climate refugees has been happening for a long time that prompted some countries to put into practice climate-related efforts.

Kiribati, for example, once created a government policy called "Migration with Dignity", which is a policy that proposes the creation of more education and training programs that Kiribatians need to take advantage of economic benefits such as working in Australia and New Zealand. The purpose of this program is to minimize the impact of permanent relocation due to the threat of sea level rise.²⁴

²² Ibid.

²³ B. Compton, "The Rising Tide of Environmental Migrants: Our National Responsibilities," *Energy and Environmental Law Review* Vol. 25, No. 2 (2014). p. 357.

²⁴ Mohamad Doni Faisal, "Kebijakan Migration With Dignity Sebagai Solusi Prioritas Kiribati Dalam Merespon Ancaman Sea Level Rise," *Analisis Hubungan Internasional*, Vol. 5, No. 1 (2016), p. 268.

2. Climate Refugees in the Context of International Law

Implicitly, several provisions in international law mention that the climate refugees are entitled to certain rights, inter alia Article 3 of the 1948 UDHR²⁵ states that all people have the right to life, liberty, and protection and Article 13 Paragraph 2 of the UDHR of 1948²⁶ stipulates that everyone has the right to leave any country, including their own country, and to return to their country again. Based on Article 3 and Article 13 of the 1948 UDHR, the climate refugees have the right to freedom and a decent life, and the right to go and seek a livelihood in another country if they feel their safety is threatened.

Furthermore, the 1992 United Nations Convention on Climate Change facilitates global cooperation in dealing with environmental and climate problems in the world.²⁷ Article 3 Paragraph 1 of the 1992 UNCCC²⁸ states that the

²⁵ Article 3 of the 1948 Universal Declaration of Human Rights

²⁶ Article 13 Paragraph (2) of the 1948 Universal Declaration of Human Rights

²⁷ Renny Candradewi Puspitarini, "The Role of International Organizations in Overcoming Climate Change in the UNFCCC," *Sospoli Institute* Vol. 01, No. 01 (2024). p. 3.

²⁸ Article 3 Paragraph (1) of the 1992 United Nations Framework Convention on Climate Change

protection of the climate system for the benefit of the present and future generations of mankind is necessary, on the basis of equality and in accordance with the similarity of their different responsibilities and respective capabilities. As such, developed countries must take the lead in combating climate change and its adverse impacts, while in a global sense the environmental protection from the dangers of the climate crisis is the responsibility of all parties in accordance with the capabilities and capacities of each country. Given that this is a shared responsibility, each country is expected to contribute. Thus, climate refugees indirectly receive protection from international law.

In 2015, the countries parties to the 1992 UNCCC adopted the Paris Agreement as an international effort to overcome the climate crisis.²⁹ There is also the Stockholm Declaration of 1972 which states in Article 1 that, "*man has a fundamental right to freedom, equality and sufficiency of living conditions, in a quality environment that allows for a life of dignity and well-being, and he bears a solemn*

²⁹ Charlotte Streck, Paul Keenlyside, dan Moritz Von Unger, "The Paris Agreement: A New Beginning," *Journal for European Environmental and Planning Law* Vol. 13, No. 1 (2016). p. 4.

responsibility to protect and improve the environment for present and future generations[...]".³⁰

Furthermore, Article 1 and Article 6 of the 1992 Rio Declaration also explain³¹ that human beings are at the center of attention for sustainable development, which have the right to live a healthy and productive life in harmony with nature and special situations and the needs of developing countries, especially the least developed and those most vulnerable to the environment must be given special priority. International action in the field of environment and development must also take into account the interests and needs of all countries. Also, the Rio Declaration gives special priority to providing temporary shelter for climate refugees affected by the climate crisis in their countries.

Although regulations related to climate refugees have not been straightforwardly established at the level of international law, the United Nations as an international organization has launched the Climate Resilience Fund which aims to improve protection for refugees and displaced communities threatened by climate change. In

³⁰ Article 1 of the 1972 Stockholm Declaration

³¹ Article 1 and Article 6 of the 1992 Rio Declaration on Environment and Development

addition, UNHCR is raising funds until the end of 2025 to protect refugees, their host communities, and countries of origin most affected by the climate crisis.³² The aforementioned international legal instruments pave the way for climate refugees to obtain protection as refugees, given that climate refugees have the right to freedom and adequate living conditions, and countries bear the responsibility to protect and improve the environment.

3. Classification of Climate Refugees

The term “climate refugee” has been attached to refugees who flee their home country due to fear of the environmental changes or natural disasters affected by climate change. Mass and electronic media have widely used the words refugee and climate equivalents to describe them. The using of the term “climate refugees” is considered necessary to ensure the clarity of status of the climate refugees.

There is also the term 'internal refugees' which means the refugees who are still in the same area as their place of origin or the displaced persons do not cross

³²Adiyanto, UN Disburses Climate Resilience Fund to Protect Refugees, <https://mediaindonesia.com/internasional/667014/pbb-kucurkan-dana-ketahanan-iklim-untuk-lindungi-pengungsi>, accessed July 20, 2024.

borders outside the country.³³ The terms climate refugees and environmental refugees by Essam El-Hinnawi, are attached with the same legal protection according to their status as refugees, as long as they meet the qualifications contained in the 1951 Refugee Convention, the qualifications are:

a. *Alianage*

A foreigner is defined as someone who has not been naturalized and lives in a foreign country.³⁴ According to Wagiman, not all foreigners can be embedded and enter the sense of alien, *because* people who leave their original place of residence due to environmental changes can be pinned as a refugee.

b. *Well-founded Fear*

A fundamental fear is one of the qualifications of refugees according to the 1951 Refugees Convention. This element becomes the standard that refugees are unable or unwilling to return to

³³ Catherine Puong, *The International Protection of Internally Displaced Person* (New York: Cambridge University Press, 2004).

³⁴ Ibid.

their original place of residence. A fundamental fear has 2 supporting elements, *first*, the person who claims themselves as a refugee feels the terror that results in anxiety that forces them to migrate from their place of residence; and *second*, the subjective perception of the threats and risks that experienced by the person concerned in the place of origin must be consistent with the information concerning the conditions in the place of origin.³⁵

c. Unable/Unwilling

The unable/unwilling explains that the reason some people leave their place of origin because they do not feel protected and safe anymore in their country and they can no longer return to their country of residence due to anxiety and fear. Paragraph 1A section (2) of the 1951 Refugee Convention can be interpreted into the country of origin is no longer able to provide protection, therefore the refugees feel the fear of returning to

³⁵ James C. Hathaway, *The Law of Refugee Status*, Canada: Butterworths Canada, 1991. p. 65

their home countries. Hence, the qualification of unable/unwilling is met.³⁶

The classification of climate refugees was also discussed in the dispute between Ioane Teitiota and the New Zealand government over Ioane's status as a refugee and the deportation measures imposed on him. The decision of the case number CCPR/C/127/D/2728/2016 states that Ioane Teitiota's application was not granted by the Court which resulted in the deportation of Ioane Teitiota back to his home country, Kiribati by the New Zealand government.

According to Ioane, the climate crisis and rising sea levels forced him to move from the island of Tarawa in Kiribati to New Zealand. The situation is increasingly unstable and precarious due to the scarcity of drinking water due to the mixing of salt water from the sea, as well as an increase in the number of people in the inland area of Kiribati. Efforts to suppress sea level rise have been largely ineffective. The inhabitable land in Kiribati continues to erode, resulting in a crisis in the provision of Tier Places and triggering an increase in the number of

³⁶ UNHCR. *The International Protection of Refugees: Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees*, Jenewa, 2011, paragraph 1.

land disputes among Kiribati residents. Thus, Ioane and his family chose to move to New Zealand in 2002.³⁷

The matter as stated by Ioane above should have been part of the considerations to grant Ioane and his family the status of climate refugee, instead of deporting them from New Zealand.³⁸ However, Ioane and his family were eventually deported in 2015 by the New Zealand government on the basis that Ioane and his family's refugee status were invalid.

From the dispute over the status of climate refugees that Ioane and his family experienced against the New Zealand government, it can be understood that only refugees whose status are recognized by the 1951 Refugee Convention that will be granted protection. The proposed status of climate refugees cannot be recognized due to the absence of written legal definition in the international legal practice. As the consequence, the principle of non-refoulment upheld by the 1951 Refugee Convention was not heeded by the New Zealand government.

³⁷ UN Human Rights Committee (HCR), "Ioane Teitiota v. New Zealand (Advance Unedited Version)," 2020, <https://www.refworld.org/jurisprudence/caselaw/hrc/2020/en/123128>.

³⁸ Ibid

However, if the considerations are weighted on the point of view provided by Ioane, then the status of climate refugees should have been granted to Ioane and his family. And yet, the New Zealand government had a view to rigidly refer to the definition of refugee defined by the 1951 Refugee Convention, without giving the slightest elasticity to expand the definition of refugee.

4. The Legal Status of Climate Refugees in International Law

The qualifications of refugees in the 1951 Refugee Convention indicate that climate refugees may meet the refugee criteria in general where they are also entitled to equal legal protection internationally. The granting of legal status to climate refugees also exposes them to the rights and obligations that can and must be exercised.

According to the 1951 Refugee Convention, the refugees are subject to obligations to submit to and obey the laws applicable in the country in which they are located, especially in an effort to maintain public order as enshrined in Article 2 of the 1951 Refugee Convention. The rights of refugees according to the 1951 Refugee Convention can be found in Articles 4, 13, and 34. These rights are in the form of:

- a. the right to embrace and believe in religion;
- b. the right to acquire movable and immovable objects and other rights related thereto;
- c. Industrial property protection rights;
- d. Right to association;
- e. the right to equal access to the justice system;
- f. the right to do work that generates wages;
- g. the right to do your own business;
- h. the right to have a profession;
- i. the right to education;
- j. the right to public assistance;
- k. the right to social benefits and security;
- l. Right to relocation;
- m. The right to identity documents;
- n. rights to travel documents;
- o. the right to transfer assets; and
- p. naturalization rights.

Furthermore, Article 33 of the 1951 Refugee Convention also imposes a right based on the principle of non-refoulement which prohibits the receiving country from returning refugees to their territory of origin or sending the refugees to an area where their life and safety will be threatened, except when the presence of the refugee really pose a public order and security

problem for the country in question. The existence of the principle of non-refoulement provides legal protection for the refugees as defined in the 1951 Refugees Convention as well as the climate refugees, to avoid deportation by the host country to their country of origin

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Articles 1 and 6 of the 1992 Rio Declaration explain that a healthy and productive life, as well as sustainability with nature is a right for everyone, which means that climate refugees who are displaced because of their environmental conditions can no longer meet the standard of living in harmony with nature due to the climate crisis. In addition, climate refugees may also obtain legal protection from international organizations that focus on the problems faced by climate refugees related to refugees, workers, and migration, such as the International Organization of Migration (IOM), the International Labour Organization (ILO), and United Nation High Committee of Refugees (UNHCR).

³⁹ Sigit Riyanto, "Prinsip Non-Refoulement Dan Relevansinya Dalam Sistem Hukum Internasional," *Jurnal Mimbar Hukum* Vol. 22, No. 03 (1988). p. 435.

IOM is an international organization that focuses on operational, research, policy and advocacy efforts, and seeks to make environmental migration an international, regional, and national attention through cooperation with countries, observers, and partners.⁴⁰ IOM has three important missions in managing environmental migration through monitoring at each stage of the migration cycle. These missions are, *first*, to develop solutions for communities whose displacement is related to climate change and crisis, environmental degradation, and events due to natural disasters;⁴¹ *Second*, develop a way out for those who have moved by helping and protecting migrants and refugees from climate change and crisis, environmental degradation, and disasters due to natural hazards;⁴² and *third*, developing solutions for people to stay where they come from by building resilience and overcoming climate and environmental factors that have the potential to be detrimental and

⁴⁰ UN Migration, "IOM Dan Migrasi, Lingkungan Hidup Dan Perubahan Iklim (MECC)," <https://environmentalmigration.iom.int/iom-and-migration-environment-and-climate-change-mecc>, accessed 05 Maret 2023.

⁴¹ Ibid.

⁴² Ibid

force people to move, so that the decision to migrate is only an option.⁴³

Since 2007, IOM has played a key role in convening international policy discussions related to the climate crisis and migration, and has developed operational projects to help people affected by the climate crisis through research, policy reports, and conferences. This is also supported by the initiation of the 10-Year Institutional Strategy related to migration and the environment. and climate change for the period 2021 to 2030 by IOM in 2021, because IOM is of the view that the relationship between the climate crisis and population displacement is complex and unusual. Therefore, countries are emphasized not to see migration caused by environmental problems as a threat.⁴⁴

The ILO is an organization tasked with creating opportunities for men and women to obtain decent and productive jobs in conditions that are free, safe, fair, and dignified,⁴⁵ and actively involved in shaping policies

⁴³ Ibid.

⁴⁴ Megan Bradley, *IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion*, Cambridge: Cambridge University Press, 2023. p. 213.

⁴⁵ Rifki Fakihudin, Getting to Know the ILO: An Organization Overseeing International Labor Standards, [accessed](#)

related to climate change, employment, and migration.⁴⁶ The ILO is also working on the ground to support the creation of environmentally friendly jobs for climate-affected communities such as climate refugees by encouraging regional dialogue on climate change, migration and labour mobility that indicates that the fulfillment of the right to decent work for climate refugees is guaranteed.⁴⁷

On the other hand, UNHCR is tasked with leading and regulating the international agenda related to refugee protection and resolving refugee problems in the world.⁴⁸ UNHCR monitors the dynamics of refugee issues from year to year and provides protection and assistance to many refugees, including those affected by climate change, by increasing their resilience in the face of climate change.⁴⁹

<https://heylaw.id/blog/mengenal-ILO-organisasi-yang-mengawasi-standar-ketenagakerjaan-internasional> 05 March 2024.

⁴⁶ International Labour Organization, *Mobilitas Manusia, Perubahan Iklim Dan Transisi Yang Adil*, <https://www.ilo.org/global/topics/labour-migration/climate-change/green-jobs/lang--en/index.htm>, accessed, 05 March 2024.

⁴⁷ Ibid.

⁴⁸ Nur Alfina Hasanah, "The Role of UNHCR in Addressing Indian Climate Refugees in South Asia," *Intermestic: Journal of International Studies* Vol. 8, No. 1, (2023). p. 95.

⁴⁹ The UN Refugee Agency, *Perubahan Iklim dan Pengungsian Akibat Bencana*, <https://www.unhcr.org/what-we-do/build-better->

The three international organizations mentioned above provide hope for climate refugees to obtain the same international treatment, recognition and protection as other refugees mentioned in the 1951 Refugee Convention.

C. Conclusion

Granting refugee status to people who migrate due to climate change is a pro and con because it does not have a concrete explanation in international legal arrangements. In fact, more attention related to the legal status and legal protection for climate refugees is needed, considering the condition of climate refugees whose displacement is related to the increasingly complex climate crisis.

Even so, there are several provisions in international legal instruments that indicate that people who migrate because they feel no longer safe in their place of origin due to the impact of climate change can have the same status as other refugees and have the right to enjoy a decent livelihood. The fulfillment of rights and obligations for climate refugees requires legal

[futures/environment-disasters-and-climate-change/climate-change-and](#), accessed 05 March 2024.

guarantees, considering that the rights and obligations attached to them are greatly influenced by the legal status attached to them. Therefore, special arrangements related to the certainty of legal status for climate refugees are considered necessary to ensure equal treatment for climate refugees as contained in the provisions of international law governing human rights. Countries around the world that work together in international organizations such as IOM, ILO and UNHCR are encouraged to review existing or upcoming regulations, so that refugees migrating due to the impact of the climate crisis and other environmental issues receive more attention, especially considering that the impact of the changes is becoming more real.

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