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Environmental Refugees, Suggested Solutions of the Problem in the Framework of International Law

Uchodźcy środowiskowi, propozycje prawno-międzynarodowego rozwiązania problemu

Piotr Krajewski

University of Warmia and Mazury in Olsztyn,
The Faculty of Law and Administration
Obitza 1 Street, 10 702 Olsztyn, Poland
E-mail: piotr529@wp.pl, ORCID 0000-0001-7233-899X

Abstract
Some environmental changes (either natural or anthropogenic usually caused by leaving sustainable management of its natural resources) alter natural conditions to such an extent that individuals and entire communities are forced to leave their place of permanent residence and seek another that would provide them with at least the minimum subsistence level of living. Some of those journeys may be temporary and cover small distances; others may involve crossing the border of one's homeland with no hope of ever coming back. Migrants struggle with not only their precarious financial situation, but also a wide range of legal and administrative difficulties, often compounded by social, cultural, religious, and political issues. Even though the number of people fleeing inhospitable environments is increasing every year, the international community and host countries refuse to grant them status to ensure due protection. This, however, does not relieve anybody from the obligation to search for a viable solution.

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Słowa kluczowe: uchodźcy środowiskowi, zmiany klimatu, kataklizmy naturalne, prawo międzynarodowe, prawo UE

Introduction
Adverse climatic phenomena, an escalation of natural disasters, and environmental degradation to some extent form part of the unsustainable human imprint on the environment. Climate changes are among the main drivers of migration and this trend is likely to intensify in the coming years. Persisting problems in tackling the issue of environmental migrants account for the unprecedented topicality of the discussion on the subject. The category of environmental migrants, both internal and international, remains vague in the framework of national and international law alike; hence the grave risk of violations of their fundamental rights at present and in the future. The burden of responsibility for assisting and managing the so-called internally displaced people (IDPs) and international migrants falls on their country of origin and the international community. Yet the lack of any agreement on the issue – even in the scope of the necessary terminology – shows how much remains to be done before a consensus is reached and the problem finds a solution.
First of all this paper aims to inform indirectly about the impact of environmental degradation on escalation of migration phenomenon (and conversely, what seems to be more important in the present situation: the impact of ecodevelopment on its mitigation), and then – simply and directly to analyse the difficulties faced by environmental refugees and to assess the legislative viability of the suggested solutions for regulating the status of such refugees in international law and, consequently, for providing them with appropriate protection and assistance.

National law vs. environmental migrations

Difficulties in the internationally effective application of human rights law provoke the question of its recognition and implementation at the national and regional levels. The very existence of such problems warrants a system review and interventions that could remedy the faults identified. In line with the principle of subsidiarity, such a review should first target the national structures and only afterwards the regional and international frameworks. In such an approach, the countries will officially become the first line of support for people who suffered injustice, ideally including losses caused by environmental factors (officially, since countries do, and should, fill this role by their nature).

In the scope of environmental migration, American law foresees the provision of temporary assistance to citizens of other countries residing within the borders of the US if they experience the corollaries of natural disasters or if their country of origin is temporarily unable to arrange their return to their former place of residence (Title II. Immigration, Section 244. Temporary protected status[1]).

Temporary assistance to foreigners is offered by other countries as well. In the European Union, legislation directly targeting people displaced for environmental reasons has been introduced in Cyprus, Finland, Sweden, Denmark, and – in a sense – Italy. The refugee law of Cyprus[2] establishes only subsidiary protection for people at the risk of a serious environmental adversity. Additionally, the measure applies only to those who have been previously granted refugee status. Yet, in a way, the legislation is one step ahead of the Geneva Convention, which fails to recognise environmental factors as a cause of persecution or a threat.

In Italy, environmental migrants face the risk of remaining without legal protection as illegal residents. Officially, the question of whether they should be protected under existing legal provisions or necessitate separate regulations still remains unanswered. Some argue that solutions implemented in other cases can be successfully applied to environmental migrants. For instance, if an island country is flooded, its citizens may be declared stateless and protected under the Convention relating to the Status of Stateless Persons (1954) or the Convention on the Reduction of Statelessness (1961). In other cases, the degradation of natural environment may cause a destabilisation (economic, social, political) grave enough to speak of conditions that are an affront to dignity and pose a risk, including the risk of open conflict. The incomers could then be assisted not as environmental migrants but as persons whose lives are at risk on account of generalised violence (in this case, caused by environmental destruction). Nevertheless, this continued debate on semantics achieves nothing except maybe an additional prolongation of the already protracted international discourse. The currently applicable provisions have been established in 1998 (Art. 20.1)[3] and foresee the use of temporary protection measures in the event of a need to provide humanitarian aid to the victims of e.g. natural disasters in non-EU countries. Few opportunities have been found for their application. In reality, only in 2008 did the Italian Ministry of the Interior decide to suspend repatriation processes of Bangladeshi citizens remaining illegally within the borders of Italy. The decision was due to the major crisis caused by Cyclone Sidr, however, it did not grant any special form of protection (even temporary) or even an official residence permit.

In the area of environmental migration, Finland and Sweden stand out as both have established relevant legislation. The Swedish Aliens Act (716/2005) offers subsidiary protection to people unable to return to their countries of origin for environmental reasons. Within the meaning thereof, a person *otherwise in need of protection* is an alien who (except for the cases referred to in pt. 1) remains outside the country of his/her nationality because (s)he is *unable to return to the country of origin because of an environmental disaster* (Chapter 4, Section 2.3)[4]. Seemingly, this provision offers the coveted protection to people displaced for environmental reasons, but in reality, it poses two serious legal problems. According to the Swedish Minister of Justice and Migration, it is a preparatory solution, used only in emergencies (i.e. natural disasters). As such, it does not apply to the consequences of the gradual degradation of the environment. Additionally, it seems that nobody has been granted such protection to date, which raises the question of whether Sweden is truly ready to accept anyone out of a large number of people awaiting such aid.

The Finnish Aliens Act (301/2004) allows granting asylum or providing subsidiary protection if a person cannot return to his or her country of origin or country of former habitual residence as a result of an environmental catastrophe or another threat (Chapter 6, Section 88(a).1)[5]. Finnish regulations seem free of the restrictions imposed in Swedish law. According to the Finnish Immigration Service, the solutions adopted refer specifically to cases where the environment presents too much of a risk to life or health because of the economic activity conducted or an existing natural disaster. Even if the provision is applied rather sporadically, it does show the legislative opportunities (goodwill) of the country in establishing migration policies in a manner ensuring legal protection of environmental refugees.

[1] Immigration and Nationality Act, (8 U.S.C. 1254 a).
[2] Refugee Law of 2000, No. 6(I) of 2000.
[3] Decreto Legislativo No. 286 of 25 July 1998, Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero.
[4] Aliens Act (716/2005).
[5] Aliens Act (301/2004, amendments up to 1152/2010 included).

Notably, the Finnish Aliens Act of 2004, Section 109: Temporary Protection also foresees– in the case of a mass displacement of people resulting from a natural disaster – temporary protection which may last for up to three years. During this time, the protection may be replaced by a residence permit if the original place of habitual residence of the displaced people is still unavailable due to the natural causes referred to above (Section 88)[6].
The Swedish Aliens Act of 2005 in Chapter 4: Refugees and persons otherwise in need of protection, Section 2, establishes a similar solution for foreigners displaced for environment-related reasons, including those who cannot return to their country of origin due to the drastic changes and/or destruction (in the place of their habitual residence) caused by an environmental catastrophe. In this situation, they are entitled to a residence permit (Chapter 5)[7]. Section 25 of the same Chapter introduces a *safety measure* by establishing that the government may suspend issuing documentation that allows for legal residence (to people otherwise in need of protection under Chapter 4, Section 2.2 or 2.3) if it deems it necessary due to the limitations in the country's capacity for accepting foreigners.
In turn, Denmark accepts refugees – mainly the victims of famines (and their families) – out of humanitarian concerns. The decisions are discretionary in nature and made on a case-by-case basis.

Regional approach to environmental migration

In light of the diversity of approaches to the status and the management of environmental refugees in the framework of national law, it is interesting to review solutions implemented at the regional level. The Treaty on the Functioning of the European Union foresees a possibility of developing common policies in the area of immigration and granting asylum (TFEU, Art. 77-80). Generally, the rules for legal migration remain at the discretion and competence of national authorities[8]. However, even if environmental migrations are not governed by any specific document of the European law, certain protections *complementary* to national measures do exist and ensure at least temporary support.
Although the EU is not a party to the Geneva Convention, Article 78 of the TFEU confirms that any common asylum policy must abide by the provisions of both the Convention and the Protocol of 1967. It appears that the foundations of the *European asylum law* are being formed under several directives, e.g. Directive 2003/9/EC laying down minimum standards for the reception of asylum in member states; Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, and Directive2004/83/EC on minimum standards for the qualification and the status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. Another document considered is Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
Although the groundwork was laid in earlier years, the new phase of awarding protection that exceeds the defined minimum began only in 2013. It was preceded by the adoption of the so-called Qualification Directive (2011/95/EU), followed by Directive 2013/33/EU on the standards for the reception of applicants for international protection, and Directive 2013/32/EU on common procedures for granting and withdrawing international protection.
Whereas the first directives were adopted with the intention of establishing and harmonising the existing standards enshrined in the law of the member states, the ones that followed were supposed to provide an efficiency boost and reflect the decisions of the European Court of Human Rights and the Court of Justice of the European Union. Despite all the corrections and updates, the changes are hardly revolutionary. They mainly involve terminology, namely the replacement of *minimum norms* with *norms*. Besides, Directive 2004/83/EC, Art. 2c (as well as Directive 2011/95/EU, Art. 2d) interestingly uses the definition of *refugee* from the Geneva Convention, which fails to consider environmental factors as a criterion in reviewing applications for refugee status. Apart from this provision, there is also another (largely the original version of the one finally included in Directive 2011/95/EU (Art. 6), which seems to offer more extensive protection; Art. 6 sets forth that actors of persecution or serious harm include, apart from states and parties, organisations controlling the State or a substantial part of its territory, or even other entities are unable or unwilling to provide protection against persecution or serious harm (Art. 6). On one hand, this provision could provide an important guarantee for asylum applicants. On the other, difficulties in proving relevant circumstanced with material evidence may almost neutralise potential profits, also for environmental refugees.
Notable changes include Art. 8, which grants the opportunity to exclude a person from protection *if in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country* (Art. 8.1). The corresponding Art. 8 of Directive 2011/95/EU foresees that such exclusion is possible only if the applicant *can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there* (Art. 8.1b). Thus, Art. 8.3 of the 2004 Directive, declaring that par. 1 may apply *notwithstanding technical obstacles to return*

[6] Aliens Act (301/2004, amendments up to 1152/2010 included).
[7] Aliens Act (716/2005).
[8] Exceptions related to uniting families, long-term residence, or the re-admittance of the citizens of third countries.

to the country of origin, was amended. Meanwhile, under par. 2 of the 2011 Directive, at the time of taking the decision on the application, the states may have regard to the general circumstances prevailing *in that part of the country and to the personal circumstances of the applicant in accordance with Article 4*. For this purpose, member states are supposed to provide accurate and up-to-date information from appropriate sources (Sitek, 2019), such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

Regarding matters that have not undergone major changes, first and foremost, there is the definition of *serious harm* from Art. 15. The article in question – important in itself due to the scope of protection offered in a situation of risk (broader than the one foreseen in the Geneva Convention) – is utterly useless in reference to environmental migrations. Even if the cases considered in Article 15c could theoretically offer some room for interpretations covering conflicts for resources or conflicts indirectly related to natural resources, the most obvious proposal for change would be the modification of Art. 15 by adding environmental catastrophes to the list of cases (Kraler, Cernei, Noack, 2011).

Such a proposal was included in the original draft of Article 15c. Offering protection to people displaced as a result of systematic or generalised violations of their human rights, it was much broader in scope than the finally accepted wording. In the original form, the provision could also apply to people displaced for environmental causes, even if in strictly defined circumstances (Kolmannskog, Myrstad, 2009). That could have been its actual purpose. However, a proposal to modify Art. 15c of the Qualification Directive was not accepted; the opponents argued that sufficient protection provisions were included in the European Convention on Human Rights[9].

In turn, Directive 2001/55/EC on minimum standards for giving temporary protection sets forth minimum requirements for obtaining temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin due to the ongoing conflict and/or acts of violence. Yet, it does not explicitly refer to environmental catastrophes or climate changes as grounds for application. Thus, although the broader interpretation of the Directive would allow protection for environmental refugees, its provisions highlight the document's irrelevance to internal migrations induced by environmental factors. In contrast to Directive 2004/83/EC, the protection offered under Directive 2001/55/EC is not limited to a specific list of cases; it may be granted to people who *have fled areas of armed conflict or endemic violence* or who *have been the victims of, systematic or generalised violations of their human rights* (Art. 2c). There are also other restrictions – the directive applies only in the event of a mass influx of migrants and in extraordinary circumstances. It is also limited in that it fails to provide a clear outline of the protection mechanism and leaves the states relatively free to choose political and financial instruments for implementing practical protection measures based on the – challenged and hardly practical – *solidarity mechanism intended to contribute to the attainment of a balance of effort between Member States* (The Preamble, pt. 20).

Media reports of recent years and months reveal the failure of the application of this directive. Migration waves at EU borders, coming by land and by sea, clearly expose political difficulties related to the implementation of temporary protection mechanisms, particularly those relating to dislocation between states. It turns out that the Council, supposed to order the initiation of a temporary protection mechanism (at the proposal of the Commission), encountered serious impediments of a political nature. Despite the large number of people who arrived after the conflict in Libya and the Tunisian revolution, their influx was not classed as a mass displacement (Kraler, Cernei, Noack, 2011). A similar situation occurred during the so-called Syrian crisis. The Council did not make its decision because, until March 2017, no relevant proposal had been filed by the Commission. The Commission was unable to file the proposal because no member state had come forward with the initiative. Certainly, the *idleness* of the states did not stem from concerns regarding their logistical and infrastructural capacity. Thus, it was motivated by political considerations. Since migration issues constitute the so-called shared or transversal competences, where national governments enjoy extensive autonomy, the powers of the Commission are highly limited. As a result, the reaction of the EU hinges on the political and economic game played by member states with their neighbouring countries, which are constantly plagued by internal difficulties. Thus, despite the mounting crisis, no temporary protection was granted to the incomers; possibly also for fear of interpretations of this measure as an encouragement to further migrations to the European Union (Skorzycki, 2017; Prokurat, 2019; Danilović, Stefanović, 2020).

The current system is based on the Dublin Convention[10] signed by member states of the European Community in 1990. It is shaped by the Regulation of the European Parliament and of the Council of 2013 (the so-called Dublin III)[11] which establishes the criteria and mechanisms for determining which EU Member State is responsible for

[9] Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third-country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted, Brussels, 21.10.2009, COM(2009) 551 final.

[10] Convention determining which EU Member State is responsible for the examination of an application for asylum submitted in one of the Member States of the European Communities.

[11] Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

the examination of an application for asylum in the territory of the EU[12]. In the currently applicable version, it ascribes the burden of responsibility for reviewing the refugee status application to the EU member state which was the first point of entry of the applicant (Art. 3.1)[13]. Since this policy is largely contested by the countries of the Visegrád Group, among others, several other proposals were conceived. They aim to circumvent the automatism of the relocation together with its related burden and are still the subject of debate and new arrangements. Therefore, it is possible that the *old* migration problems waiting for new solutions will become a starting point for a discussion on the more and more conspicuous environmental migrations and the plethora of the accompanying problems (individual, social, political, legal, economic, and ecological).

Some progress has also been observed in the position of the Council of Europe, as exemplified by Resolution 1655(2009), Environmentally induced migration and displacement: a 21st-century challenge, which recognises the growing importance of the destructive impact of natural factors and the escalating degradation of the environment on the increase in migration (pt. 2). The Resolution declares that the problem carries importance on a global scale (pt. 8) and as such should be of interest to the entire international community, rather than only those directly affected by the disaster and facing the greatest risk. Member states are encouraged to take action aimed at mitigating the environmental vulnerability of developing countries and to review their legal solutions in this regard. This policy was supposed to foster the development of synchronised asylum policies (pt. 26) at the international level by addressing the problem in *climate treaties*, and at the regional level, by inscribing it in the framework of the EU migration strategies[14]. Therefore, since the year 2005 – which marks the establishment of the migration policy framework that implemented the so-called *global approach to migration* outlined in the Communication from the Commission of 2011[15] – EU documents link the problem of growth to environmental changes[16].

When discussing the regional situation, it is interesting to note legislative attempts to introduce protection measures that would apply only to the internally displaced persons. These attempts mainly include the Protocol on the Protection and Assistance to Internally Displaced Persons in the countries of the Great Lakes Region[17] and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[18]. The Protocol encourages initiatives to limit the consequences of unavoidable displacements caused by natural disasters. It proposes to initiate intergovernmental coordination aimed at establishing a common legal framework within the Great Lakes Region, which would require member states to create, adopt, and implement guiding principles in the scope of internal displacement, to provide legal protection, to ensure physical safety, and to meet the basic material needs of the IDPs in accordance with the guidelines. Finally, the aim of the Protocol is to oblige the said states to prevent such displacements and eliminate their original causes (Art. 2)[19].

In the global perspective, there are various hypothetical proposals for incorporating the issue of environmental refugees in the legal framework. They generally involve extending the scope of the Geneva Convention of 1951; extending the Guiding Principles on Internal Displacement; adopting an additional protocol to the existing UN conventions on climate change and refugee protection; adopting a separate and autonomous protocol; implementing temporary protection mechanisms. Although these proposals are accompanied by ideas for relocation plans and cooperation aimed at reducing the vulnerability of those most at risk, the *ad hoc* introduction of a legal framework for displacements caused by environmental changes seems impossible in the nearest future.

Suggested solutions to the problem of environmental refugee protection

The overlap between the protection of political and environmental refugees may impair the quality of protection for both types of recipients, mainly due to the lack of understanding of the mutual dependencies between the environment, climate change and migrations (Biermann, Boas, 2010). The concern that with a broader and less precise wording, the definition of political refugees may become fuzzy, are warranted. However, patent idleness (not to say: reluctance) that permeates the discussion on environmental refugees is harder to justify. Never-ending academic debates on the semantics should not divert our attention from the real needs of the moment. The forms

[12] It came into full force and effect on 1 January 2014, replacing the earlier Regulation Dublin II, which on 1 September 2003 replaced the Convention of 1990. Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (The Official Journal of the European Union, L 050, 25 February 2003).

[13] Regulation (EU) No 604/2013.

[14] Resolution 1655 (2009) Environmentally induced migration and displacement: a 21st-century challenge.

[15] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

[16] In the Stockholm Programme, the climate change is declared a global challenge that has a growing impact on migration and displacements. Therefore, tackling the problem of environmental migration, also by adapting to the harmful effects of climate change, should be a part of the global approach.

[17] International Conference on the Great Lakes Region, Protocol on the Protection and Assistance to Internally Displaced Persons.

[18] African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009).

[19] Protocol on the Protection and Assistance to Internally Displaced Persons.

of displacement caused by drastic environmental changes should be observed and analysed to establish coherent principles of conduct in such situations.

Extending the scope of the Geneva Convention and its accompanying Protocol would be a task of immense complexity and little practical viability. That is because similar international agreements usually come into being at the initiative of multiple countries forced to tackle a serious and common problem. Without a truly major cause and/or a proposal coming from true authorities in political circles, agreements of this calibre encounter a series of insurmountable difficulties regarding even trivial issues. Additionally, it must be considered that the topic of environmental refugees is not eagerly discussed and that grassroots proposals fail to attract sufficient attention of the decision-makers. Thus, while it is possible to put forward an idea for a new additional protocol to the existing convention or even to draft an *ad hoc* convention, the very idea of a similar initiative would probably face resistance since even the indication of the criteria for defining environmental migrants (let alone determining the scope of protection) defies the interests of the states[20]. Thus, it is the lack of political will that constitutes the main impediment in considering proposals for a new convention that would cover millions of environmental victims; such a legislative initiative would require negotiations (inconceivable in terms of a successful conclusion) regarding the division of the related burden.

However, the Geneva Convention may be of use in the case of trans border migrations. If a person or a community (fleeing the inhospitable environment of their own country) was refused help for racial, religious, political, or ethnic reasons, the Geneva Convention could be invoked due to the international character of the migration and its causes rooted in persecution. The same could happen if the migrants crossed the border because of a conflict for natural resources of which they did not receive their due share – and thus suffered discrimination.

One of the major arguments for extending the scope of the Geneva Convention is the fact that such a solution would provide the parties with a ready-to-use solution streamlining the implementation of new regulations on environmental refugees. Contrarily, what deters from (even) an attempt at extending the Convention's definition of a refugee beyond its political dimension is the certainty that most states will not agree to extend the rights granted to a category that covers a far larger number of individuals. In addition, using a single definition in two different contexts could raise doubts regarding its effectiveness and functionality, as well as provoke a conflict between environmental and political refugees who require a fundamentally different scope of assistance.

Legislation on environmental refugees could also be introduced under a relevant protocol incorporated in the United Nations Framework Convention on Climate Change. The protocol would allow to grant refugee status and offer protection to persons who have no reason to return to their countries and/or nothing to return to, as well as to assist those who still opt for going back. The aid would be provided on the basis of several criteria. The first one would relate to displacements and repatriations. Since modern science can predict the long-term effects of climate change, there is no need to resort in every case to extraordinary forces and emergency measures. Without reducing the overall level of preparedness, responding to long-term effects of climate change should involve rather the implementation of previously prepared plans of voluntary displacement and –circumstances permitting – the resettlement of the previously deserted areas.

The second criterion refers to the *offer* that could accompany the activities discussed above, i.e. a proposal for replacing the right to temporary asylum, granted to an environmental refugee by a host country, with the opportunity to obtain a permanent residence permit. This policy would apply in the cases of permanent degradation of the environment or irreparable damage, i.e. circumstances which render return pointless or impossible[21].

The third principle would invoke the shared rights of a community forced to escape, which stand in contrast to the individual rights *preferred* by the Geneva Convention (which was created to protect people in the complex realities of the post-war period and refers to collectives only fragmentarily, when considering ethnic or religious groups) (Art, 7)[22].

The fourth principle would be the (hard to define) presence of international factors in the application of national measures to the incomers by the government (but also local authorities or institutions managing protection and dislocation).

The fifth principle would relate to the international division of burden; a highly complex endeavour as the causes and effects of climate changes are global in nature. The project would require a definition of the scope of individualised responsibility in line with the level of past and current exploitation of global natural resources (Biermann, Boas, 2010). A protocol introducing these principles should be incorporated in the legal framework upon submission to the United Nations Framework Convention on Climate Change. This would allow the use of the existing political support of countries party to the Convention without the need to renegotiate all the points.

[20] The difficulties indirectly related to this issue are exemplified by the US exit process from the Paris climate agreement (4 November 2019).

[21] Temporary asylum is a measure established for political refugees which could return when their presence in their own country no longer posed a risk.

[22] The Refugee Convention, 1951.

Conclusions

The suggestions discussed are a clear indication that the Conference of the Parties to the Convention on climate change offers the most appropriate forum for a substantive and political discussion on environmental migration due to the very high number of participating countries and organisations. However, in light of the unfaltering (or maybe even intensifying) resistance in international circles to engage in such a discussion, some countries may attempt to solve the problem through internal regulations, using their own autonomous legislative competence and individually adjusting their capacity to satisfy external needs. This step could become a foundation for further activities on a regional and global scale. Possibly, such *grassroots* solutions – unforced by external authorities – would prove easier to accept. However, this scenario raises doubts as some countries may not be interested in the introduction of any restrictions that could possibly impair their own economy, or in the use of their resources to mitigate the effects of climate change. They may not comply with the agreements of *the majority* in an attempt to make up for a development gap or to improve its position in the competitive global market.

The chances for broader cooperation in the forum of the Convention would be better if a discussion on *refugees* was abandoned and replaced by one on *migrants*, a far less precise term unburdened with any material legal connotations. However, in any case, both the implementation and then the application of any measures would probably present enormous difficulty. This is because the fundamental aim and the subject of the Convention both relate to the effects of climate change and the options for limiting the anthropogenic impact, rather than to the accompanying phenomenon of migration. Consequently, exerting international pressure to ensure the protection of (at least) climate migrants may provoke a more or less concealed opposition, precisely due to the exclusion of migrants for other environment-related reasons.

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