

Editorial

Confronting the Nexus of Climate Change and Migration: Challenges for Refugee and Human Rights Law¹

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The summer of 2024 has emerged as a stark reminder that climate change is not a distant threat; it is a current reality reshaping our planet at an alarming pace. As recorded temperatures soar beyond historical averages, the evidence is irrefutable: the repercussions of climate change are manifesting swiftly and devastatingly. From the rapid melting of glaciers and polar ice caps to unprecedented temperature anomalies exceeding 3 °C in various regions, the global community faces a crisis that transcends national boundaries and demands immediate attention (Copernicus Climate Change Service, 2024).

In Australia, the Bureau of Meteorology declared the onset of the El Niño weather phenomenon in September 2023, forecasting severe heat and the threat of wildfires during the following summer months. Indeed, by late December 2023, the nation experienced unusual heatwaves causing catastrophic bushfires. Simultaneously, other regions endured heavy rainfall and flooding, illustrating the complex interplay of climatic extremes fuelling crises. Such weather events are symptomatic of a broader trend wherein climate breakdown exacerbates existing vulnerabilities, leading to multifaceted crises that affect food security, public health, and overall stability (Röhrlich, 2024).

The hydrological outcomes of August 2024 further highlight this instability. Most of continental Europe, including the southern UK and Ireland, endured drier-than-average conditions, leading to droughts and wildfires. Conversely, areas of northern Europe, Western Russia, and Turkey were inundated with above-average precipitation and subsequent floods. Globally, the scenario was similarly dire, with regions such as eastern North America and Australia experiencing extreme weather related to hurricane activity and monsoonal flooding, respectively. These climatic disruptions highlight the pressing need for comprehensive adaptation strategies that integrate varied weather patterns and long-term implications (Bündnis Entwicklung Hilft & IFHV, 2024).

Equally alarming is the state of global sea ice, which, as of August 2024, plunged to its fourth lowest extent in recorded history, with Arctic regions witnessing a 17% decrease in sea ice. This loss not only signifies ecological degradation but also has serious implications for global weather patterns, further accelerating climate change through feedback mechanisms that enhance warming trends (Bündnis Entwicklung Hilft & IFHV, 2024).

¹ This work is licensed under a Creative Commons Attribution – NonCommercial-NoDerivatives 4.0 International License and was accepted for publication on 13/9/2024.

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Compounding these environmental challenges is the intricate web of socio-political factors that exacerbate vulnerabilities to climate change. The humanitarian sector grapples with the rise of "multiple crises", wherein extreme weather, armed conflict, and public health emergencies converge. Recent analyses suggest that disasters triggered by natural events may escalate tensions among communities already susceptible to conflict, pinpointing regions where poverty, ethnic exclusion, and weak governance intersect with environmental vulnerability (Bündnis Entwicklung Hilft & IFHV, 2024).

Migration presents a critical response to these intertwined crises. While often perceived as an adaptation failure, the decision to migrate can also reflect a proactive strategy for resilience amid slow-onset environmental changes. For many, migration emerges as a necessary adaptation to climate stressors, driven by the need for viable employment opportunities and social stability. Labor migration can facilitate economic empowerment through remittances, skills transfer, and entrepreneurial ventures, yet it remains essential that such migration is governed by robust legal frameworks that uphold rights and ensure safety (International Labour Organization, 2024).

The interconnected crises spurred by climate change, demographic shifts, and socio-economic challenges necessitate holistic approaches to resilience and adaptation. Integrating innovative risk assessment methods that consider compound hazards will prove indispensable in managing the complexities of these multiple crises. As we navigate these tumultuous times, it is imperative that global leadership takes decisive action to foster equitable and sustainable futures for all.

To enhance the global discussion, you will find in this issue the request for an advisory opinion presented to the Inter-American Court of Human Rights by the Republic of Chile and the Republic of Colombia on January 9, 2023, with regard to "Climate Emergency and Human Rights" and the answer of the Court to hold two in-person public hearings during the 166th and 167th regular sessions of the Court. Colombia and Chile aim to have clarified the scope of State obligations, in their individual and collective dimension, in order to respond to the climate emergency within the framework of international human rights law, especially the right to a healthy environment and refugee law. They plead for an urgent response based on the principles of equity, justice, cooperation and sustainability, with a human rights-based approach.

Also the General Assembly of the United Nations requested an advisory opinion from the International Court of Justice (ICJ) in December 2023 on the questions what obligations States have

"under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations"

and

"what [...] the legal consequences under these obligations [are] for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment" (ICJ, 2023).

The public hearings on the request for an advisory opinion are scheduled by the ICJ to open on Monday, December 2, 2024.

The perspectives from Latin America and the United Nations are expected to open up new legal arguments that can also enrich the discussion in other countries and may lead to a needed change in policies.

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