

## **A CRITICAL ANALYSIS ON ENVIRONMENTAL AND CHILD REFUGEES**

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The 1951 Refugee Convention speaks in terms of “a well-founded fear of persecution” on the basis of five grounds: race, religion, nationality, membership of a particular social group or political opinion.<sup>1</sup> When the question arises about a person who is seeking refuge due to the climatic issues, the ambit of the definition of a refugee widens since an environmental refugee is seeking international protection as an environmental refugee who have further complex and intensive issues related to them which aren't dealt by international law. Environmental Refugees currently are most vulnerable to the impacts of climate change and hence need a better outlook towards their problems and laws which can safeguard their rights.

Environmental refugees are innocent and dependent and they do not have any rights in international arena. They are vulnerable, they have seen a lot, they have seen emergencies, break down of their families and communities, they have seen deaths and poverty, and they have fought for their existence and the last thing they would want is to be rejected by states as refugees.

The 1951 Refugee Convention is unable to protect the rights of the environmental refugees. United Nations High Commissioner for Refugees was created exclusively to focus on refugees in 1950 and has provided support to the United Nations Framework on Climate Change since 2008 and many other agencies but on many occasions UNHCR has mentioned its limitation due to the narrow definition of a refugee.

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<sup>1</sup>Article 1 of 1951 Convention Relating to the Status of Refugees.

The 1951 Convention of the refugee does not include environmental refugees, though there are clauses and articles which talk about the safeguarding these environmental refugees but universal or general provisions cannot be applied to them. These environmental refugees need different kind of approach, their needs are different from the refugee defined under the generalized aspect of 1951 Convention. Environmental refugees have different concerns they do not have any “well found” fear of prosecution in their country but are forced to leave their country because of the climatic reasons.

UNHCR has categorized refugees into two categories, displaced and migrants, my concern are those who are considered environmental refugees. In 2015, Nansen Initiative in Geneva, highlighted disaster displacement and impacts on people and their protection concerns in the Pacific, Americas, Africa and Asia. In spite of such concerns, in the recent 2016 conferences, COP 22 and Paris agreement, their main focus was to reduce the deterioration of the world's environment. What about the islands in Pacific for example Kiribati or in East Asia or Bangladesh, countries where the sea level is increasing at an alarming rate and people are forced to migrate into neighboring countries?

We need an updated and more inclusive acceptance of the word refugee, making their safety and ability to migrate safely, the most important thing on any agenda regarding environmental refugees. This issue needs a humanitarian and a systematic approach. A definition or a convention made in 1951 without any amendments or changes after the World War 2 is not a key to solve the problems in 2017.

Apart from the environmental refugees the child refugees also need a different outlook. They cannot be treated as individual refugees. The major laws made to safeguard the children refugees, ‘The 1951 Refugee Convention’ or ‘The Convention on the Rights of the Child 1989’ or ‘Policy on Refugee Children, endorsed by the UNHCR Executive Committee in October 1993’ are unable to protect the rights of the children who are refugees in other nations. Also, the universal provisions namely, ‘Universal Declaration of Human rights 1948’, ‘International Covenant on Economic, Social and Cultural Rights 1966’ and ‘International Covenant on Civil and Political Rights 1966’ have articles providing right to life, dignity and education. In spite of

these laws, state of refugee children is getting worse with the passage of time. The population of Refugee children is increasing in bounty but the implementation of the laws safeguarding the protection of these children is far behind the targeted goals. What about the Syrian children? They have been the forgotten victims of the horrific war. What about the Afghanistan children? What about the state of refugee children in Somalia. Don't they need right to life or dignity? Don't they need education? Aren't they the future generation of this world? Some questions need an answer and a solution.

It has been 16 years since the last Afghan civil war, in spite of many efforts by United Nations still there has been an estimated 2.6 million Afghans in exile. Pakistan is the second largest refugee-hosting country in the world, hosting around 1.5 million Afghan refugees, a figure that accounts for 10.5 per cent of the total global refugee population. Iran hosts around 950,000 Afghan refugees.<sup>2</sup> The situation in Syria is even worse, Since the Syrian civil war began in 2011, as many as 386,000 people have been killed, including nearly 14,000 children<sup>3</sup>. A statement was issued by Filippo Grandi, UNHCR High Commissioner, "Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions which should be garnering a groundswell of support around the world."<sup>4</sup>

There are 2.2 million refugees in the areas of Nigeria, Cameroon, Niger, and Chad. These refugees are affected by hunger and conflict and the maximum toll of the consequences of the conflict come on the weak shoulder of little children who had no fault of their.<sup>5</sup> The Lake Chad regional violence is leading nowhere. 475,000 children are either suffering from malnutrition or some psychological problems. This is surely not the world we want our kids to live in.

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<sup>2</sup> Charlotte Jenner , Education and the future for Afghan refugees, Available at: <http://www.unhcr.org/news/stories/2015/9/56ec1eae25/education-future-afghan-refugees.html> (Last visited on 10th April 2017).

<sup>3</sup> Syrian Observatory for Human Rights, Available at: <http://www.syriahr.com/en/> (Last visited on 10th April 2017).

<sup>4</sup> Syria conflict at 5 years: the biggest refugee and displacement crisis of our time demands a huge surge in solidarity, Available at: <http://www.unhcr.org/afr/news/press/2016/3/56e6e3249/syria-conflict-5-years-biggest-refugee-displacement-crisis-time-demands.html> (Last visited on 10th April 2017).

<sup>5</sup> Lake Chad Basin and key developments, Available at :<https://www.usaid.gov/crisis/lake-chad> (Last visited on 10th April 2017).

South Sudan being the world's youngest country refugees sank back into violent turmoil in July 2016.<sup>6</sup> UN has clearly said that the situation in South Sudan can be similar to that of genocide which was witnessed in Rwanda if proper measures are not taken. At present 1.1 million refugees are finding places for shelter, imagine if the situation actually does turn out to be extreme that South Sudan becomes another Rwanda, how would we accommodate so many refugees, how would we give them basic essential aspects of life when the present status of refugees are so bad in spite of so many laws and regulations and agencies working on the welfare for the worldwide refugees. We can't afford to have more refugees in the world. And as we discussed above the worst impact is on the children when they become refugees, they are scarred for life. In an interview with a little girl of South Sudan she said, "One day at school, I heard the war, the guns that sounded like 'tow tow tow'. The soldiers came and fought the pupils and I hid there for three days. My parents came and collected me and we went home for two days. It was so nice and quiet and we didn't think it would get noisy again. When it did, there was no time to think about clothes."<sup>7</sup> Just imagine the impact of such an event in her life, she would be so distorted. This is the whole aspect we need to understand.

In September 2016 United Nations put out a report saying that there are over 6 million refugee children under its care which have no school to attend, a simple but necessary service which a lot of the world takes for granted.<sup>8</sup> In the same report this UN refugee agency claims that refugees are 5 times more likely to be out of school than children of same age on the global average.

Refugee children are being neglected by not having access to such a viable necessity. Education being the chance to improve and transform the lives of these children and hopefully impacting the future generations to come, by not having access to a school they are being deprived, these refugee children aren't refugees by choice, they were forcibly displaced, to a place they likely had never been to, and likely not speaking the local language very well if at all.

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<sup>6</sup>May Bulman, World's youngest country South Sudan is 'on the brink' of genocide, UN warns, Available at :<http://www.independent.co.uk/news/world/africa/south-sudan-unhcr-africa-a7452886.html> (Last visited on 10th April 2017).

<sup>7</sup> Hannah McNeish, The things they left behind, Available at: <http://www.unhcr.org/news/stories/2014/12/56ec1e731e/the-things-they-left-behind.html> (Last visited 10th April 2017).

<sup>8</sup>Missing out Refugee Education in Crisis, Available at [http://uis.unesco.org/sites/default/files/documents/missing-out-refugee-education-in-crisis\\_unhcr\\_2016-en.pdf](http://uis.unesco.org/sites/default/files/documents/missing-out-refugee-education-in-crisis_unhcr_2016-en.pdf) (Last Visited on 13th April 2017).

The trend doesn't look very hopeful at the moment; the older children get lower access to education. The global average of more than 90% of children having access to primary education compared to less than 50% of refugee children, and the gap widens even further at the secondary school level to 84% and 22% respectively and the percentage of refugees going on to attend university drops down to just 1%.<sup>9</sup> That is why during the Summit for Refugees and Migrants on 19 September, 2016 what came to be known as the New York Declaration was passed, which calls for everyone to share the burden of the collective responsibility towards the refugees and if possible contribute in resettling or reuniting refugees.<sup>10</sup> The Summit also called for those in the richer part of the world to contribute more, to recognize their responsibility to provide funding while also investing in the communities that host the large number of refugees. The declaration calls for such host countries to increase living opportunities for the refugee adults but doesn't forget the children, yes the refugee adults having work is important, but the children having access to schooling is just as important for the betterment of the children. The refugee system needs to be stronger so that the defenseless children don't fall through the cracks of bureaucratic paperwork and get left behind.

Global crisis like the one in Syria going on today are only making the situation worse, adding large numbers of refugee children not having access to school. For example as stated above, Syrian children had access above the global average to school, 94% of Syrian children had access to school in 2009, before the Syrian crisis started, and by the 2016 the number had dropped down to less than 60%, leaving over 2 million children without access to a school, and in neighboring countries they are not doing any better, there is an estimated 5 million Syrian refugees registered with the UN, 35% being school aged children; in turkey only 39% of school aged refugee children are enrolled in primary and secondary, roughly the same percentage in Lebanon and only doing better in Jordan at 70%.<sup>11</sup>

However, children are not just suffering because of lack of education, some children are even

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<sup>9</sup> 11<sup>th</sup> Education for All Global Monitoring Report 2013/4 by UNESCO, Available at <http://unesdoc.unesco.org/images/0022/002256/225654e.pdf> (Last Visited on 13th April 2017).

<sup>10</sup> UN Summit for Refugees and Migrants 2016, Available at <http://refugeesmigrants.un.org/summit> (Last visited on 13th April 2017)

<sup>11</sup> The State of the World's Children 2016: A fair chance for every child by UNICEF, Available at [https://www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf) (Last visited on 14th April 2017)

worse off, some don't have access to basic sustenance, there is a growing unfortunate trend of deaths from starvation in many countries in Africa, some due to whether but some because of man-made conflict. The UN is trying to stop the repeat of the 2011 tragedy which led to more than a quarter million lives being lost to starvation, this can be stopped, and these deaths due to starvation can be avoided. Adrian Edwards, a spokesman for the office of the United Nations High Commissioner for Refugees went on to say "An avoidable humanitarian crisis in the region possibly worse than that of 2011, is fast becoming inevitability. A repeat must be avoided at all costs."<sup>12</sup> An estimated 4.2 million refugees have been displaced as a result of not having access to food.<sup>13</sup>

According to the United Nations nearly all refugees, including these children depend on one food assistance program or another, like the World Food Programme, a United Nations' emergency food relief agency, however these programs have low fund to buy the food required, and the funds keep being cut, the worst affected by such budget cuts are the children of Uganda, where the food rations have been cut down to almost nothing, the rations have dropped down by 75%.<sup>14</sup> By not funding these programs we are creating sick people, these children are dying because someone in a desk decided that they were being given too much. The spokesman Adrian Edwards went on to note, "Many refugees are without full access to livelihoods and agriculture or food production and their ability to take matters into their own hands and help themselves is limited." These children are going hungry and unfed or underfed if lucky, not by choice. That is why the United Nations calls for those richer countries that are able to help with funding to help more, because these countless deaths could have been prevented.

The problem of environmental refugees and child refugees is a huge problem it needs a systematic approach, strong rules and regulations and proper implementation of those laws. The most important thing to keep in mind is the collective responsibility of the world towards these environmental refugees and child refugees.

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<sup>12</sup> UNHCR says death risk from starvation in Horn of Africa, Yemen, Nigeria growing, displacement already rising, Available at <http://www.unhcr.org/news/briefing/2017/4/58ec9d464/unhcr-says-death-risk-starvation-horn-africa-yemen-nigeria-growing-displacement.html> (Last visited on 14th April 2017).

<sup>13</sup> UN News Center, Millions across Africa, Yemen could be at risk of death from starvation – UN agency, Available at <http://www.un.org/apps/news/story.asp?NewsID=56539#.WPJa2Yh97IU> (Last visited on 14th April 2017).

<sup>14</sup> World Food Program, Available at, <https://www.wfp.org/news/news-release/new-research-finds-humanitarian-assistance-refugees-boosts-ugandas-economy>. (Last visited on 14th April 2017).