

**Б.Т. Токтобаев**

Ж.Баласагын атындагы  
Кыргыз улуттук университети,  
мамлекеттин укук теориялары жана  
тарыхы укук жана мамлекет жөнүндө  
окуулардын тарыхы кафедрасынын башчысы,  
юридика илимдеринин доктору, профессор

**Б.Т. Токтобаев**

доктор юридических наук, профессор,  
заведующий кафедрой теории и истории  
государства и права,  
Кыргызский национальный университет  
им. Ж. Баласагына,

**В. Т. Toktobaev**

Dr. habil, Professor, Head of the Department  
"Theory and History of State and Law"  
Kyrgyz National University named after J.Balasagyn

**С.Б. Карабалаева**

юридика илимдеринин кандидаты, доценти,  
ОИӨК «Кыргызстан эл аралык университети»  
Окуу-административдик иштер боюнча проректору

**С.Б. Карабалаева**

Проректор по учебно-административной работе  
УНПК «Международный университет Кыргызстана»  
кандидат юридических наук, доцент

**S. B. Karabalaeva**

Vice-rector of Academic and Administrative Affairs  
ERPC «International University of Kyrgyzstan»  
Ph.D. (Law), Associate Professor

## **ЭКОЛОГИЯЛЫК КАЧКЫНДАР: КӨЙГӨЙЛӨР ЖАНА ЧЕЧҮҮ ЖОЛДОРУ**

### **ЭКОЛОГИЧЕСКИЕ БЕЖЕНЦЫ: ПРОБЛЕМЫ И ПУТИ ИХ РЕШЕНИЯ**

#### **ENVIRONMENTAL REFUGEES PROBLEMS AND SOLUTIONS**

---

***Аннотациясы:** “Экологиялык качкындар: көйгөйлөр жана чечүү жолдору” деген макалада экологиялык качкындардын учурдагы көйгөйү иликтенип, аны чечүүнүн жолдору сунушталат. Климаттын өзгөрүшү жана экологиялык кырсыктар биздин заманбап жана барган сайын глобалдашкан дүйнөдө аргасыз миграцияга жана качкындарга алып келүүдө. Макалада адамдар жашаган жерин таштап кетүүгө аргасыз болушунун себептери, анын ичинде суу ташкындары, кургакчылык, экосистемалардын бузулушу жана башка экологиялык кризистер талданат. Ал ошондой эле массалык жер которуунун жана мекенинен ажырап калуудан келип чыккан социалдык, экономикалык жана саясий кесепеттерге карайт.*

***Негизги сөздөр:** 1951-жылкы Качкындардын статусуна тиешелүү конвенциясы, эл аралык экологиялык укук, адам укуктары, качкындар укугу, качкындар боюнча аймактык укук актылары, экологиялык миграция, экологиялык качкындар.*

**Аннотация:** Статья «Экологические беженцы: проблемы и пути их решения» исследует актуальную проблему экологических беженцев и предлагает пути ее решения. В нашем современном и все более глобализованном мире, изменения климата и экологические катастрофы все чаще приводят к вынужденным миграциям и беженству. Статья анализирует причины, по которым люди вынуждены покинуть свои родные места проживания, включая наводнения, засухи, разрушение экосистем и другие экологические кризисы. Она также рассматривает социальные, экономические и политические последствия, которые возникают в результате массовых переселений и потери родных территорий.

**Ключевые слова:** Конвенция 1951 г. о статусе беженцев, международное экологическое право, права человека, право беженцев, региональные инструменты права беженцев, экологическая миграция, экологические беженцы.

**Abstract:** The article "Environmental refugees: problems and ways to solve them" explores the actual problem of environmental refugees and suggests ways to solve it. In our modern and increasingly globalized world, climate change and environmental disasters are increasingly leading to forced migrations and refugees. The article analyzes the reasons why people are forced to leave their native places of residence, including floods, droughts, destruction of ecosystems and other environmental crises. She also examines the social, economic and political consequences that arise as a result of mass relocations and the loss of native territories.

**Keywords:** 1951 Convention on the Status of Refugees, international environmental law, human rights, refugee law, regional instruments of refugee law, environmental migration, environmental refugees.

---

In recent decades, the world has witnessed significant changes caused by the impact of global climate and environmental problems. Rising Earth temperatures, changing climatic conditions, deterioration of air quality and pollution of water resources have led to the emergence of a new social phenomenon – environmental refugees. These people are forced to leave their native lands because of the devastating consequences of environmental disasters that make their places of residence uninhabitable.

Environmental refugees are people forced to leave their homes and countries due to natural disasters, prolonged droughts, floods, deforestation, desolation and other environmental problems that threaten their lives and well-being. They face unbearable difficulties, being left without shelter, food and decent living conditions. At the same time, environmental refugees face legal, social and economic problems, since their status is not clearly defined at the international level.

The purpose of this article is to analyze the problems associated with environmental refugees and find ways to solve them. We will consider various aspects of this problem, including the global impact of climate change, the causes of mass population movements, as well as related economic, social and political aspects. In addition, we will analyze national and international measures taken to support environmental refugees and explore possible solutions at the global level.

Understanding the problem of environmental refugees and finding effective ways to solve it are important tasks for the international community. Issues related to the protection of rights and the provision of assistance for those who are forced to leave their homes due to environmental problems require serious consideration and coordinated actions at the global level. Only by joining efforts and taking effective measures will we be able to ensure safety and protection for all those who have become victims of environmental changes and are forced to leave their native lands.

The current refugee situation can lead to serious complications in interstate relations and pose a threat to the security of any country. [1]

Currently, the only universal international instrument in the field of refugee law is the 1951 Convention and its 1961 Protocol. According to article 1A of the Convention, a person who meets the following criteria is recognized as a refugee:

- 1) a person has well-founded fears of becoming a victim of persecution;
- 2) race, religion, citizenship, belonging to a certain social group or political beliefs of a person are grounds for such persecution;
- 3) the person is outside the state of his citizenship;
- 4) a person does not have the opportunity to take advantage of the protection of the state of his citizenship [2]

Today, there are refugees for environmental reasons, as the topic of environmental problems and disasters is gaining momentum every time.

Pollution and destruction of nature, natural disasters (earthquakes, floods, volcanic eruptions), pandemics, epidemics, etc. the problems of the modern world community are becoming more acute every day

Based on the analysis of various sources, it can be traced that there is no such thing as "environmental refugees" or "Climate refugees" legally, but in fact they are, so we need to define this concept. An environmental refugee is a person who is outside the country of his citizenship due to environmental pollution and destruction of nature, natural disasters, environmental disasters, pandemics, epidemics and other disasters.

As rightly noted by Elizabeth Ferris [3] from the World Center for the Study of the Causes of Migration, as well as by domestic scientists D. V. Ivanov and D. K. Bekyashev [4], currently there is no single commonly used term for people falling under the category of "environmental migrants". Researchers [5] use the following concepts often found in this context in the scientific literature: "refugees due to climate change", "internally displaced persons", "environmental migrants", "ecomigrants", "crisis migrants", "displaced person", "future environmental refugee". In our opinion, environmental migrants should be recognized as migrants who are forced to leave their areas of permanent residence due to environmental changes and who use state support measures during resettlement. In the case of international migration, support measures are jointly provided by both the receiving and the affected party (State).

The following problematic factors leading to ecological migration can be distinguished [6]: 1) natural environmental incidents that acquire the scale of a major regional environmental disaster (tornadoes, earthquakes, floods); 2) man-made environmental incident. There are two subspecies of environmental incidents. The first of them does not cause a long and serious change in the state of the environment. For example, explosions of natural gas, explosives, fires in residential areas, etc. The second subspecies of an ecological incident does not necessarily manifest itself in large territories, but acquires signs of an ecological disaster with: prolonged chronic local manifestations and actions in adjacent territories; impacts on ecosystem biodiversity and human health incompatible with the life and reproduction of a healthy generation.

It is well known that droughts threaten all countries, their food security and socio-economic development. To date, scientists' forecasts are not encouraging: by 2050, about 75% of the world's population will suffer from droughts. Along with these problems, there are a number of environmental problems such as:

- carbon dioxide emissions
- anthropogenic land degradation is the main cause of desertification
- food shortages and falling living standards
- overexploitation of resources, climate change
- pollution of water, atmospheric air
- chemical, toxic substances, and heavy metals
- increase of solid waste, destruction of the ozone layer, deforestation
- catastrophic decline in the fish population
- coal, oil and gas power plants that cause greenhouse gases, etc.

Despite the arguments given in favor of the fact that a person can obtain the status of an "environmental refugee", there is a general skepticism in the doctrine of international law towards this term, which is often called a legal fiction.

The most effective measure is to work at the level of "soft law" with the involvement of international organizations to improve understanding of the role of environmental factors in the qualification of a person as a refugee. We believe that this path is a real practical prospect due to the growing interest in the problem of climate change and related migration processes.

Thus, in the above normative legal acts, when defining the concept of "refugee", generally similar concepts are contained. However, the absence of a legal link is not universal, in particular, environmental refugees are not covered by their content, for example. The lack of a legal relationship and a unified approach to the definition of the concept of "refugee" is one of the causes of the refugee problem, in particular, environmental. Based on the analysis of various sources, it can be traced that there is no such thing as "environmental refugees" legally, but in fact they exist, so it is necessary to define this concept. An environmental refugee is a person who is outside the country of his citizenship due to environmental pollution and destruction of nature, natural disasters, environmental disasters, pandemics, epidemics and other disasters. Attention should be paid to the main problems of environmental refugees. The main problem is that the concept of environmental refugees is not fixed in any of the documents, and the reason why a person is a refugee is not legally fixed: "for environmental reasons". Therefore, these persons do not have refugee status, do not have the rights and privileges of refugees, are not protected by the state in which they are not in their citizenship, cannot be officially employed, receive medical care (since in some countries you need to buy insurance to get medical care), etc. Also problems are the population density of countries, the political situation and economic situation of countries, etc. States that have previously listed problems will not be able to help refugees.

Persons who are forcibly displaced for environmental reasons, but do not meet the necessary criteria for obtaining refugee status, do not remain without protection in international law. The norms of international humanitarian law, international environmental law, as well as human rights law play an important role in preventing negative environmental impacts, as well as providing assistance to victims.

The primary task of the international community is to prevent environmental disasters that may lead to the appearance of forced migrants. Additional Protocol I to the Geneva Conventions established a ban on the use of weapons that are capable of causing extensive, long-term and serious damage to the natural environment (Articles 35(3), 55). We believe that this norm is of particular importance for the protection of persons in post-conflict time, when even in the absence of an armed conflict, its environmental consequences can be the main reason for the resettlement of a significant number of the population. The 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Means of Influencing the Natural Environment established a ban on environmental modification as a method of destruction, damage or harm both in wartime and in peacetime.

Today, humanity is aware of the consequences of its economic activity and is changing its attitude to environmental problems and their consequences. In the course of the evolution of international cooperation in the field of environmental protection, new forms and instruments of cooperation are emerging, international law is developing, global environmental policy is being formed, and the number of global and regional environmental organizations is growing. The problem of global environmental migration requires a comprehensive multilateral solution at the international, State and regional levels. We presented the main points on the status of an environmental refugee, issues of environmental migration.

The need for international cooperation in the environmental sphere is determined by the following factors: the global nature of the problems; their cross-border nature; international obligations to protect the environment; the availability of international natural resources; benefits from international exchange of experience and technology; the possibility of attracting international investment [7]. The basis of global environmental problems are processes and phenomena

of a global scale related to the problem of the existence of human civilization. It is the global nature of environmental problems that determines the need to unite the efforts of countries to solve them.

The problem of environmental refugees is a serious global threat that requires immediate attention and decisive action. Together with climate change, deforestation, droughts and other environmental disasters, the number of people forced to leave their homes due to environmental degradation continues to grow.

In order to effectively solve the problem of environmental refugees, it is necessary to adopt an integrated approach. First of all, it is important to strengthen and develop the system of early warning and adaptation to climate change. This will allow countries and communities to be prepared for environmental threats, as well as provide appropriate support and protection for people facing forced migration.

In addition, cooperation and coordination between Governments, international organizations and civil society play an important role in solving the problem of environmental refugees. It is necessary to create an international framework and mechanisms to support and protect these people, as well as to ensure a fair distribution of responsibility between countries and societies.

It is also important to recognize the rights and dignity of environmental refugees. They should have access to basic services such as food, water, health and education, as well as the opportunity to participate in decisions that affect their future. The inclusion of environmental refugees in society and their participation in the development and implementation of environmentally sustainable solutions is a key aspect of their integration and improvement of their living conditions.

Finally, in order to prevent new cases of forced migration due to environmental reasons, it is necessary to adhere to the principles of sustainable development and reduce the negative impact on the environment. This includes taking measures to combat climate change, preserve ecosystems and biodiversity, and manage natural resources sustainably.

Solving the problem of environmental refugees is a complex task that requires global cooperation and long-term efforts. However, if we do not take the necessary measures, we face the risk of losing valuable lives, destroying ecosystems and exposing our planet to serious dangers. Therefore, it is necessary to act immediately to ensure the protection and support of environmental refugees and to do everything possible to prevent further aggravation of this problem.

#### **List of used literature:**

1. Anisimova N. N. The legal status of refugees: abstract of the dissertation of the Candidate. *jurid. sciences'*: 12.00.10 / N. N. Anisimova. — M., 2002. — 28 p.
2. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol [Electronic resource] // United Nations. — Mode of access: <<http://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html>>. — Date of access: 26.11.2017.
3. Ferris E. Climate change, migration and the incredibly complicated task of influencing policy // Brookings Institution Conference on 'Human Migration and the Environment: Futures, Politics, Invention'. Durham: Durham University, 2015. Vol. 1. P. 234-240.
4. Ivanov D. V., Bekyashev D. K. Ecological migration of the population: international legal aspects / Moscow State Institute of International Relations. relationships (un-t) MFA of Russia. Moscow: Aspect Press, 2013. 174 p.
5. Obokata R., Veronis L., McLeman R. Empirical research on international environmental migration: a systematic review // *Population and environment*. 2014. Vol. 36, N 1. P. 111–135.
6. McAdam J. Climate change, forced migration, and international law. London : Oxford University Press, 2012. 340 p.

7. Castles S. Environmental change and forced migration: making sense of the debate. UN- HCR, 2002. 16 p.
8. Black R. (2019). Exodus: How Migration is Changing Our World. Oxford University Press.
10. Farbotko C., & Lazrus, H. (2012). The First Climate Refugees? Contesting Global Narratives of Climate Change in Tuvalu. *Global Environmental Change*, 22(2), 382-390.
11. McAdam J. (2012). *Climate Change, Forced Migration, and International Law*. Oxford University Press.
12. Myers N., & Kent, J. (2019). *The New Consumers: The Influence Of Affluence On The Environment*. Island Press.
13. McLeman R., & Smit, B. (2006). Migration as an Adaptation to Climate Change. *Climatic Change*, 76(1-2), 31-53.
14. Piguet E. (2012). From "Primitive Migration" to "Climate Refugees": The Curious Fate of the Natural Environment in Migration Studies. *Annals of the Association of American Geographers*, 102(4), 873-887.
15. Warner K., Hamza M., Oliver-Smith A., Renaud F., Julca A., & Vuletin J. (2010). Climate Change, Environmental Degradation, and Migration. *Natural Hazards*, 55(3), 689-715.