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THE ECOSYSTEM OF ENVIRONMENTAL REFUGEES

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Abstract: Considering the rise in heat levels on the planet, seawater and many other meteorological changes, the present work has as research problem the issue of environmental refugees, a new classification of refugees on the rise with the advent of global warming. Therefore, we will discuss the legal protection for this new archetype of human being, both in the Brazilian and international spheres and also, we will discuss the future impacts of today's actions in tomorrow. The methodology to be used is the hypothetical-deductive method, using all research mechanisms, in terms of academic and doctrinal production.

Keywords: Environment, Climate Change, Environmental Refugees, Migratory Flows.

INTRODUCTION

Climate refugees, also known as environmental refugees, are people who, as a result of situations beyond their control, such as the environment in which they live, are forced to leave their homes, jobs, homes, relationships of affection and familiarity, due to problems caused by rising heat levels on the planet.

This exodus is not recent, given that research carried out by the Red Cross, dating from 2001, already indicated a certain correlation between migrations at the time and environmental degradation (CRUZ VERMELHA, 2001 apud D'URSO, 2019). The most significant part of such a movement occurs mainly in Asia, as more people lose their homes due to climatic factors than to the occurrence of wars and other conflicts. In fact, approximately two billion people, as another wave of data made available by the Red Cross, were forced to migrate between 2008 and 2017 due to climate change around the globe.

Thus, we have that the most incident questions on the subject are: Who are the environmental refugees? What are the rights of an environmental refugee and do they have

a recognized right to migrate? But, above all, how to prepare the population for the future effects of climate change? These are the points that this work aims to analyze. For that, the methodology used was that of research in legislation, both international and national, reports and articles on the subject.

THE REFUGEES

The term refugee, within an international context, corresponds to, according to the United Nations High Commissioner for Refugees (UNHCR), people who suffer or have suffered from fear based on persecution and who actually found their lives at risk in their place of origin. A chaotic and favorable scenario for the increase in refugee rates across the globe was the Second World War, between 1939 and 1948, where it is estimated that the number of people forced to break social, family and cultural ties to survive came close to 46 million.

In this sense, Galli's words apply when he states that:

(...) a new type of refugee appears before international society: the environmental one. He does not leave his country due to political persecution, armed conflict, civil war, socio-political instability. He is forced to leave the country of origin because his habitat has changed so much that it is no longer possible to sustain life (GALLI, 2011).

More than 'the one who took refuge' (OXFORD LANGUAGES, 2018), the refugee is, above all, a citizen who, due to force majeure, had to leave everything he once knew as his affective and identity ties. backwards, otherwise he would lose his life. This is such a serious issue that, even in a post-World War II panorama, in the call made by the United Nations (UN) in 1951 in the city of Geneva, it was established who the refugees were and what rights they had:

(...) the term 'refugee' shall apply to any person who, owing to fear of being

persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and who is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country.

The signatories of the Geneva Convention, or the subsequent Protocol of 1967, show themselves obliged to cooperate with the United Nations High Commissioner for Refugees, complying with some basic norms, such as non-discrimination against anyone based on their race, religion, sex or country of origin, still respecting the principle of “non refoulement”, which governs the non-return to the country of origin, anyone who may be a victim of persecution there.

In addition to political, ethnic and religious persecutions, over the years, humanity has encountered another problem factor that is also a cause for the refuge-seeking movement: the climate. In a totally new context, the main question in this chaotic moment is: what to do when the climate itself, degraded by years and years of irresponsible coexistence, becomes the biggest ‘villain’ when removing people from their homes with practically the clothes on their backs only?

ENVIRONMENTAL REFUGEES

“You think migration is a challenge for Europe today because of extremism, wait until you see what happens when there is a lack of water, a lack of food or one tribe fighting another for mere survival” (KERRY, 2015 apud GOODFELLOW, 2020). John Kerry’s statement, made in Alaska in 2015, referred to the growing migratory flows in the past, in the context of people crossing the English Channel in search of Asylum.

Despite having a completely political and protectionist bias, as Kerry sought to express his concern about the overcrowding of spaces in Continental Europe, his speech served to

shed light on a new line of thinking that has developed in the last decade: the climate crisis will impact on the number of people migrating, raising it. Also in 2015, during the Paris Agreement meeting, another speech that stood out in the national environment was that of the President of the European Commission, Jean-Claude Juncker, when he said: “Climate change is one of the root causes of a new migratory phenomenon. Climate refugees will become a new challenge if we don’t act quickly” (JUNCKER, 2015 apud GOODFELLOW, 2020).

At the time of the Paris Agreement, many wondered what they were or which groups would be covered by the term ‘climate migrants’ or, in a more recent terminology, ‘climate refugee’. Although there is no consensual definition for the term, in general, it ranges from people who need to move, even temporarily, because of natural disasters, to those who are affected by the preliminary impacts related to climatic emergencies.

Still lacking legal protections, recognition or protection under international law, even as their situation becomes clearer as the days go by, so-called “climate refugees” add up, according to the IDMC (INTERNATIONAL DISPLACEMENT MONITORING GUIDE), since 2008 an average of 24 million people have been displaced due to catastrophic weather disasters.

It is worth remembering that anyone is liable to become a migrant due to the climate, as these people can come from anywhere in the world, from the islands of the Pacific, such as Kiribati and Tuvalu, which are dealing with rising sea levels. (PEIRÓ, Patrícia. 2018), to the intrusion of salinity in Bangladesh, which is making it difficult for farmers to continue growing rice (THE WORLD BANK, 2015).

This reality is not that far off, given that even in Brazil, a recent survey carried out by the NGO Climate Central, points out five

national points with great chances of being submerged by 2100, due to the accelerated rise in sea level (CLIMATE CENTRAL apud OLIVEIRA, 2021). They are: Rio de Janeiro, Pará, Amapá, Maranhão and Rio Grande do Sul. With this, we can conclude that anyone, even ourselves, is liable to become climate refugees.

There are no reliable estimates of the number of people moving today or in the future as a result of environmental factors. The reason for this is divided into two: the difficulty in unraveling the reasons for migration and the lack of official data on movement within the country. What can be concluded is that places that experience climatic stressors are also affected by situations of conflict, political instability, low levels of economic development and human rights abuses. This makes it difficult to establish a direct causal link between the movement of people and the environment.

The certainty is that climate migration is a reality faced by many people around the planet, since, when faced with problems triggered by the climate, change ends up being the only alternative for survival in general.

And then, what to do when, during the process of change, the migrant finds himself not only with the difficulties arising from the climate, but, in addition to the lack of information or a preparatory route to be followed to continue? In addition to venturing into new lands, fearing that climate problems will overtake them in this 'new world', the refugee ends up falling into a kind of unexplored crevice filled with threatening stereotypes, because countries are not prepared to deal with the migratory flow and so, its population does not welcome these people in the right way.

It is not uncommon that, at first, refugees move internally within their own known housing region, and only later,

with the increased impact on their lives, flee across borders (ZICKGRAF, 2015 apud). GOODFELLOW, 2020). Based on the experience and testimonies of refugees around the world, in general we have that: when protection needs are not met, people are forced to migrate once again.

As climate change worsens storms, droughts, flooding, melting glaciers, and other extreme weather events, climate scientists and migration experts expect this number to rise. The truth is that since 2015, the subject has already been addressed on the world stage, mainly because it has converged as the main theme among European leaders, days before the meeting that gave rise to the Paris Agreement. However, unfortunately, to date, there is no general plan, not even an overview of global cooperation to manage the conflict involving environmental refugees.

It is in this chaotic and increasingly growing scenario that the need for protection, both legal and social, for migrants is present, given that not only does migration become a problem in the future, but also opens the door to the emergence of conflicts. related to xenophobia, economic crises and degradation of the human person.

REFUGEES AND INTERNATIONAL LEGISLATION

We can say that protectionism relegated to the human person is composed of three main nuclei, namely: International Human Rights Law, International Humanitarian Law and International Refugee Law (CANÇADO TRINDADE, et al., 1996). However, even with three correlated institutes for general protection, it is worth remembering that none of them has its own legal norm to protect the growing "environmental refugees" that spread across the globe.

Based on an estimate made by the United Nations High Commissioner, approximately

250 million people will be displaced in the course of this century, due to the evolution of climate, extreme weather conditions, the reduction of water reserves and the degradation of agricultural land (JOHNSTONE, 2008 apud COUNIL, 2010). This population displacement can happen both within the country and between countries, as is already expected to occur.

Another controversy on the subject, which has hindered the insertion of the term “environmental refugee” in society, which would help in discussions on this subject, is the name given to the term “refugee”. This is because, according to the Geneva Convention, which deals with the Statute of Refugees, drawn up in 1951, “refugees” are those who fear persecution to the detriment of their race, religion, nationality or because they belong to a stipulated social group. or political, not covering those who are forced to migrate and take refuge in other areas due to weather and other environmental disasters.

As Gemenne, Brücher and Ionesco would say:

Whether they are ‘environmental refugees’, called migrants or refugees, affected by disasters caused by human interference or by natural events, all those who migrate or are displaced seek protection, forms of survival and opportunities for a safer future (GEMENNE, et al., 2012 apud CLARO, 2020).

Unfortunately, the current legal system in force in the world give a vague protection to environmental refugees, without even an allusion to the subject and with that, not elucidating the real problem or the real need to debate on the subject.

Although the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights make explicit the importance of respecting the right of others to migrate, both inside and outside their country of origin, the theme ‘migration’

and its principles still find resistance in its applicability internationally.

The difficulty in implementing a standardization in the area of migration occurs in part due to the resistance of countries to adopt legal norms and policies of respect for human rights, which are not based on sovereignty, security and national interests as is largely the case today (MÁRMORA, 2010). Therefore, Dauvergne argues that migration laws have become the last bastion of sovereignty, the key issue for contesting the core of both ‘nation’ and ‘state’ (DAUVERGNE, 2008).

Among the main arguments for the criticism of a possible modification of the Convention of 51, which would include disasters or environmental causes as possible situations that would qualify as a refuge, is the fact that they do not clearly contain a well-founded fear of persecution (McADAM, 2010), taking into account that the ‘persecutor’, in this case the environment, cannot be clearly indicated or delineated in the asylum application.

This way, “environmental refugees” end up relegating the provisions that already exist in international treaties on the right to migration and also on other human rights, whether general or specific, of global or regional scope, as in customs and other forms. expression of international law. If, on the one hand, we find restrictive migration policies and disrespect for the human rights of migrants, on the other hand, we see the converging need for a legal norm aimed at climate migrants, which is respected and, above all, effective.

Environmental issues interfere so much in the scope of human rights, to the point of considering that climate change is also one of the environmental aspects capable of harming the exercise of people’s rights. They can directly infringe the right to life, health, housing, food, water, among other human

rights widely enshrined internationally (MCLNERNEY-LANKFORD et al. 2011).

ENVIRONMENTAL REFUGEES AND THE BRAZILIAN LEGAL SYSTEM

It is common knowledge that human beings have become a force of nature capable of causing changes in entire ecosystems, with threatening repercussions on our own lives and that of future generations, one of which is climate change (DOW; DOWNING, 2006).

A 2013 IPCC (INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE) report points out that by the end of the next hundred years:

The average temperature of the Earth can rise from 1.8° C to 4° C; The sea level will rise from 18 to 59 centimeters by 2100; Rainfall is expected to increase by about 20%; The North Pole's ice could be completely melted in the summer, around 2100; The warming of the Earth will not be homogeneous and will be felt more on the continents than in the ocean (IPCC, 2013).

Therefore, it is a certainty that migratory flows due to climatic adversities will increase and that is why countries need to be prepared to cover this new demand of people in their territories.

Despite the international scenario, there is no broad international instrument that regulates the conduct of States with regard to all the variables that exist in migration, especially those related to climate. There are international norms, such as those proposed in the Geneva Convention in 1951, which regulate issues such as security, nationality, statelessness, freedom of movement of persons, family unification, human rights, health, trafficking in persons, refuge, asylum, among others. others.

However, Brazil as a signatory country of the UN Convention of 1951 and of the Protocol of 1967 on the Status of Refugees, still having in its national legal system the

law, number 9.484/97, sins with regard to the fulfillment of these agreements.

This becomes even clearer when we observe the migratory flows within the national territorial limits and we understand that most of them occur due to the climate, besides, of course, very little is included in the Brazilian legal norms on the subject.

The study "Changes in the spatio-temporal pattern of droughts in the Brazilian northeast", published in *Atmospheric Science Letters*, in 2018, revealed that the drought, between 2012 and 2017, was the worst in 30 years and harmed the population of 24 million people. who live in the region, promoting thousands of displacements, especially to the Southeast region, something that had already occurred in certain periods, since the 1990s (*Atmospheric Science Letters*, 2018 apud RESK, 2019).

As a reflection not of climate change, but also of the search for preferable circumstances of housing, opportunity and others, the Brazilian population was unevenly divided, concentrating a large part of the population in a single region, as is the case of the Southeast today and with this, contributing even more to the increase of environmental impacts in the country.

It is a vicious cycle that, unfortunately, will not end until drastic changes are made.

THE FUTURE AND CLIMATE CHANGE

Who could have imagined that the words "pandemic" and "quarantine" would become, in a matter of days, so commonplace? Everything indicates that, in addition to these terms, many others will be added to our vocabulary by 2050. "Environmental refugees" and "lethal heat" are some examples (AMARAL, 2021). Since, unfortunately, awareness takes place late and as the social classes are not in the 'same boat', the effects of this radical climate change will be felt at first

by the most fragile part of society.

The United Nations High Commissioner for Refugees (UNHCR) states that there are currently more than 82 million people living far from their countries of origin, entire communities that have been forcibly displaced because they are persecuted for various reasons such as armed conflict, violence, violations of human rights and, increasingly, because of natural disasters as a result of climate change currently taking place on our planet (MATEO, 2021).

“We are at the beginning of a mass extinction and everything you talk about revolves around money and a fairy tale of eternal economic growth” (THUNBERG, 2019). Who would have thought that such a phrase uttered by a child activist for the protection of the Environment a few years ago would exactly reflect the situation we are going through, not only in the world, but also in Brazil?

This is because, with the rise of the planet's temperature, we are faced with a problem called “Equation for Tragedy”, where environmental disturbance affects economic loss, on people's quality of life, causing the disruption of the cultural and social fabric of a country (RAMOS, 2018). It is not important to debate the climate just because it affects the government's economic index or because people are losing their homes, homes and their cultural identity, but because these people are dying in the process.

The negative estimates of the impact of climate change on society are not recent, quite the contrary, since in 2008, EMBRAPA together with UNICAMP reported that in the best scenario, the calculated losses range from R\$ 6.7 billion in 2020, to R\$12.1 billion in 2070; In the most pessimistic way, the annual negative impact would be BRL 7.4 billion in 2020 and BRL 14 billion in 2070 (ASSAD; PINTO, 2008 apud GLYCERIO, 2008) due to climate change. In a general perspective,

the environment is not immutable, on the contrary, it is changing rapidly, not only forcing entire societies to change with it, but also instilling a wave of fear, hopelessness and loss wherever it hits.

The alerts for Brazil are in all aspects. Rising temperatures, reduced rainfall, rising sea levels, extreme weather events and the vulnerability of cities. Even the ministry of agriculture recognized the danger that Brazilian agribusiness could face with the changing climate (IPCC apud CLIMAINFO, 2021).

Ecosystems collapsing, species going extinct, rising sea levels and warming ocean waters, drought, famine, disease, apart from extreme heat, how much more can the not-so-bright future take? The situation is just one and it is clear: Our planet is permanently transformed and the more it heats up, the worse it gets (IPCC apud CLIMAINFO, 2021).

According to the new World Bank report “*Groundswell - Preparing for Internal Climate Migration*”, without urgent global and national climate action, Sub-Saharan Africa, South Asia and Latin America could see more than 140 million people moving within their country's borders by 2050 (THE WORLD BANK, 2018).

After reading the report, I realized that the time has come for the elaboration of actions that make it possible not only to protect environmental refugees, but that also manage, in the long term, to reverse the climate situation on the planet. As read in: *Groundswell, Preparing for Internal Climate Migration* seems that this is not the time to advocate the economy in the face of the global climate crisis, but that forces are united so that the planet is saved and that the victims already affected by climate catastrophes have the chance to have a healthy life again.

It was with this kind of thinking in mind that studies on the reduction of working hours have been prepared, seeing that, it seems, the

lockdown imposed by the Covid-19 pandemic did not only serve to reduce the spread of the new coronavirus, but also resulted in a significant drop in air pollution by ozone, a chemical compound released by automobiles, factories, power plants and refineries (FERREIRA, 2021).

And also about the future and climate change, a point worth mentioning is the Adus Project (ADUS ORG), which has been working in Brazil for more than 10 years in partnership with asylum seekers, refugees and people in a situation similar to refuge for their reintegration to society, seeking the valorization and social, economic and cultural insertion of these immigrants.

It remains to be noted that the right to environmental quality is based on solidarity between current generations (intragenerational solidarity) and between these and future generations (intergenerational solidarity), presupposing, for its concrete implementation, the joint effort of the State, individuals, different sectors of society and different nations (SARLET; FENSTERSEIFER, 2014).

FINAL CONSIDERATIONS

This text unfolded on the issue of addressing climate refugees around the globe, as well as the legal and/or social treatment offered to them, their rights and duties, given that such climate-impacted migrants have rapidly become the human face of the consequences of climate change.

The objective was to outline some topics of emerging issue today, such as who are environmental refugees, what are their rights, if these rights are recognized and, above all, if society is prepared to receive them. In general, most of the objectives were achieved, despite the population still being uninformed about the subject and, although scarce, the methodology suited the initial proposal.

First, a survey was carried out on the concept of “refugee” and later, through documentary, articles from national and international newspapers, as well as the books and scientific articles on climate change, “environmental refugees” in a more specific way possible. The results obtained from this research show that, despite being a growing problem all over the world, little has been done in legal terms, or discussed on the subject, although its cause is derived from the same problem: global warming.

In a second moment of this research, the Brazilian legislation for climate refugees was analyzed and how Brazil has been affected, as well as other countries, by the drastic heat wave that has hit our territory in recent years. Therefore, Brazilian laws are in a limbo between the “embryonic” and the “non-functional”, given the fact that the matter is considered recent, although the legislation dealing with non-environmental refugees has existed for some years.

The reality is that every three seconds a person becomes a refugee in the world, less time than necessary to read this sentence (UNHCR) and, apparently, the world population is not prepared to deal with this wave of people migrating.

From the above, it can be inferred that, as previously mentioned, migratory flows as a result of human action on the environment are gaining more and more space in the world scenario and even so, a specific statute has not yet been created that encompasses the rights and duties of this new social class.

Although there are rules that protect refugees as a whole, the need for a special distinction for environmental refugees was perceived, in addition to preparing the space to relocate this population contingent, guaranteeing them basic rights protected by law and, above all, giving them a new existential perspective.

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