



Animals as Environmental Refugees

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Abstract. Climate change has triggered new forms of forced migration. These new forms go beyond the traditional anthropocentric understanding of asylum law. It is important to point out that the term “environmental refugee” is exclusively used for people fleeing floods, droughts, or rising sea levels. However, animals face similar existential threats. This article examines the phenomenon of animals as environmental refugees and analyzes how current law responds to the migration of multispecies families - that is, humans together with their companion animals - in the context of climate change, ecological disasters, and armed conflicts. We will analyse the current domestic and international laws and point out their gaps. The study will also raise the question of extending legal protection beyond the human species. Finally, we propose legal reforms to take into account interspecies connections and create a more humane approach to migration in the age of the global climate crisis.

Keywords: Animal Rights, Interspecies Families, Environmental Refugees, Asylum Law

1 Introduction

The twenty-first century has brought the reality of mass migration caused by environmental changes, which challenges the traditional boundaries between the human and animal worlds. The climate crisis, extreme weather, and ecological destruction are forcing millions of people to leave their homes. And very often, these people are accompanied by their animals. In spite of this, migration law is highly anthropocentric and does not account for animals as victims of disasters or conflicts. The term environmental refugee is exclusively used in connection with people fleeing natural disasters or long-term environmental changes. Animals that are affected by these phenomena are legally invisible. Whether wild species cross borders in search of new habitats, or domestic animals travel with refugees – international law does not grant them a status or protection comparable to that afforded to humans.[1]

An equally serious issue is the fate of multispecies families - families consisting of humans and their companion animals. Recent humanitarian crises have exposed the strong interspecies bonds that traditional law ignores. During Hurricane Katrina in 2005, many New Orleans residents refused to evacuate unless they could take their pets with them, which left an estimated 250,000 abandoned animals at the mercy of fate. This experience drove the US to pass legislation that would include animals in future

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evacuation plans.[2] Similarly, during the war in Ukraine in 2022, a problem regarding refugees arriving with animals arose - in the first weeks of the conflict alone, over 11,000 animals were evacuated along with their owners.[3] Many European countries made temporary exceptions to their veterinary regulations to allow refugees to enter with unvaccinated or unmarked animals.[4]

The aim of this article is therefore to rethink migration law beyond the human - to examine the legal implications of the migration of multispecies families and how interspecies bonds can be taken into account in the context of asylum, humanitarian, and environmental law. We build upon the concept of the so-called animalitarian perspective in asylum law, which extends the humanitarian approach to include animals.[5]

We adopted an interdisciplinary research approach that combines doctrinal analysis of domestic legal regulations and international treaties with a comparative examination of specific cases. Our research builds on the available literature in the field of international animal law (particularly Gorisch, 2024), as well as academic articles that link refugee law and animal protection. We analyzed relevant international documents: the Geneva Conventions and international humanitarian law, the 1951 Convention Relating to the Status of Refugees, and regional instruments (e.g., the 1984 Cartagena Declaration), as well as environmental agreements concerning wild species (e.g., the 1979 Convention on Migratory Species). We also focused on soft-law initiatives and recommendations from organizations such as the UN, the International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR), and the World Organisation for Animal Health (WOAH, formerly OIE), which address environmental migration and animal welfare. The research included case studies of major natural disasters – we compared the findings from these case studies with existing legal frameworks to identify gaps and shortcomings in animal protection during migration. Based on a synthesis of these findings, we conclude by formulating *de lege ferenda* recommendations.

2 The Current Legal Framework and Its Challenges

International refugee law was created by people for people and primarily reflects the 20th-century experiences of persecution and war. The central document is the 1951 Convention Relating to the Status of Refugees, which defines a refugee as a person with a well-founded fear of persecution for specific reasons (race, religion, nationality, political opinion, or membership in a particular social group).[6] Environmental causes of migration do not appear on this list; therefore, the category of "climate refugees" does not formally exist.[7] People fleeing natural disasters can, at most, obtain temporary protection or displaced person status if they face serious danger (e.g., some states grant so-called subsidiary protection). In practice, there are initiatives to fill this gap - for example, the Global Compact for Safe, Orderly, and Regular Migration (2018) calls for addressing the resettlement of people affected by climate change, but this is a non-binding political framework. For animals, however, there is not even informal

recognition of a similar status. Animals are either considered property of the affected individuals (e.g., farm animals or pets) or wild creatures protected by the environmental regulations of the relevant state. There is no mechanism that grants wild species asylum in another territory if their original ecosystem is destroyed. For example, if wild animals leave a protected reserve due to drought and cross the border into a neighboring country, their protection depends solely on the goodwill and agreements between states (Convention on Migratory Species, 1979).

Environmental law addresses the protection of species and biodiversity, but primarily from the perspective of human responsibility for nature. Conventions such as CITES (on trade in endangered species) or the Convention on Biological Diversity protect animals as part of ecosystems, not as individual refugees. There are also treaties focused on animal migration, notably the Convention on Migratory Species (CMS, 1979) - but these primarily address the regular seasonal migration of wild animals and cooperation among states in protecting these species. However, if climate change permanently displaces a species, international law does not impose an obligation on the receiving state to tolerate this ecological migration. A species displaced by climate change may even be considered invasive and potentially eliminated as part of efforts to protect the native ecosystem. Current law only addresses these issues on an ad hoc basis.

Another challenge is the legal personhood of animals. Traditionally, an animal is legally considered a thing or property (*res*), not a bearer of rights. It naturally means that they lack the capacity to seek protection in a legal sense. In the past few years, however, we have seen a shift. Many states have adopted laws that grant animals special rights - as sentient beings. For example, the European Union explicitly recognizes animals as sentient beings, not commodities, in Article 13 of the Treaty on the Functioning of the EU.[8] In Latin America, courts have, in individual cases, designated animals as subjects of rights. Some interesting examples include the *habeas corpus* cases of the orangutan Sandra in Argentina and the chimpanzee Cecilia, where courts recognized certain fundamental rights to dignity and life in a natural environment for these animals.[9] All of the above suggests, that the concept of legal personhood could extend to non-human beings as well. If this trend gains momentum, animals in the future could be recognized as deserving legal protection similar to that of refugees, for example through custodial care provided by states or international organizations.[10] For now, however, the legal status quo persists: animals are objects of protection within the interests of humans or the environment, and not independent holders of rights. This of course is a fundamental obstacle to an animal-centered migration law. Until an animal is recognized at least as a participant worthy of consideration, it remains outside the direct scope of international protection mechanisms.

3 Multispecies Families and the Law

Traditional law strictly separates the status of humans and animals. Humans, as rights-holders, enjoy certain rights and freedoms, while animals have been legally classified as property. This clashes with the reality in which many people consider their animals to be family members. Our understanding of family expanded to go beyond the boundaries of biological species. In sociology, the term "multispecies family" is used to describe a shared household of humans and animals bound by emotional ties. And in recent years, the first examples of a legal recognition of this concept have appeared. For example, in Argentina in 2022, a court in Buenos Aires formally approved an agreement on shared custody of a couple's two dogs during their divorce.[11] The judge in the case explicitly stated that a pet feels, suffers, and experiences joy just like a family member, and therefore the couple's divorce would also affect the pet's life. From this, the judge concluded that it is the court's duty to consider the animal's interests in the same way as a child's. So we can see that the term multispecies family is slowly becoming part of the legal lexicon.

We can see this shift in several countries. In 2021, Spain amended its Civil Code to allow, in divorce cases, for a shared pet to be entrusted to the care of one of the partners based on the animal's well-being, similar to the treatment of children.[12] French courts have also granted a former partner visitation rights to a pet following a breakup.[13] We are seeing a gradual recognition that animal welfare is intertwined with human well-being. The loss of an animal can deepen a refugee's trauma and the presence of an animal can mean emotional support.[14] For this reason, several countries have humanized their emergency plans. In the USA, the PETS Act (2006) mandates the inclusion of animals in evacuation and emergency shelter plans.[15] Japan issued guidelines for evacuating with pets and establishing shelters for both people and animals after the 2011 earthquake.[16]

But when we look at international law, the issue of multispecies-families is still not addressed systematically. Neither the UNHCR nor the Geneva Convention uses a definition of family that includes animals. In practice, the decision if a refugee can bring their pet to the country of asylum depends on administrative exceptions and the willingness of the authorities. In terms of human rights, the right to family life protected by international conventions could be interpreted as including the right to remain united with a pet. So far, the courts have not granted this claim explicit protection.

Australia is among the countries that have experienced extreme environmental disasters in recent years. During the widespread 2019–2020 bushfires, an estimated 3 billion animals were killed or displaced - ranging from iconic marsupials (koalas, kangaroos) to birds, reptiles, and livestock.[17] In response to the disaster, both international and domestic organizations mobilized to rescue wildlife. Humane Society International (HSI) established field veterinary stations and evacuation programs for burned and exhausted animals.[18] The Australian government invested in habitat restoration and support for the reproduction of endangered species. It is important to mention however, that these measures took the form of ad hoc projects without the backing of a binding international framework. Efforts to save individual species or

animals affected by disasters are not yet formally enshrined in any global regime. Animals remain the invisible victims of climate change.

On the other hand, Australia is known for its extremely strict quarantine rules for the entry of animals. The island ecosystem seeks to protect itself from the introduction of diseases and invasive species. For this reason, foreign animals are required to undergo a long quarantine and provide numerous certificates.[19] A refugee arriving in Australia has virtually no chance of bringing a pet (at least not without undergoing several months of quarantine). This prioritizes the protection of native biodiversity over the well-being of a multispecies family. In the context of future climate-driven migrations of people and animals, Australia (and similarly isolated countries such as New Zealand or Japan) will have to consider whether and how to allow animals accompanying refugees to enter. A possible solution is to build quarantine facilities for animals from crisis areas and to engage in regional cooperation on the exchange of veterinary data to minimize risk while allowing families to stay together.[20]

Compared to other regions, Europe has relatively well-developed animal protection legislation. The Treaty on the Functioning of the EU recognizes animals as sentient beings and obliges member states to take their welfare into account when formulating policies.[21] For the travel of companion animals within the EU, there is a unified system of passports and vaccinations (Regulation (EU) No. 576/2013), which under normal circumstances makes it easier for people to travel with their pets.[22] However, this regulation assumes normal circumstances, not the sudden arrival of hundreds of thousands of refugees from a war zone. In the case of the 2022 war in Ukraine, the EU showed flexibility. Immediately after the outbreak of the conflict, the European Commission issued a recommendation that member states temporarily waive standard regulations on the entry of animals accompanying refugees.[23] Countries bordering Ukraine created contact points with veterinarians at the borders, where arriving dogs and cats received mandatory vaccinations and identification, but their entry was not prevented despite missing documentation.

At the systemic level, however, the EU has not yet established a permanent mechanism for integrating animals into the asylum process. The directives of the so-called asylum package address procedures and the reception of refugees, but do not mention what to do with animals that may accompany refugees.

In terms of wildlife conservation, Europe has a long tradition of transboundary national parks and green corridors (from the Alpine-Carpathian Corridor to Tatra transboundary protected area between Slovakia and Poland). These initiatives can serve as a model for adapting to species' climate-driven migration. For example, large carnivores in Europe (wolves, bears, lynx) already benefit from agreements among neighboring states on population management across their entire range.

The Latin American region is known for its progressive approaches to environmental law. Most countries have the right to a healthy environment in their constitutions, and some have also incorporated the rights of nature (Ecuador 2008, Bolivia 2010). These philosophical foundations recognize the value of other beings and ecosystems. As for animals, some important precedents can be mentioned from the past few years. The aforementioned habeas corpus cases in Argentina granted certain great apes the status of "non-human persons" and ordered their relocation to better conditions. In Colombia

in 2017, the Supreme Court designated animals as subjects entitled to constitutional protection, although this recognition was later overturned.[24]

In the area of migration, Latin America has had to deal with mass movements of people (conflicts in Central America in the 1980s, the crisis in Venezuela). The regional approach established by the Cartagena Declaration (1984) expanded the definition of a refugee to include people fleeing circumstances that seriously disturb public order, which can also include natural disasters.[25] However, this still refers to people. Animals are not directly mentioned in Latin American asylum laws. In practice, there are examples of care for multi-species families. For instance, during the migration of Venezuelan refugees to Colombia and Brazil, cross-border shelters operated where refugees could stay with their pets.[26]

4 The Role of Customary and Indigenous Law

Many indigenous and customary legal systems view the relationship between humans, animals, and nature differently than Western law. Traditional (Continental or Anglo-American) law typically places humans at the center and reduces nature and animals to objects of protection or ownership. Indigenous cosmologies often view humans as part of a broader community of living beings. In these cultures, nature and animals are not typically “things” without intrinsic value. They are attributed innate value, spiritual significance, or even legal personhood. Examples include the Andean concept of Pachamama (Mother Earth), the African philosophy of Ubuntu, and the Māori view of Whanganui as a living river. These concepts have also found their way into formal law, some states have recognized the rights of nature or the special status of animals. This means breaking with anthropocentric dogmas and introducing elements of customary and indigenous worldviews into the law.

In Latin America, the ideas of indigenous peoples have been reflected in legal reforms. Ecuador became the first country in the world in 2008 to enshrine the rights of nature directly in its constitution.[27] The constitution (influenced by the philosophy of *Buen Vivir*, or *sumak kawsay*) recognizes that nature is entitled to respect, to the regeneration of its life cycles, and to restoration.[28] This is an interesting change in the view of nature. Pachamama has become a legal entity, not just a resource to be exploited. Similarly, Bolivia adopted the Law on the Rights of Mother Earth in 2010, which grants Mother Earth the same status as humans. [29] This law lists eleven rights of nature. These are rights like the right to life and existence, the right to clean water and air, the right to non-interference with natural cycles, and the right to protection from pollution. Human beings are placed on an equal footing with other entities of nature, which is in line with the traditional Andean spiritual worldview. Vice President García Linera declared at the time: “*The Earth is the mother of all. We are establishing a new relationship between humans and nature, whose harmony we must preserve.*” [30] Bolivian Foreign Minister Choquehuanca added that, according to indigenous tradition, we are part of a great family of plants and animals and everything on the

planet forms one family.[31] So, it is necessary to restore respect for Pachamama in order to avert the climate crisis.

It is important to note that these are not just formalistic or symbolic recognitions. They have an impact that is not only declaratory. In Bolivia, an ombudsman's office for Mother Earth has been established, [32] and in Ecuador, the first legal disputes have emerged in which nature acts as the plaintiff (e.g., cases to protect the Vilcabamba River or the Amazon).[33] The indigenous understanding of nature as a sacred and living being has found its way into positive law.

In addition to the rights of nature, the topic of animal rights is also gaining attention in Latin America. Judicial practice in Argentina and Colombia went a step further in recent years. In these countries, some non-human animals were recognized as legal subjects. There are well-known cases of habeas corpus in favor of the orangutan Sandra and the chimpanzee Cecilia, where Argentine courts declared them to be non-human persons with a right to dignity and a natural environment.[34] In 2017, the Colombian Supreme Court designated animals as subjects entitled to constitutional protection (although this recognition was later overturned on procedural grounds). [35] These precedents show that we are gradually moving towards biocentrism. It means a legal order that recognizes the value and claims of other beings. Philosopher Martha Nussbaum supports this trend. She argues that the full development of humanity requires us to also develop our capacity to care for other animals.[36] According to her, we must ensure conditions for animals that allow them to live a dignified and fulfilling life according to their species. This of course also means legal reforms that grant them basic rights or claims.

In the Pacific, particularly in New Zealand, the Māori worldview has been reflected in several legal acts. The Māori traditionally view the land as their ancestor (*tipuna*) and humans as guardians (*kaitiaki*) of nature. In 2014, the Te Urewera Act was passed, making the Te Urewera forest a legal entity with its own rights and obligations.[37] This law revoked the area's status as a national park and removed it from the ownership regime. Te Urewera cannot be owned by anyone and exists in its own right. Management of the territory was taken over by a council initially composed of equal numbers of government and Māori representatives, with control gradually transferring to the local Tūhoe tribe.[38] This is a practical implementation of the Māori principle that the land and the people are related, bound by mutual obligations. The legislature explicitly established that Te Urewera is "*living, ancient, and eternal*" and that decisions regarding it must take into account the relationships and cultural traditions of the local tribes. This is a tendency toward a relational, ecologically oriented model of law. New Zealand later continued this trend: in 2017, the Whanganui River was granted legal personhood as the entity Te Awa Tupua, which embodies the spiritual essence of the river.[39] The river has two official guardians (one appointed by the government and the other by a Māori tribe) who act on its behalf. Similarly, the sacred Mount Taranaki is also considered a living being. The indigenous belief is that rivers, mountains, and forests possess their own maori (life force) and that the role of the law is to establish harmony, not human dominance over nature. New Zealand is often mentioned as a model for advancing the rights of nature in other countries. In India, for

example, courts cited the Whanganui case when recognizing the sacred rivers Ganga and Yamuna as legal entities (2017).[40]

The African continent has strong communal and spiritual traditions that also include animals and nature. The philosophy of Ubuntu, widespread in Southern Africa, proclaims the principle “I am because we are” - the individual exists only through relationships with others in the community. This community, however, includes not only humans but also animals and nature. Ubuntu, as a moral theory, ascribes to animals the status of community members and bearers of moral status, so that they are entitled to have their interests taken into account. Although the South African Constitution does not yet explicitly recognize animal rights, some legal scholars argue that Ubuntu values should influence the interpretation of existing rights (such as environmental rights) in favor of animals.[41]

African customary law also recognizes a number of taboos and totemic relationships that protect certain animals or places. In some communities, for example, it is sacred not to harm a specific species (a totem animal) or to protect a sacred grove or water source. These are legally relevant customs that have protected biodiversity longer than modern legislation has existed. But we see these cultural norms slowly finding their way into modern legislation as well. For example, Uganda adopted a new environmental law in 2019 that explicitly recognizes the rights of nature.[42] It stipulates that nature has the right to exist, maintain, and regenerate its vital cycles. It grants citizens the right to sue for violations of nature’s rights in court and imposes a duty on the government to proactively protect ecosystems from destruction. An interesting feature is that Ugandan legislation requires guardians of nature to be appointed from among local indigenous communities, who will watch over the health of ecosystems alongside state authorities. This is a synergy between modern law and traditional communities. The reasoning behind this is that the health of the environment is a prerequisite for the health of society. Similar initiatives are also present elsewhere in Africa. For instance, in South Africa, experts have drafted a manifesto for transforming animal protection in accordance with Ubuntu; and in several countries (Kenya, Tanzania), community land ownership is being strengthened to protect traditional natural habitats.[43]

The incorporation of customary and indigenous worldviews into legislation has an important relevance to the main theme of our study. These legal concepts expand the circle of subjects to whom we grant protection and care. For example, if a constitution recognizes a river or a forest as a legal entity, or if a court considers an animal to be a non-human person, it becomes easier to imagine the legal status of an animal refugee.

Modern laws need to rediscover what indigenous cultures have known for a long time: human destiny is intertwined with the destiny of other creatures, and true justice must include the entire circle of life, not just humans. Escaping a climate catastrophe is not an exclusively human tragedy, and it needs our compassion and responsibility toward all beings with whom we share the planet.

5 De Lege Ferenda Recommendations

The above analyses show that current law fails to adequately address the intersection of humanitarian and environmental crises. The main gaps identified are: (1) the lack of an internationally recognized status for persons displaced by environmental causes (including a mechanism to protect their animals); (2) the complete absence of a legal framework for "refugees" from the animal kingdom—wild species crossing borders due to climate change, and multi-species families on the run; (3) the traditional perception of animals as objects, which excludes the possibility of their direct entitlement to protection; (4) the lack of coordination mechanisms between the nature conservation sector and the migration/humanitarian policy sector.

To bridge these gaps, we propose some reform measures. The first of which is expanding the definition of a refugee. The international community could consider revising or amending the Refugee Convention, or adopting a new protocol that would recognize climate refugees. This in itself does not include animals in the protection explicitly, but it would create a legal basis for granting asylum to people fleeing environmental threats with their families – and that implicitly includes the possibility that they have animals with them. UNHCR and other UN agencies could issue more binding guidelines for refugee camps and humanitarian operations that would establish minimum standards for the treatment of animals in the care of displaced persons.

We propose the creation of an international protocol within the framework of the Global Platform for Disaster Risk Reduction (UNDRR) or WOAHA, which would focus on the rescue and relocation of wildlife during major disasters. This could involve a set of procedures and recommendations. These measures would strengthen the link between biodiversity conservation and humanitarian aid.[44]

In the long term, the most important reform would be the recognition of at least certain categories of animals as rights-holders or legal persons. Although this may sound utopian, partial steps are already being taken. For example, the recognition of dolphins and whales as non-human persons in India (2013).[45] Broader recognition would allow, for example, the animal's interests to be represented by a guardian *ad litem* in court proceedings and taken into account just as the interests of a child are within a family.[46] In the context of migration law, this could mean that an animal accompanying a refugee would not be just a property under customs supervision, but a subject deserving of compassionate treatment.

Regional organizations could adopt declarations or conventions recognizing the importance of multispecies families in society and calling on member states to adapt their laws. This could include a commitment to allow families to remain together during humanitarian evacuations and resettlements, provided this does not endanger public health. This would gradually establish a custom of international law that separating a refugee from their animal is undesirable and should be a last resort.

Finally, legal changes must be accompanied by shifts in social consciousness. Including animal protection topics in humanitarian education, training rescuers in animal handling, and informing refugees about the possibility of bringing an animal—these are all soft measures that increase the likelihood of better preparedness for multispecies migration.

The proposed reforms aim at a single goal: to break down the barrier between humanitarian and environmental law and to treat animals as fellow beings deserving of protection. This is part of a broader evolution of law in the spirit of environmentalism and compassion.[47]

6 Conclusion

The phenomenon of environmental refugees compels us to expand the scope of solidarity and legal protection beyond the boundaries of a single species. Climate change and ecological disasters make no distinction between humans and animals. Traditional law, however, currently includes only the human dimension of these tragedies. This study has shown that animals can be refugees in a material sense: they are forced to leave their homes and suffer from hunger, injury, and the stress of displacement just as humans do. Furthermore, many animals are an integral part of displaced families - ignoring them means deepening the suffering of the people for whom they were companions and often the sole source of comfort.

Both academic discourse and the practical experiences of humanitarian workers are increasingly showing us that a change is needed - a legal framework grounded in the principle of interspecies justice. The solutions proposed in this article are steps toward this goal. Of course, implementing such changes faces political, economic, and administrative challenges. Yet a few decades ago, the idea of a global regime for the protection of human refugees was also a utopia, until the horrors of World War II made it a necessity. Today, we face a similar challenge to redefine our legal institutions.

Animals as environmental refugees are no longer just a hypothetical concept, but a reality ranging from the Australian bushfires to the Ukrainian border. Recognizing this reality in legal discourse represents another step in the development of international law in the spirit of one world.

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