

The concept of 'climate refugee'

Towards a possible definition

SUMMARY

According to recent statistics published by the Internal Displacement Monitoring Centre, over 376 million people around the world have been forcibly displaced by floods, windstorms, earthquakes or droughts since 2008, with a record 32.6 million in 2022 alone. Since 2020, there has been an annual increase in the total number of displaced people due to disaster compared with the previous decade of 41 % on average. The upward trend is alarmingly clear. With climate change as the driving catalyst, the number of 'climate refugees' will continue to rise. The Institute for Economics and Peace predicts that in the worst-case scenario, 1.2 billion people could be displaced by 2050 due to natural disasters and other ecological threats.

Despite steps in the right direction, national and international responses to this challenge remain limited, and protection for those affected inadequate. There is no clear definition of a 'climate refugee', nor are climate refugees covered by the 1951 Refugee Convention. The latter covers only people who have a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion, and who are unable or unwilling to seek protection from their home countries. This means that climate cannot currently be cited as a reason for seeking asylum or refugee status, although the 2018 Global Compact for Migration, in its second objective, cites climate as a potential reason for migration. While the EU has not formally recognised 'climate refugees', it has expressed growing concern and has taken action to support and develop resilience in countries most vulnerable to climate-related stress.

This briefing is an update of an earlier version published in October 2021.



IN THIS BRIEFING

- Background
- The complex task of defining a 'climate refugee'
- How climate change contributes to increased displacement of people
- Shaping an international legal framework to address the protection gaps for 'climate refugees'
- Promising developments: Climate litigation through a human rights lens



Background

Since 2008, over 376 million people have been displaced as a result of climate disasters. This is the equivalent of one person being displaced every second, or as if the entire population of Australia were forced to abandon their homes every year. In 2022 alone, 36.2 million people were displaced because of natural disasters brought about by climate change, and while many found refuge within their own country, some were forced to go abroad. With the projected number of people affected expected to double by 2050 according to the [International Federation of Red Cross and Red Crescent Societies \(IFRC\)](#), the annual worldwide displacement of millions of people due to environmental disasters needs to be addressed properly.

Since the 1994 International Conference on Population and Development, the issue of international migration and its connection with development has been rising steadily up the agenda of the international community. The United Nations (UN) [2030 Agenda for Sustainable Development](#) includes several migration-related targets and calls for regular reviews of progress towards their achievement using data disaggregated by, inter alia, migratory status. Nevertheless, the response to this challenge has been limited, and protection for those affected remains inadequate. The lack of a legal definition for persons forced to move for climate-related reasons is of particular concern, as they can easily find themselves in a legal limbo owing to the lack of recognition of their status and their need for humanitarian protection. Principle 1 of the 1972 Declaration of the [United Nations Conference on the Human Environment](#) (the Stockholm Declaration) states that there is 'a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being'. The Stockholm Declaration reflects a general recognition of the interdependence and interrelatedness of human rights and the environment, which is key to addressing this legal limbo.

Although most people who have been forcibly displaced for climate-related reasons remain within their national borders (i.e. they are internally displaced), some go abroad and therefore become externally displaced. Yet, as most of the available data focuses on internally displaced persons, it is difficult to develop a clear overview of the scale of cross-border migration for reasons relating to climate. This lack of precise data (also caused by the legal void surrounding the status of such persons, also referred to as 'external climate migrants'), prevents the implementation of an international legal framework to address this issue. However, since the launch of the [Nansen Initiative](#) in 2012, the international community has begun to consider the phenomenon of external migration for climate reasons.

On 19 September 2016, the UN General Assembly adopted the [New York Declaration for Refugees and Migrants](#), in which it called for the development of two global compacts, one on refugees and the other on 'other migrants'. The second, the [Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#), endorsed on 10 December 2018 in Morocco, acknowledges under its Objective 2 the urgent situation of migrants displaced because of climate change. In the same year, the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change ([COP24](#)) addressed the displacement of people as a result of climate change. Nevertheless, although climate migration is now a recurrent topic in international negotiations, so far no official status or legal protection has been granted to those affected. The 2019 COP25, while relying on the Intergovernmental Panel on Climate Change (IPCC) [special report](#) on climate change and land, addressed the issue of desertification and the heightened global food scarcity risk as outcomes of climate change compromising the quality of human life. Building on that, the [International Organization for Migration \(IOM\)](#) stated that climate change-related outcomes that worsen the living conditions of already vulnerable populations act as triggers for increased human mobility.

The significance of the nexus between climate change-induced disasters and displacements has been acknowledged, but without sufficiently addressing the need to secure a special status for climate-displaced persons. Host countries prefer to seek to solve the problem 'at the root', by diminishing pollution and minimising climate change. Tackling this 'root cause' was at the heart of

COP26 held in 2021 in Glasgow. However, as participants continued to disagree on whether the world was on track to keep temperatures below 1.5 °C, they failed to produce legally binding targets with the required sense of urgency. According to [CarbonBrief](#), they also failed to provide vulnerable nations with adequate resources to undo or address the impacts of climate change. While new pledges might prove fruitful for tackling long-term objectives, humanity continues to face the short-term challenge of displacement due to climate change.

COP27, which took place in November 2022 in Sharm El Sheikh, was supposed to be the litmus test for actions agreed upon in prior conferences. Progress was indeed made in certain key areas, an example being the issue of loss and damages linked to the impact of climate change, which had created understandable mistrust between developing and developed nations. Taking account of the fact that many poorer countries have been the most severely affected by climate disasters (while often having contributed least to the problem), a new multilateral funding mechanism was established, with initial pledges worth roughly [€340 million](#) being made by the EU, Canada and New Zealand. On the sidelines of the conference, the Global Centre for Climate Mobility established the Climate Mobility Pavilion, a forum to discuss policy solutions for climate mobility and displacement. However, despite COP27 having been hailed as the 'implementation COP', its pledges and promises to translate words of affirmation and solidarity into 'action on the ground' once again lacked the backing of precise and mutually enforceable implementation plans.

The UNHCR, in a [2020 article](#) on climate change and disaster displacement, and the European Commission, in its [2019 communication](#) on a European Green Deal initiative, both express their understanding of the current and future role of climate change in the forced displacement of people. Yet, a clear void remains in the international legal framework regarding the protection of such people. Since the [1951 Refugee Convention](#) applies only to people who have a well-founded fear of persecution based on race, religion, nationality or membership of a particular social group or political opinion, and who are unable or unwilling, owing to fear of persecution, to seek protection from their home countries, neither this convention nor its additional protocol recognise climate hazard as a valid basis for obtaining refugee status. The meaning of the term 'climate refugee' is therefore most [uncertain](#) both legally and in practice.

Climate change will continue to have an enormous effect on many populations, especially those in coastal and low-lying areas. In 2023 alone, hundreds of thousands of persons were affected by [natural hazards and severe weather disasters](#) across the globe. In September 2023, Storm Daniel claimed over [12 000 lives in Libya](#), and [40 000 people](#) were forced to leave their homes. In the summer of 2023, temperatures in the [Mediterranean region](#) and the [US](#) reached record-breaking highs, and [floods in Italy's Emilia-Romagna](#) killed 14 people and displaced 50 000. In 2022, [floods in Pakistan](#) displaced over 10 million people, and the Horn of Africa experienced its [worst drought](#) in 40 years, leading to widespread famine and migration. Still in 2022, the US suffered 18 separate ['billion-dollar' weather disasters](#) that inflicted damage costing over US\$165 billion and claimed 474 lives. The most notable of these, Hurricane Ian, which struck Florida in September 2022, became the [third-costliest weather disaster ever recorded](#), with US\$113 billion in damages and 161 deaths. On 13-14 July 2021, at least 243 people died in floods in parts of western Germany, northeastern France, eastern Belgium, the eastern Netherlands and Luxembourg.

Events like these should serve as a grave reminder that climate-related disasters are not simply limited to the Global South, and that the effects of large-scale disasters traditionally observed in developing countries, including displacement, are becoming an increasingly global phenomenon that is occurring closer and closer to home. According to [Justin Ginnetti](#), head of the Data and Analysis Department of the Internal Displacement Monitoring Center (IDMC), people are [now twice as likely](#) to be displaced than they were in the 1970s. This is due to the combined effect of rapid population growth, urbanisation and exposure to climate disasters. According to the 2019 IPCC [Special report on the ocean and cryosphere in a changing climate](#), scientists estimate that in this century, between 6 000 and 17 000 km² of land will be lost owing to rising sea levels and coastal erosion, both caused by climate change; this could displace between 1.6 and 5.3 million people. The

[2021 IPCC report](#) made serious and alarming observations on the future of coastal cities and their populations as a result of the life-threatening rise in sea levels. Maintaining global warming below [2°C would still cause oceans to rise up by 60 cm](#), posing risks to the lives or livelihoods of about [300 million people](#) through annual floods by 2050. Rising sea levels pose threats for cities such as Mumbai, Jakarta, Shanghai, New York and Venice, and could cause entire countries – such as the Netherlands – to disappear and their populations to face displacement. The [2023 IPCC report](#) calls urgently for climate-resilient development to integrate adaptation and mitigation, to advance sustainable development for all through increased international cooperation. Access to adequate financial resources needs to be improved, particularly for vulnerable regions, through more inclusive governance and coordinated policies.

The complex task of defining a 'climate refugee'

Some terms commonly used to describe people displaced for climate-related reasons

The term '**environmental refugee**' has been used in position papers presented by various non-governmental organisations, and also in the media and in academic literature. The term is especially associated with the early stages of reflection on the topic, before a distinction started to be drawn between the different types of environmental change and forms of mobility. It was used to raise awareness and to focus on the forced nature of the displacement. However, the use of the term and status of 'refugee' to describe people in this situation has subsequently been criticised, primarily because the term has a specific legal meaning in the context of the 1951 Refugee Convention and international refugee law.

Relevant UN agencies and the IOM considered that the use of the term 'refugee' would be inappropriate in that context, and that it would not be opportune or feasible to widen the definition of refugees provided in the 1951 Refugee Convention to include additional categories of persons.

The term '**environmental migrant**' is widely used, including by the IOM. Nevertheless, the term 'migrant' might not always be considered appropriate, as it suggests a degree of volition in the decision to move.

One of the most recent terms to have gained popularity is '**environmentally/climate displaced person**'. This term is descriptive – referring to at least of one part of the mobility spectrum (displacement) – and does not necessarily imply responsibility as regards governance. Although there is no internationally accepted legal definition of a 'displaced person', the concept of 'internally displaced persons' (IDPs) is relevant when displacements occur internally.

The phenomenon of 'climate refugees' has been in the [public discourse](#) since 1985, when the [UN Environment Programme](#) (UNEP) expert [Essam El-Hinnawi](#) defined 'environmental refugees' as: 'those people who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption (natural and/or triggered by people) that jeopardised their existence and/or seriously affected the quality of their life'. This definition is also used for the term 'climate refugees'; whether there is a practical difference between 'environmental' and 'climate' remains unclear. One of the key challenges in securing protection for those affected by displacement due to climate change lies in the complexities involved in defining the term 'climate refugee', while also taking the pre-existing discourse surrounding the Refugee Convention and previous attempts at defining 'environmental refugees' into account.

In 2020, during a European Economic and Social Committee ([EESC hearing](#)), Isabel Borges, professor and researcher at the Norwegian Business School and University of Oslo explained: 'The absence of an accurate definition of what constitutes a person displaced by environmental factors has resulted in the inability to measure exactly the number of existing and potential displacement flows'. According to academic researchers Docherty et al. (2009),¹ a 'climate refugee' definition should include the following parts: 'forced migration, temporary or permanent relocation, movement across borders, disruption consistent with climate change, sudden or gradual environmental disruption, and a more than likely standard for human contribution to the disruption'.

Attributing the title of refugees to persons displaced internally and externally has attracted criticism. Initially, the term 'climate refugees' was found to be incorrect by the UNHCR, as it blurred the boundaries between the definition of refugees according to the 1951 Refugee Convention – 'Convention refugees' – and popular concepts regarding refugees. In June 2019, [Dina Ionesco](#), head of the Migration Environment and Climate Change (MECC) Division at the IOM, expressed her concerns about granting refugee status to climate migrants. She argued this could weaken the UNHRC 1951 Refugee Convention while also excluding from aid and support climate-displaced persons unable to give a suitable proof that their forced displacement is due to climate.

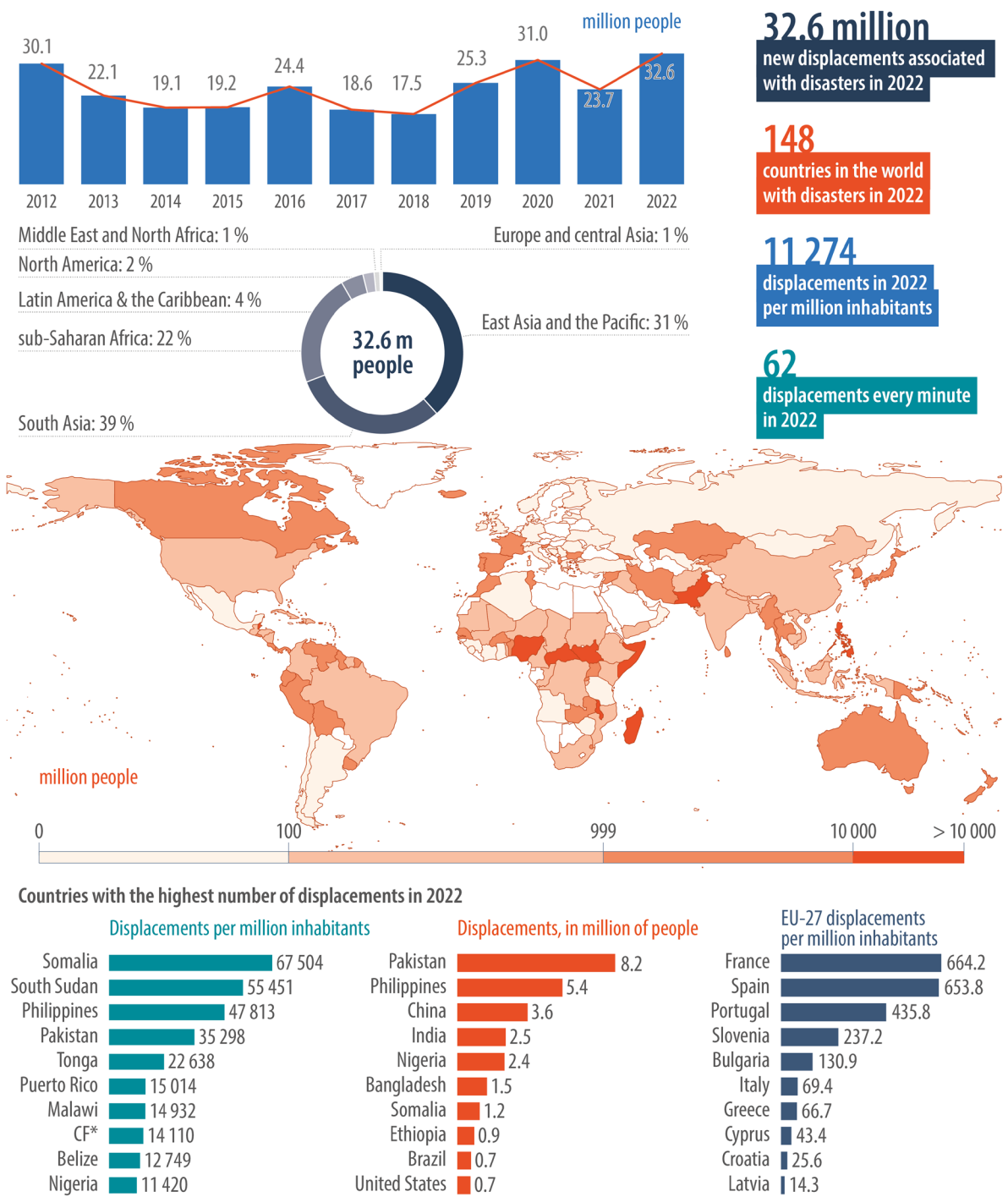
The question is whether climate refugees should be the subject of a new treaty or convention. The UNHCR argues that those displaced as a result of environmental change could in theory still rely on protection offered by their countries, while traditional refugees could not, as countries are often a source of persecution, thus making an individual 'unwilling to avail himself of the protection of that country' as required by Article 1A(2) of the 1951 Refugee Convention. Yet, in reality, certain regions struck by recurrent climate disasters (mostly in the Global South where migration movements mainly come from), face difficulties in recovering from these events, as they often overlap with existing structural problems, disrupting both reconstruction efforts and the return of the displaced people. The endorsement of a new binding convention designed to legally protect and support climate displaced people should at least be considered. A regional system, such as that established through the [Kampala Convention](#) in Africa, may better employ notions of subsidiarity that more accurately reflect the reality of state behaviour rather than would a top-down legal framework.

Professor Walter Kälin, former UN representative on the human rights of internally displaced persons, and Nina Schrepfer from the UNHCR, use [four key findings](#) relevant to forced population movement: a) reduction in available water; b) decrease in crop yields; c) risk of floods, storms and coastal flooding; and d) negative overall impact on health (especially for the poor, elderly, young and marginalised). They identify **three kinds of impediment to the return of people** in such circumstances: **legal impediments** to return after the end of an environmental crisis under human rights law: whereby in forcing return, the host state would expose the individual to a substantial risk of torture, inhuman or degrading treatment or punishment; **factual impediments**: there is no means of sending people back to the country (for instance, no airports, roads or other essential infrastructure); **humanitarian impediments**: where even though it is possible to return people and there are no human rights obstacles, there are compassionate and humanitarian grounds for not sending people back. According to the authors, so long as any one of the three situations exists, the persons affected should be classified as forcibly displaced and in need of protection and assistance from another state.

How climate change contributes to increased displacement of people

Climate change can generate 'refugees' in a number of ways, and rising temperatures are known to increase the frequency and intensity of weather-related disasters. While most climate displacement [happens internally](#) and displaced people can sometimes return to their homes after a disaster, the growing impact of climate change is making certain areas increasingly uninhabitable, making it difficult to return.

Figure 1 – Internal displacement of persons due to natural disasters



Internally displaced people (IDPs): people or groups of people who have been forced or obliged to flee or to leave their homes or places of habitual residence, as a result of, or in order to, avoid the effects of natural disasters, and who have not crossed an internationally recognised border. Natural disaster refers, for instance, to earthquakes, hurricanes, typhoons, floods, volcanic eruptions, tsunamis, tornadoes, landslides, extreme temperatures, etc.

* ISO country code for the Central African Republic.

Data source: [Global Report on Internal Displacement](#), IDMC, 2022 and [World Bank, World Development Indicators, 2022](#). Graphic update Stéphanie Pradier, based on original infographic by Giulio Sabbati, EPRS.

Despite the difficulties in quantifying accurately the number of persons externally displaced because of climate disasters, studies show that external migration linked to climate disasters will most probably [increase](#) in the coming years. This will only add to the pressure on refugee agencies and migration policies that are already under stress because of the ongoing migration crisis notably in Europe since 2015. Whether it is internal or external, forced displacement of people can lead to conflict and tension with those already living on the destination land. In 2019, the [IPCC](#) explained that displacement can create competition for food, clean water access and jobs, whilst also exacerbating pre-existing ethnic tension or [gender violence](#) and worsening the situation in sensitive regions affected by wars and violence.

The IEP published its third annual [Ecological Threat Report](#) in October 2022, as part of its continued task of measuring and monitoring the level of ecological threats faced by vulnerable countries, while providing projections for 2050. Combining comprehensive ecological data with measures of resilience, the report lists the countries that are least likely to withstand the effects of climate disasters and ecological shocks in the coming decades. Additionally, the report finds that over 1 billion people live in countries where the state's ability to cope with projected ecological events by 2050 is seen as insufficient. According to the report, North/sub-Saharan Africa, the Middle East and South Asia are the regions that are most strongly exposed to these ecological shocks, which include food insecurity, water risk and natural disasters.

The report further states that out of what are deemed the 40 least peaceful countries in the world, almost half are simultaneously perceived to be under the highest threat of ecological disaster.² Similarly, the [IDMC](#) report states that 'disasters often overlap with conflict in certain regions'. Among these countries, [Afghanistan](#) is the most strongly affected by natural hazard displacements, with 1 117 000 people displaced because of climate disasters in 2020. In 2022, Afghans were the second-largest group, by nationality, of [asylum seekers in the EU](#). Indeed, regarding overall displacement data, climate disasters trigger [over three times more displacements than conflict and violence](#) while also triggering local conflicts or worsening ongoing ones. The [drought in Somalia](#) drove people away from their rural homes to urban areas where they are now at greater risk of eviction and attacks by armed groups. People who have been forcibly displaced by adverse climate conditions encounter stigmatisation and violence in the places to which they fled, can fall within the remit of the 1951 Refugee Convention and be granted legal status and international protection.

Shaping an international legal framework to address the protection gaps for 'climate refugees'

While the universal human rights treaties do not refer to a specific right to a safe and healthy environment, the UN human rights treaty bodies all recognise the intrinsic link between the environment and the realisation of a range of human rights, such as the right to life, health, food, water and housing.³ Under the [1989 Convention on the Rights of the Child](#), states parties must act appropriately to combat disease and malnutrition 'through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution'. Unfortunately, the rights guaranteed by these conventions are difficult to implement. Yet, consequences associated with climate change include food competition, difficult access to clean water, water stress and desertification, which exacerbate violence and conflicts that are already present within tense regions, prompting people to flee. That way, climate change acts as a trigger to migration within countries but also beyond their borders. In April 2021, the UN World Food Programme (WFP) alerted that southern Madagascar [was on the brink of famine](#) because of long and successive droughts over the previous 4 years. According to the WFP, the situation had already displaced [thousands of people](#) due to climate change rather than conflict.

The non-binding [1998 UN Guiding Principles on Internal Displacement](#) provide a framework for protecting victims of natural disasters who do not cross an international border. In 2009, the [Council of Europe](#) suggested using these principles as a model to develop a global guiding framework for

the protection of displaced persons crossing international borders because of climate change and natural disasters.⁴ While these guiding principles still do not cover cross-border displacement, they were used to draft the [Kampala Convention](#) for the protection and assistance of internally displaced persons in Africa. Under the convention, complementary forms of protection allow states to provide protection on human rights grounds for persons facing the prospect of being returned, in cases not addressed by the 1951 Refugee Convention and its 1967 protocol. These types of protection are subsidiary to the refugee status granted under the 1951 Refugee Convention and may vary widely from one jurisdiction to another. It has also been argued that complementary forms of protection may be relevant for some people forced to move on a long-term basis or permanently, i.e. when there is no prospect of return in the long term. In 2008, the [Office of the UN High Commissioner for Human Rights](#) (OHCHR) studied the effects of climate change on human rights and found the need for progress on three key issues, before a claim could officially be made that climate causes a violation of human rights:

- obtaining sound proof that one country's greenhouse gas emissions cause a specific effect on another country;
- showing that the warming of the climate system is unequivocal and that most of the observed increase in global average temperatures since the mid-20th century is very likely human-induced;
- rethinking the fact that the human rights framework is usually utilised in response to violations, whereas climate change regulation is concerned with potential future harm.

Promising developments: Climate litigation through a human rights lens

Climate change litigation – an emerging body of environmental law – has seen growing traction as a realistic means of bringing both private and public institutions to court for poor mitigation efforts. The role of human rights-based arguments in particular has proved fruitful in a handful of recent ground-breaking cases, as a means for the public to influence policy change and hold governments accountable for the consequences of climate change. One such case, [Urgenda v The Dutch Government \(2019\)](#), became the **first tort climate case successfully taken against a government** on the grounds of human rights violations. It was seen that the state had failed to meet minimum carbon-emissions reduction goals set by experts and scientists, thus endangering its own citizens under the European Convention of Human Rights (Articles 2 and 8). As a result, the Dutch government was required to set new, more ambitious emissions reduction goals. Similarly, in 2020 the [Friends of the Irish Environment \(FIE\)](#) won a case against the Irish government, when it was found that the government's national mitigation plan was unlawful because it lacked ambition and failed to comply with the requirements of a preceding climate act. The FIE stressed the human impact that would occur if the plan was not revised and internationally defined goals were not met – including the increased risk of fatalities and destruction of people's homes and livelihoods.

Cases like these are slowly transforming the grounds on which climate action can be carried out by ordinary people. Rights-based torts in an environmental context are now one of the promising new ways to challenge the sometimes ambiguous or temporally distant negative effects of climate change and the moral responsibility of governments to protect their citizens from these effects. Litigation relating more specifically to the short-term consequences of climate change and displacement has also seen recent advances. In September 2022, the [UN Human Rights Committee](#) based in Geneva found Australia to be guilty of failing to protect the indigenous people of Torres Island from the already existing consequences of climate change. With their island slowly becoming submerged, it was found that the island population's fundamental right to be free from interference in their private life and culture had been breached. The Australian government had failed to provide adequate short-term solutions in the form of (inter alia) seawalls, and to achieve sufficient progress in long-term efforts to reduce greenhouse emissions. While these cases serve as encouraging

human rights-centered legal avenues for those under the direct threat of climate change, the [majority of claims](#) result in negative outcomes. It also goes without saying that the most vulnerable to climate disasters and displacement do not have the opportunities or avenues to challenge governments in the courts.

In 2012, the [Nansen initiative](#), launched by the governments of Norway and Switzerland, appeared as the first milestone for the recognition and the protection of people externally displaced by climate-related events. It aimed to fill the legal protection gap regarding the status of people externally displaced by climate adversities, by building a consensus among states to implement a protection agenda with standards of treatment. This states-led consultative process established in October 2015 a non-binding [agenda for the protection of cross-border displaced persons in the context of disasters and climate change](#), endorsed by 109 states. It paved the way for the COP21 of December 2015, where the Paris Agreement finally acknowledged climate change as a threat to humankind and a trigger to human mobility.

Building on the endorsement of the protection agenda closing the 2012 Nansen initiative process, a [platform on disaster displacement](#) – the 'Protection Agenda' – was launched during the Humanitarian summit of Istanbul in 2016. This platform offers states a toolbox to better prevent and prepare for displacement before a disaster strikes. When displacement cannot be avoided, it helps states to improve their responses to situations in which people are forced to find refuge, either within their own country or across an international border. Rather than calling for a new binding international convention on cross-border disaster displacement, the Protection Agenda supports the integration of effective practices by states and (sub-) regional players into their own legal frameworks, in accordance with their specific context.

2015 – COP21: The preamble to the Paris Agreement recognises that climate change is a common concern of humankind. It includes a reference to migrants, asking parties to respect, promote and consider their respective obligations towards migrants, among others, when taking actions to address climate change. It also calls on the Executive Committee of the Warsaw International Mechanism (WIM) to prepare a task force on displacement. In its [decisions](#), the Conference of the Parties recognises the dangers of displacement and the fact that climate change is a driver of displacement (paragraph 50).

2017 – COP23: Held in Bonn, Germany, COP23 put together a platform – [InsuResilience Global Partnership for Climate and Disaster Risk Finance and Insurance Solutions](#) – seeking to reduce the humanitarian impact of climate disasters by helping vulnerable population in their recovery.

2018 – COP24: Held in Katowice, Poland, COP 24 [encouraged](#) the parties, in its decision text paragraph 5 (b), to 'continue working on human mobility under strategic workstream through an enhanced cooperation and facilitation in relation to human mobility, including migration, displacement and planned relocation'. It also [recommended](#) in its Annex 1 (c) strengthening 'coordination, coherence and collaboration across relevant bodies under the Convention and the Paris Agreement, and institutional arrangements, programs and platforms, with a view to enhancing understanding of human mobility (including migration, displacement and planned relocation), both internal and cross-border, in the context of climate change, as they undertake their work, and in collaboration with the Executive Committee'.

2021 – COP26: held in Glasgow, Scotland, the COP sought to establish a preventive framework with defences, warning systems and resilient infrastructure and agriculture, to respond to loss of homes, livelihoods and lives caused by climate disasters, and in that way to prevent climate-induced migration.

2022 – COP27: held in Sharm el-Sheikh, Egypt, the COP reached a breakthrough agreement on establishing a new loss and damage fund for countries most vulnerable to disasters attributed to climate change, where forced displacement was successfully recognised as a form of 'loss'. The event also hosted the launch of the [Climate Mobility Pavilion](#) – a forum created by the Global Centre for Climate Mobility as a space dedicated to discussions on policy solutions for climate mobility and displacement.

After the adoption of the Paris Agreement in 2015, the COPs started addressing the issue of climate displacement with the aim of building a framework able to prevent migration (see box above). Hence, in 2017, COP23 developed the [InsuResilience Global Partnership](#) to help the countries affected by climate disasters in the implementation of infrastructure and programmes in support of

populations – victim of climate hazard, notably through financial help, insurance, resilience programmes, regional collaboration and coordination. In 2018, both COP24 and the UN Global compact for safe, orderly and regular migration framework recognised climate change as a driver of human mobility. COP24 took up the commitment made in the Paris Agreement to fight climate change, and for the first time a [series of measures](#) was proposed to address the situation of people affected adversely by climate change.⁵ Furthermore, the COP24 framed a discussion to [accompany both home and host states](#) with the displacement of people due to climate disasters. Later, the [2018 Global Compact for Safe, Orderly and Regular Migration](#) also included climate migration in its second objective.

It is evident from all the above that so far, it is not the legal status of climate-displaced persons that has been addressed, but rather, the root causes of their displacement to prevent the massive climate migration waves forecast for 2050. As can be seen above, though the Nansen initiative has paved the way for new possibilities for the recognition of people who have been externally displaced due to climate, a legal void regarding their status remains.

How the coronavirus pandemic worsened the condition of climate-displaced people

Although the forced movement of people might have been expected to subside during the pandemic, human mobility flows relating to climate disasters increased in regions such as sub-Saharan Africa, Europe and Central Asia. [IDMC](#) estimates reveal that the 30.7 million displacements registered in 2020 made it the year with the highest level of displacements linked to climate since 2010. Yet, some [climate-disaster affected people chose to stay](#) in their vulnerable homes rather than risk being infected by the virus in migrant camps with poor sanitation. In September 2020, a [fire destroyed the Moria camp](#) in the Greek island of Lesbos, displacing 12 000 people and illustrating the [vulnerability of migrants living in camps](#) on the EU's borders. The ongoing pandemic at the time made it all the more difficult and complex to offer a swift and safe response.

Following the devastating earthquake in Croatia on 28 December 2020, which left [8 people dead and 2 000 displaced](#), fears that this would lead to an increase in COVID-19 infections materialised: two out of the six temporary shelters, housing 487 people, were placed under quarantine. The pandemic and related border restrictions made it harder to seek assistance, especially for vulnerable people fleeing their homes due to climate calamities or hazards but not qualifying for refugee status.

The EU response to 'climate refugees'

In the 2019 [European Green Deal](#) initiative, the European Commission recognised climate change as a trigger of migration and of other sources of instability such as conflicts, food insecurity and population displacement. Climate has been acknowledged several times by both the European Commission and the [European Parliament](#) as a catalyst for migration. The number of climate migrants is expected to rise to [between 25 million and 1 billion by 2050](#) if the issue is not properly addressed. Since 1994, the European Parliament [Intergroup on Climate Change, Biodiversity and Sustainable Development](#) has brought together Members of the European Parliament (MEPs) from all political groups and parliamentary committees to find sustainable solutions to some of the greatest challenges of our time. In its [resolution](#) of 15 June 2023, the Parliament called for 15 July to be designated the EU day for the victims of the global climate crisis, as of 2023, in order to raise awareness of the human lives lost and the humanitarian crisis caused by climate change. However, although many developing countries have urged the EU to afford climate migrants the status of refugees, individual EU Member States have not supported the idea. The EU has so far addressed the root causes of climate migration, advocating through the Green Deal for better global climate policies and for regional development programmes to reduce the impact of climate change on already vulnerable regions and populations.

In 2018, the European Commission made a proposal [to address the main causes of irregular migration](#), namely underdevelopment, demography, lack of opportunities, climate change and inequality, through the establishment of an [asylum, migration and integration fund](#). Linked to this proposal is the [new pact on migration and asylum](#), published in September 2020, seeking to protect refugee status and to propose better integration of rightful immigrants. However, this new pact does not address climate change as a recognised reason for migration or list it as a fair motive for seeking asylum. It is therefore difficult to draw any solid conclusions regarding the legal status of 'climate refugees' based on the [main EU instruments on migration](#). In 2020, the European Economic and Social Committee (EESC) highlighted the [lack of an accurate definition of climate migration](#), which obstructs efforts to properly measure the proportions of the problem and address it. During this hearing, Isabel Borges stressed that there is no comprehensive framework to address the climate migration issue. 'Environmental displacement has to be seen as a human rights issue and there should be a rights-based approach', Borges maintained.

With environmental degradation due to climate change proving to be an ever-increasing problem closer to home, the EU may start viewing climate migration not only from the viewpoint of a territory receiving displaced people from abroad but also as one where climate displacement occurs internally. To achieve the goal of climate neutrality by 2050, the European Green Deal and subsequent COPs have focused primarily on tackling the 'root causes' of climate change. However, the EU may increasingly be prompted to explore other avenues and policy initiatives for climate change mitigation, especially when emissions reductions are not happening rapidly enough.

Falling under the broad umbrella of environmental degradation, biodiversity loss has a significant negative impact on our planet's ability to protect itself and its inhabitants from the consequences of climate change. Biodiversity loss and climate change are deeply mutually enforced, interconnected by the direct impact they have on one another. This is recognised in the proposed regulation on a [nature restoration law](#), on which the European Parliament adopted amendments on 12 July 2023. In its resolution on the vote, Parliament stated that the [regulation](#) is a key step in avoiding ecosystem collapse and preventing the worst impacts of climate change and biodiversity loss. Implementation of the [EU's biodiversity strategy for 2030](#) is also underway, with a core objective of increasing resilience against the negative effects of climate change. While the legal status of 'climate refugees' remains an issue in and of itself, a more holistic approach to climate change mitigation that includes biodiversity restoration, among other things, might ultimately tackle the overarching causes of climate displacement more effectively.

Outlook

According to the IPCC, to keep the global temperature rise under 1.5°C or 2°C by 2050, approximately 10 gigatonnes of net CO₂ per year need to be removed. If the initiatives proposed by the IPCC and as discussed above serve as catalysts for sustainable and implementable solutions, the displacement of millions of people could be avoided by 2050, and their living conditions could at least be stabilised if not improved. It is however imperative to also understand and address climate displacement as a short-term challenge. Hence, a treaty based on the Nansen initiative, considering its 10 principles, could perhaps address the legal gap as regards the status of persons moving as a result of climate hazards in the short and medium term. The EU could lead by example, by establishing, for a start, a European framework of rights for people forcibly displaced owing to climate hazards, envisaging, among other things, proper and timely remedial action in support of the victims of climate disasters. Further to COP27 in Egypt and the concrete initiatives adopted to support victims of climate change, COP28, which will take place from 30 November to 12 December 2023 in Dubai, will look into ways to ensure a [just and balanced energy transition](#) that spurs the switch from fossil fuels to renewables while keeping costs in check.

MAIN REFERENCES

Bilak A. et al., [Global Report on Internal Displacement 2021](#), Internal Displacement Monitoring Center 2021.

De Smedt K. and Faure M., [Compensation for victims of climate change disasters](#), Policy Department C, Directorate-General for Internal Policies, European Parliament, July 2023.

Hinkel J. et al., [Special Report on the Ocean and Cryosphere in a Changing Climate](#), Intergovernmental Panel on Climate Change, 2019.

Kraler A. et al., [Climate Change and Migration](#), Policy Department C, Directorate-General for Internal Policies, European Parliament, 2020.

McAdam J. and Limon M., [Human rights, Climate change and cross-border displacement: the role of the international human rights community in contributing to effective and just solutions](#), Universal Rights Group, 2015.

Walsh B. et al., [The cost of doing nothing](#), International Federation of Red Cross and Red Crescent Societies, 2019.

ENDNOTES

- ¹ See, Bonnie Docherty & Tyler Giannini, Symposium: Confronting a Rising Tide: A Proposal for a Climate Refugee Treaty, 33 Harvard EVITL L. Rev. 349, 372, 385 (2009).
- ² The report predicts a sharp increase in forced migration and conflict as a result. Afghanistan, South Sudan, Syria, Ethiopia and the Democratic Republic of the Congo experienced the highest levels of internal displacement, while developed countries can expect to see an expanding influx of climate refugees forced to leave their homeland.
- ³ ILO Convention No 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries provides for special protection of the environment of the areas that indigenous peoples occupy or otherwise use. At the regional level, the African Charter on Human and Peoples' Rights and the San Salvador Protocol to the American Convention on Human Rights recognise the right to live in a healthy or satisfactory environment. Moreover, many national constitutions refer to a right to an environment of a certain quality.
- ⁴ See Resolution 1862 (2009) of the Parliamentary Assembly of the Council of Europe, point 6.5, which states 'encourage the United Nations and its other relevant partners to seek avenues for extending the Guiding Principles to include people displaced by gradual environmental degradation, and to consider developing similar guiding principles or guidelines to cover the rights of those moving across international borders for compelling environmental reasons ("external displacement")'.
- ⁵ The EU and scores of developing countries have pledged to toughen their existing commitments to reduce greenhouse gas emissions, to enable the world to stay within a 1.5°C rise in global warming.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2023.

Photo credits: © Ирина Батюк / Adobe Stock.

eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)