



Rhodes Judicial Conference on Human Rights



Study Guide

for

the Rhodes Judicial Conference on Human Rights

**Topic Area: Examining the human rights situation
of individuals displaced due to disasters
and the impact of climate change**

1. Introduction to the Topic

Climate change is one of the most important contemporary challenges. Among the various impacts this entails, is either the individual movement of persons or the mass mobility of populations as a consequence of the deterioration of living conditions in the affected areas. The rapid rise in temperature causes extreme weather events, such as disproportionate flooding or prolonged drought, making the homes of millions of people around the world unsustainable. Although in the majority of cases, it is migration within the borders, many are affected by the circumstances that turn their interest toward neighboring countries. As a result of the phenomenon, new population groups, which need help, are created. In terms of legal protection, there is a progressive framework, attempting to face the complexity of the issue. Thus, up-to-date solutions are searched, shaped by the entry into force of environmental law, the tools of refugee law, and most and foremost human rights law.

2. Definitions

A. Climate Change

Climate Change refers to long-term shifts in temperatures and weather patterns¹. What differentiates climate change from natural weather changes is the element of duration. The shifts produced under the phenomenon of climate change can either be natural or provoked by human activities.

Human activities have been the main factor of climate change, which increased the average temperature of the Earth for about 1.1 C in comparison with the pre-industrial level, through, mainly the burning of fossil fuels. The latter is responsible for the emission of greenhouse gases that are trapping the Sun's rays and raising temperatures in the planet. Greenhouse gases, such as CO₂ -which constitutes the most important contributor to global warming-, methane, nitrous oxide and fluorinated gases are produced almost exclusively by human activities.

¹ United Nations, Climate Action: What is Climate Change?. Available at: <https://www.un.org/en/climatechange/what-is-climate-change> .

Apart from the burning of fossil fuels, humans are engaging in activities that undermine the quality of life on the planet, such as, but not limited to, deforestation, increased livestock farming, wide use of fertilizers containing nitrogen and fluorinated gases².

The tragic aftermath of this procedure renders the past decade the warmest decade ever recorded. Global warming is often accompanied by extreme natural disasters, such as cyclones, floods, droughts and earthquakes.

In this context, climate change affects our lives in various ways. Among others, food scarcity, lack of potable water, abandonment of residences and displacement due to natural disasters are highly linked to climate change. Even though it mainly affects already marginalized groups of people, leading them to unbearable poverty and unhealthy living conditions, the truth is that we are all submitted to the catastrophic outcomes of this evolution: climate change offends the right to life and serves as a “threat multiplier”.

As a response to that escalated situation, UN Member States adopted a legally binding international treaty on climate change, namely the Paris Agreement, in 2015, during the UN Climate Change Conference (COP21). The main goal of the convention is “to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels³.” Moreover, the UN has created the Intergovernmental Panel on Climate Change, a body that assesses knowledge and scientific information related to climate change. The IPCC provides a series of Reports which assimilate the impact and potential risks of climate change, while offering alternative solutions to mitigate the devastating results of climate change⁴.

B. Displaced People: IDPs and People Displaced in the context of disasters and climate change

The acronym IDPs stands for Internally Displaced Persons. It refers to those people who are forced to leave their residence for reasons beyond their will, such as armed conflicts,

² European Commission, Climate Action: Causes of climate change. Available at: https://climate.ec.europa.eu/climate-change/causes-climate-change_en .

³ United Nations, Climate Change: The Paris Agreement. Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement> .

⁴ The Intergovernmental Panel on Climate Change: Reports. Available at: <https://www.ipcc.ch/> .

generalized violence, human rights violations and disasters. Unlike refugees, IDPs are not crossing their country's borders, they just change location within its territory, due to lack of means or physical strength, or simply because they hope that, in this way, it would be more possible to return to their homes. This means that responsible for guaranteeing IDPs' rights remains their state, a fact that turns IDPs into the most vulnerable displaced people, as, in cases of armed conflicts or political instability, the State cannot ensure the protection of IDPs' human rights. IDPs include both citizens as well as other habitual residents of the country in which they are displaced, as they are, for example, stateless people⁵. Overall, internal displacement is the forced movement of people within the country they live in and the term IDPs represents "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border", as stated in the UN Guiding Principles on Internal Displacement.

Internally displaced people include, but are not limited to, populations caught between warring parties or in locations where armed conflicts and bombardments occur, people forced to leave their homes because of the impacts of weather-related, geophysical or technological hazards and communities displaced in order for industrial and infrastructure projects to be held⁶.

IDPs are entitled to enjoy the same rights and freedoms under international and national laws as do other people in their country⁷.

According to the Internal Displacement Monitoring Centre (IDMC), the global leading source of data and analysis on internal displacement, there were 59.1 million IDPs across the world at the end of 2021. Undoubtedly, this statistic indicates the existence of an important humanitarian crisis.

⁵ Internal Displacement Monitoring Centre, Internal Displacement. Available at: <https://www.internal-displacement.org/internal-displacement>.

⁶ Internal Displacement Monitoring Centre, Internal Displacement. Available at: <https://www.internal-displacement.org/internal-displacement>.

⁷ Internal Displacement Monitoring Centre, Internal Displacement. Available at: <https://www.internal-displacement.org/internal-displacement>.

Displacement lays on the most devastating consequences of the climate crisis. There is a significant number of populations that are forced to leave their homes due to climate change or natural disasters. These are the so-called “people displaced in the context of disasters and climate change”. This category includes IDPs, stateless people and refugees. As the term “climate refugees” is not officially recognized, the aforementioned term is used by the United Nations High Commissioner for Refugees (UNHCR) as a hybrid construction in order to better define these people and approach their needs. The UN Global Compact on Refugees recognized that ““climate, environmental degradation and disasters increasingly interact with the drivers of refugee movements”⁸.

C. Right to life

The right to life is recognized in various legally binding texts of international law. It refers to the inherent right of every person to life, a right which includes a positive and a negative obligation.

As far as it concerns the positive obligation, States and governments should take all appropriate measures to upgrade living conditions of individuals within their territory, offering them the opportunity to live a decent life and enjoy fundamental human rights, without any discrimination. We could notice that the right to life is the source of every other human right. States have, thus, the duty to ensure and protect the right to life of their nationals via legislative and executive measures, such as “effective remedies and reparation”⁹ for any violation of the right to life. On the other hand, the negative obligation ensures that no one deprives a person arbitrarily from their innate right to life. This means that the right to life is not absolute, hence there are deprivations of life that can be deemed “not arbitrary”.

The right to life permits no derogation from its principles, even in situations of armed conflict or political instability.

⁸ UNHCR, Climate change and disaster displacement. Available at: <https://www.unhcr.org/what-we-do/build-better-futures/environment-disasters-and-climate-change/climate-change-and> .

⁹ United Nations, International Covenant on Civil and Political Rights: General Comment No. 36. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsrdB0H1I5979OVGGB%2BWPAXhNI9e0RX3cJImWwe%2FGBLmVrGmT01On6KBQqgmXPNIjrLLdefuuQjiN19BgOr%2FS93rKPWbCbgoJ4dRgDoh%2FXqwn> .

The right to life “finds its most general recognition in article 3 of the Universal Declaration of Human Rights”¹⁰, as well as in Article 6 of the International Covenant of Civil and Political Rights, which explicitly states the legal protection of the right to life. The latter is, moreover, recognized in the Convention of the Rights of the Child and the European Convention on Human Rights.

3. The Road to the Climate Change Issue

A. The Impact of Climate Change in the increased displacement of people

Since 2008, over 318 million people¹¹ have been estimated to be displaced because of climate change disasters. To put this into perspective, the rate of displacement approximates to one person being relocated every second, which is tantamount to the entire population of Australia being relocated annually. In the year 2020 alone, the number of individuals displaced, accounting to environmental disasters, notably linked with climate change, amounted to 30.7 million.¹² As the number of people displaced by 2050 could double,¹³ It is imperative that the issue of annual displacement due to environmental disasters be addressed.

Climate change has the potential to create refugees in various ways. While establishing a nexus between climate change and climate disasters can be challenging, it is widely acknowledged that rising temperatures contribute to more frequent and severe weather-related catastrophes. In the past, climate-induced displacement was mostly confined within national borders, internally, with people returning home shortly after the crisis.

¹⁰ United Nations, United Nations Human Rights Office of the High Commissioner: International Standards. Available at: <https://www.ohchr.org/en/special-procedures/sr-executions/international-standards> .

¹¹ Global Internal Displacement Database. Available at: <https://www.internal-displacement.org/database>

¹² *ibid.*

¹³ International Federation of Red Cross and Red Crescent Societies (IFRC). Available at: <https://www.ifrc.org/document/displacement-in-a-changing-climate>

Nowadays, however, the impacts of climate change are increasingly rendering some regions uninhabitable, making it impossible and unsafe for affected residents to return.¹⁴ As a consequence, these adverse effects of global warming are compelling displaced individuals to seek shelter and assistance across international borders. Even though quantifying the number of people externally displaced by climate change is far from an easy task, research indicates that such migration is likely to increase in the upcoming years. This surge in climate-driven migration further strains on the EU's asylum agency and migration policies, which have been in a critical condition ever since the start of the huge migratory crisis, in 2015.

Whether occurring internally or externally, forced displacement of populations can lead to conflict and tension with established communities in the receiving regions. As elucidated by the IPCC's 2019 special report¹⁵, such displacement can spark competition for resources like food and clean water, as well as create tensions around the labor market. Moreover, it can exacerbate existing ethnic rivalries and instances of gender-based violence. Additionally, climate-induced migration often overlaps with displacement caused by conflicts, amplifying the plight of vulnerable regions already grappling with warfare and violence. For instance, in 2020, floods displaced more people in Yemen¹⁶ than the actual conflict and violence did, intensifying the world's most severe humanitarian crisis. These new causes of displacement directly impact Europe's migration strategy.

To illustrate, the IDMC's Global Report on Internal Displacement (GRID)¹⁷ for 2020 revealed that Afghanistan was the most severely affected country in terms of natural hazard displacements, with 1,117,000 people displaced due to climate disasters. Notably, Eurostat data also indicated that Afghans were the second-largest nationality seeking asylum in the EU.¹⁸ It is worth noting that climate disasters triggered more than three times the number of displacements compared to conflict and violence, often instigating or exacerbating local

¹⁴ Internal Displacement Monitoring Centre. Available at: https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf

¹⁵ Intergovernmental Panel on Climate Change. Available at: https://www.ipcc.ch/site/assets/uploads/sites/3/2019/11/08_SROCC_Ch04_FINAL.pdf

¹⁶ Global Internal Database. Available at: https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf

¹⁷ Global Report on Internal Displacement, GRID. Available at: <https://www.internal-displacement.org/publications/2021-global-report-on-internal-displacement>

¹⁸ Eurostat, News release. Available at: <https://ec.europa.eu/eurostat/documents/2995521/9665546/3-14032019-AP-EN.pdf/eca81dc5-89c7-4a9d-97ad-444b6bd32790>

conflicts. The situation is worsened for forcibly displaced populations due to the presence of violence and insecurity. In regions like sub-Saharan Africa, disasters often coincide with conflicts. For example, drought in Somalia has forced people to flee from rural to urban areas, where they now face a higher risk of eviction and attacks from armed groups. When climate-displaced individuals encounter stigmatization and violence in their destination regions, they may fall under the protection of the 1951 Refugee Convention, entitling them to legal status and safeguards.

B. The aftermath of the COVID-19 Pandemic for people displaced due to climate change

Despite the (logical) anticipation of reduced forced population movements during the Covid-19 pandemic, specific regions such as sub-Saharan Africa, Europe, and central Asia have witnessed an increase in human mobility flows associated with climate disasters. According to the IDMC, there has been a significant surge in climate-induced displacements, reaching 30.7 million in 2020, marking the highest levels since 2010.

As per the GRID's statement, in certain instances, individuals impacted by climate disasters chose to remain in their vulnerable homes rather than risking exposure to infection in unsanitary migrant camps due to their fear of the virus. This situation arose after Croatia experienced a devastating earthquake on 28 December 2020, resulting in the loss of 8 lives and the displacement of over 2,000 individuals, as reported by UNICEF's earthquake situation report.¹⁹ The authorities expressed concerns about a potential surge in Covid-19 cases following the earthquake. In fact, out of the six temporary shelters accommodating 487 people, two had to be placed under quarantine. Moreover, the mix of populations in Croatian shelters and host-homes was disorganized, creating favorable conditions for the spread of infection.

Moreover, the challenges faced by forcibly displaced individuals in accessing camps and medical aid have been compounded by the Covid-19 pandemic's impact on local regulations, lockdowns, and border closures. These measures have further complicated the process of

¹⁹ UNICEF. Available at: <https://www.unicef.org/media/91436/file/Croatia-Earthquake-SitRep-20-January-2021.pdf>

seeking refuge in neighboring or safe countries²⁰, leading to delays in asylum applications and a reduction in the number of refugees granted official status. According to data from the European Commission in 2020, the pandemic and the restrictions imposed by Member States caused a notable 33% decline²¹ in asylum applications within the EU, while the incidents of pushbacks at borders (both land and sea) increased. Notably, between January and March 2021, the number of illegal border crossings surpassed the figures for the same period in 2020, with a staggering 28,200 irregular arrivals.²²

The pandemic and border restrictions have created increased challenges in accessing assistance, particularly for vulnerable populations who are forced to flee their home countries due to environmental hazards, and who do not qualify for refugee status. The September 2020 fire on Lesbos²³, which resulted in the displacement of 12,000 people from the Moria camp, exemplifies the precarious situation of migrants residing in EU border camps. The COVID-19 pandemic has further complicated the urgent need for a rapid and secure response. This event underscores the worsening living conditions caused by the intersection of climate disasters and the ongoing impact of the virus.

4. The Problem

A. The difficulty in defining the term “climate refugee”

As a matter of fact, the international community has not yet accepted a legally recognized definition for people on the move due to environmental drivers. The term “climate refugee”, used since the decade of 1980, is rejected by the United Nations, as no direct link has been

²⁰ Time. COVID-19 Outbreaks Are Now Emerging in Refugee Camps. Why Did it Take so Long For the Virus to Reach Them? Available at: <https://time.com/5893135/covid-19-refugee-camps/>

²¹ European Commission. Migration statistics update: the impact of COVID-19. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_21_232

²² European Commission. Statistics on migration to Europe. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en

²³ UNICEF. Available at: <https://www.unicef.org/press-releases/unicef-statement-fire-moria-camp-lesvos-greece>

found between people displaced in the context of disasters and climate change and the traditional definition of “refugee”, as stated in the UN Refugee Convention of 1951. This means that, actually, the term “climate refugee” has no legal basis in international refugee law.

The UN High Commissioner on Refugees endorses the term “people displaced in the context of disasters and climate change”, a term merely descriptive which undermines the importance of climate migration, while the International Organization for Migration prefers the term “environmental migrant”, since 2007. According to this, “Environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad”²⁴. This definition seems to be wide and flexible, as it includes displacement both due to sudden-onset events (floods, cyclones, earthquakes) and slowly-progressive environmental changes (sea level rise, increasing temperatures), voluntary and involuntary movement with temporary or permanent effect. Without a doubt, the absence of stable criteria to divide the different types of every situation of the above, render the IOM’s definition frivolous and the matter of defining “environmental migration” more complicated.

However, the IOM formed too a definition for a subcategory of “environmental migration”, the so-called “climate migration” or “climigration”, a term used in the legally binding Cancun Agreements on climate change adaptation, adopted by States Parties to the UN Framework Convention on Climate Change (UNFCCC) at the 2010 Conference. The Cancun Agreements identify three forms of “climate change induced” movement: displacement, migration, and planned relocation²⁵. Climate migration refers to “the movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or

²⁴ International Organization for Migration, Environmental Migration Portal. Available at: <https://environmentalmigration.iom.int/environmental-migration> .

²⁵ International Organization for Migration, Environmental Migration Portal. Available at: <https://environmentalmigration.iom.int/environmental-migration> .

choose to do so, either temporarily or permanently, within a State or across an international border”²⁶.

B. The legal vacuum: the lack of legal status for “climate refugees”

The difficulty in defining “climate refugee” and distinguishing it from “environmental migrant” creates a serious legal vacuum that cannot be omitted. It goes without saying that the absence of internationally recognized legal status for the people displaced in the context of disasters and climate change leads to reduced or inexistent protection, in the framework of international refugee law. According to Antonio Gutierrez, the former UN High Commissioner for Refugees, “As forcibly displaced not covered by the refugee protection regime, they find themselves in a legal void”²⁷. At the same time, as these people seem to be the unnoticed victims of climate change and migration, we observe a series of human rights’ breaches, as the fundamental principles of international humanitarian law, such as the principle of non-refoulement, remain unapplied.

The core of the issue is the absence of a legally binding text, able to force States in providing protection to people moving from their residencies across the borders or inside their country. In order for this problem to be solved, efforts have been made at the international level.

First of all, the UN Global Compact on Safe, Orderly Regular and Regular Migration called upon State Parties to “incorporate the concept of human rights protection into the planning and implementation of climate change measures”²⁸. This implies the need to take all appropriate preemptive measures in order to mitigate massive displacement, to ensure the enjoyment of human rights for displaced people and to promote the alternative way of planned relocation.

Moreover, UNHCR issued in 2020 “Legal Considerations regarding claims for international protection made in the context of adverse effects of climate change and disasters”, ensuring the protection of internationally displaced people, through the recognition of helping tools,

²⁶ International Organization for Migration, Environmental Migration Portal. Available at: <https://environmentalmigration.iom.int/environmental-migration> .

²⁷ Climate Refugees, Crisis Looms. Available at: <https://www.climate-refugees.org/why>.

²⁸ Climate Change: Climate Refugees-the world’s forgotten victims. Available at: <https://www.weforum.org/agenda/2021/06/climate-refugees-the-world-s-forgotten-victims/> .

such as humanitarian protection and free movement of people displaced due to natural disasters and climate change²⁹.

Last but not least, progress has been made in recognising people displaced due to environmental drivers as “refugees”. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa defines “refugee” the same way UN Refugee Convention does, but expands the definition, as it states that “Refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality”³⁰. As “events seriously disturbing public order” could be considered the devastating effects of climate change, especially in a continent where many countries are under the immediate threat of climate change, like Sudan and the Sahel region. Nonetheless, this definition does not effectively solve the problem, as the OAU is only regionally binding, and thus is lacking the global status it needs for a fruitful protection to be successful. Additionally, it does not clarify the States’ obligations against displaced people, but leaves the issue under the discretion of every country’s legislation³¹.

In the same direction, in the *Teitiota v. New Zealand Case*, the UN Human Rights Commission recognized that important principles of international humanitarian law, such as the one of non-refoulement, held for the “traditional refugees” can be applied to people displaced due to natural disasters and climate change, if “ they would face a serious risk of irreparable harm to their right to life”. However, this irreparable harm is difficult to be proven, especially in situations where climate degradation is slow and, thus, no direct menace to the right of life exists.

²⁹ UNHCR: Climate change, displacement and Human Rights. Available at: <https://www.unhcr.org/media/climate-change-displacement-and-human-rights> .

³⁰ Tyler Bergeron-No Refuge for “Climate Refugees” in International Law. Available at: <https://law.lclark.edu/live/blogs/200-no-refuge-for-climate-refugees-in-international> .

³¹ Tyler Bergeron-No Refuge for “Climate Refugees” in International Law. Available at: <https://law.lclark.edu/live/blogs/200-no-refuge-for-climate-refugees-in-international> .

On an EU level, while there is broad consensus between states that environmentally displaced people should obtain a legal status in order to be properly protected under international law, few states have endorsed relevant legislation. In particular, Finland and Sweden provided explicit statutory protection for persons fleeing environmental disasters, but unfortunately, they have recalled these protective laws³².

Summarizing, the legal vacuum concerning the status of “climate refugees” lays upon the difficulty to define them and identify them with the traditional, legally binding, conception of “refugees”. Although some progress has been made, in order for international refugee and humanitarian law to be applied for those vulnerable populations too, the obstacles seem to be insurmountable at the time.

C. Differences with the term “refugee” as stated in the UN Refugee Convention (1951)

The UN Refugee Convention of 1951 is a legally binding convention, adopted by all States Parties, which offers the definition of the term “refugee” and outlines the rights of these populations and the legal obligations of the States Parties against them. According to Article 1 of the Convention, “the term “refugee” shall apply to any person who (...) owing to well-founded 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 is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”.

Taking this definition into consideration, we note three issues concerning people displaced in the context of disasters and climate change. Firstly, climate change and its impact in everyday life are not included in the list of reasons for which someone is forced to be outside their country. Secondly, people fleeing due to environmental crises are not necessarily

³² Emily Hush, Developing a European Model of International Protection for Environmentally-Displaced Persons: Lessons from Finland and Sweden. Available at: <https://cjel.law.columbia.edu/preliminary-reference/2017/developing-a-european-model-of-international-protection-for-environmentally-displaced-persons-lessons-from-finland-and-sweden/?cn-reloaded=1> .

“persecuted”. Thirdly, a vast category of displaced people due to climate change are IDPs and they have not crossed international borders so as to seek international protection.

In addition, “climate refugees”, a term which is not internationally accepted, are not “environmental migrants”, given that a migrant voluntarily leaves their country, pulled by better livelihood options. On the contrary, “those displaced by climate change impacts have been pushed rather than pulled”³³.

As mentioned above, there are significant efforts, such as the one of the African Union, to expand the term “refugee” so as to broaden international protection for “climate refugees”, however they fail to deal with the root of the problem. The UNHCR accepts that people displaced due to climate change may apply for refugee status, only when the tragic effects of climate change are combined with other factors of forced movement, such as armed conflict and political instability. This seems to add extra criteria in order for a displaced person to be characterized as “refugee” and, thus, indicates the difficulty of obtaining the legal status of a “refugee”.

D. The absence of protection for IDPs

Following the definition of UN Guiding Principles on Internal Displacement, it occurs that internally displaced people in the context of disasters and climate change found themselves in a desperate situation after their movement, given that under no circumstances they could obtain the legal status of a “refugee”. Even if a broader conception of the term “refugee” as stated in the UN Refugee Convention permitted refugee status for those moved due to environmental drivers, IDPs are not crossing their national borders so as to search for international protection.

As a consequence, people who are forced to leave their homes because of the effects of climate change and do not have the chance to abandon their country are placed in the most difficult position as international refugee and humanitarian law cannot be applied. Thus, the only responsible for guaranteeing IDPs’ rights is the Government of their State, many times responsible for the movement (!).

³³ The Third Pole, What is the definition of a climate refugee?. Available at: <https://www.thethirdpole.net/en/hub/climate-refugees/> .

In many cases, the absence of international protection for IDPs functioned as a motive for international agencies and organizations to legislate and promote initiatives for the resolution of the problem. The UN Guiding Principles on Internal Displacement constitutes the most remarkable effort towards this direction. It is a declaration whose aim is to ensure that internally displaced people are entitled equally and without discrimination to all rights and freedoms that enjoy, under national and international law, other people in their country, including freedom of movement, of seeking asylum and the right to refuse to be resettled in any location “where their life, safety, liberty and/or health would be at risk”³⁴. This principle presents similarities with the principle of non-refoulement. The Guiding Principles have as main recipient national authorities, who are responsible for protecting and assisting IDPs, independently of the cause of displacement³⁵, covering cases of people that have been displaced within their country due disasters caused by natural or human made hazards. The international community serves a complementary role. In this context, national authorities are obliged to provide IDPs with “durable solutions”, that are succeeded in three cases: 1) when the person is successfully reintegrated in an area where they have taken a refuge (local settlement) 2) when the person is sustainably integrated in another area in their country (settlement elsewhere in the country) and 3) when the individual is safely returned to their place of origin (sustainable returned)³⁶.

The UN Guiding Principles on Internal Displacement are legally binding only for State Parties that have adopted the text. However, they are recognized globally as they derive from international humanitarian and human rights law. As a matter of fact, the African Union has codified the Guiding Principles with the Kampala Convention, making the text legally binding for all Member States of the African Union³⁷.

Apart from the UN Guiding Principles, an important role plays the Global Protection Cluster, a collaboration of international agencies for protecting and assisting IDPs³⁸. In that Cluster, UNHCR has a leading position in helping IDPs in need, including people displaced due to

³⁴ UNHCR, IDP definition. Available at: <https://emergency.unhcr.org/protection/legal-framework/idp-definition> .

³⁵ IDMC, Internal Displacement. Available at: <https://www.internal-displacement.org/internal-displacement> .

³⁶ UNHCR, IDP definition. Available at: <https://emergency.unhcr.org/protection/legal-framework/idp-definition> .

³⁷ UNHCR, IDP definition. Available at: <https://emergency.unhcr.org/protection/legal-framework/idp-definition> .

³⁸ Global Protection Cluster, Who we are. Available at: <https://www.globalprotectioncluster.org/about> .

natural disasters, via deploying emergency teams to deal with significant challenges such as family separation, loss of documentation, lack of shelter, loss of property etc.

Lastly, the Internal Displacement Monitoring Center records situations of displacement caused by any reason worldwide, collects and analyzes data on the scale, the scope, the motives and the evolution of different internal displacements. IDMC also tries to form the profile of IDPs, their shelter type and the duration of their displacement³⁹.

Overall, even though the problem of protecting people displaced in the context of disasters and climate change is even more complicated for internally displaced people who lack legally binding international protection, the international community is making stable paths over addressing the issue.

E. The principle of non-refoulement

The principle of non-refoulement, cornerstone of the international refugee and humanitarian law, protects refugees from being resent to the country in which they shall be transferred, when their life and freedom is threatened or “when there is substantial ground to believe that they are in pertinent danger to be subjected in violation of their human rights”⁴⁰. Basically, it is a bright exception in the receiving state’s freedom to regulate the stay of foreigners within its territory. The principle of non-refoulement is recognized in the Article 33 of the UN Refugee Convention, while, at the same time, constitutes international customary law. Moreover, the principle is directly linked with the right of life, as stated in Article 6 of the International Covenant on Civil and Political Rights, and the prohibition of inhuman and degrading treatment, as stated in Article 7 of the International Covenant on Civil and Political Rights and in Article 3 of the European Convention on Human Rights.

The principle of non-refoulement includes both the direct and the indirect return of people to their countries. Indirect, chain or secondary refoulement is called the situation where the State on which refugees are returned is not threatening itself their right to life and fundamental freedoms, however, on the other hand, it does not protect displaced people from being

³⁹ IDMC, Internal Displacement. Available at: <https://www.internal-displacement.org/internal-displacement> .

⁴⁰ Tilman Rodenhäuser, The principle of non-refoulement in the climate context: 5 key points. Available at: <https://reliefweb.int/report/world/principle-non-refoulement-migration-context-5-key-points> .

transferred to a third country on the ongoing, breaching this way the principle of non-refoulement⁴¹. Hence, indirect measures with the same effect are also prohibited⁴².

The principle of non-refoulement further recognizes the right to effective remedy, as procedural safeguard for the unhindered implementation of the principle, for people claiming that their rights of non-refoulement are about to be violated. Effective remedy includes the right of people to be informed in a timely manner for their refoulement and the right to appeal the decision in front of an impartial judicial body⁴³.

At the time, the inexistence of a legal obligation to respect the principle of non-refoulement as far as it concerns “climate refugees” constitutes the core of the problem of the relevant legal vacuum. However, an important path to the fulfillment of this legal gap has been made with the ruling of the UN Human Rights Committee, in the context of *Ioane Teitiota v. New Zealand Case*. The Committee ruled that people displaced in the context of natural disasters and climate change can recall the implementation of the principle of non-refoulement, as far as they can prove that there is “an imminent threat to their lives” in the country in which they are about to be transferred. The Human Rights Committee based its ruling on the inherent right to life, as codified in Article 6 of the International Covenant on Civil and Political Rights, which include the freedom to be protected from future life-threatening situations. It goes without saying that environmental degradation and climate change menace the enjoyment of the right to life, mainly due to sea level rise⁴⁴. Specifically, the Committee noted that “without robust national and international efforts, the effects of climate change may expose individuals to a violation of their rights such that other countries could not send them back”⁴⁵. As a result, the only requirement for the principle of non-refoulement to be implemented is to prove the existence of such essential danger for the individual’s life. In this sense, the ruling of the Human Rights Committee is of great importance as it recognizes criteria in order for

⁴¹ Tilman Rodenhäuser, The principle of non-refoulement in the climate context: 5 key points. Available at: <https://reliefweb.int/report/world/principle-non-refoulement-migration-context-5-key-points> .

⁴² Tilman Rodenhäuser, The principle of non-refoulement in the climate context: 5 key points. Available at: <https://reliefweb.int/report/world/principle-non-refoulement-migration-context-5-key-points> .

⁴³ Tilman Rodenhäuser, The principle of non-refoulement in the climate context: 5 key points. Available at: <https://reliefweb.int/report/world/principle-non-refoulement-migration-context-5-key-points> .

⁴⁴ IDOS, The implications of the UN’s ruling on “Climate Refugees”. Available at: <https://www.idos-research.de/en/the-current-column/article/the-implications-of-the-uns-ruling-on-climate-refugees-1/> .

⁴⁵ UNHCR, Climate change, displacement and human rights. Available at: <https://www.unhcr.org/media/climate-change-displacement-and-human-rights> .

international refugee protection to be implemented for people displaced due to climate change. Nonetheless, the proof of causality between imminent threat for the right of life and climate change remains a significant challenge⁴⁶.

6. The role of International law

A. Towards an international legal framework - UN Initiatives

Principle 1 of the 1972 Declaration of the United Nations Conference on the Human Environment⁴⁷, known as the Stockholm Declaration, affirms the existence of an essential entitlement to freedom, equality, and suitable living conditions within an environment that sustains a life of dignity and well-being. This declaration manifests a universal acknowledgment of the interconnectedness and mutual influence between human rights and the natural environment.

The universal human rights treaties do not explicitly include a specific right to a safe and healthy environment. Nevertheless, the United Nations human rights treaty bodies universally acknowledge the inherent connection between the environment and the realization of various human rights, such as the rights to life, health, food, water, and housing. For instance, the 1989 Convention on the Rights of the Child⁴⁸ obligates states parties to take appropriate measures to combat disease and malnutrition by providing adequate nutritious food and clean drinking water, while considering the risks of environmental pollution.

Despite the protections guaranteed by these conventions, implementing them remains challenging, primarily due to climate disasters that have been amplified by climate change and further compounded by the COVID-19 pandemic since 2020. These calamities have made it increasingly intricate to access essential goods and services. Global warming, with its ensuing consequences of food scarcity, limited access to clean water, water stress, and

⁴⁶ IDOS, The implications of the UN's ruling on "Climate Refugees". Available at: <https://www.idos-research.de/en/the-current-column/article/the-implications-of-the-uns-ruling-on-climate-refugees-1/> .

⁴⁷ United Nations. Report of the United Nations Conference on the Human Environment. Available at: <http://www.un-documents.net/aconf48-14r1.pdf>

⁴⁸ UN Convention on the rights of the Child. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

desertification, exacerbates existing tensions and conflicts in vulnerable regions, leading to forced migration. Thus, climate change acts as a catalyst for cross-border migration.

An alarming example was seen in April 2021 when the UN World Food Programme (WFP)⁴⁹ issued a press release warning about the imminent famine in southern Madagascar due to prolonged and successive droughts over the past four years. The situation was attributed directly to climate change, not war or conflict. As a result, thousands of people were already forcibly displaced, compelled to seek sustenance elsewhere.

The non-binding 1998 UN Guiding Principles on Internal Displacement⁵⁰ serve as a framework to safeguard individuals affected by natural disasters within their own country's borders. In 2009, the Council of Europe⁵¹ proposed that these principles could be utilized as a model to establish a global guiding framework for the protection of individuals displaced across international borders due to climate change and natural disasters.

Complementary forms of protection offer states the means to provide protection to individuals who face the risk of being sent back for reasons related to human rights, particularly in situations not covered by the 1951 Refugee Convention and its 1967 protocol. These additional forms of protection are secondary to the refugee status granted under the 1951 Refugee Convention and may differ significantly from one jurisdiction to another.

It has been argued that complementary forms of protection might be relevant for individuals compelled to relocate on a long-term or permanent basis, such as cases where returning is not feasible in the foreseeable future.

In 2008, the Office of the UN High Commissioner for Human Rights (OHCHR) conducted a study on the impact of climate change on human rights and identified three obstacles that must be addressed before considering climate change as a violation of human rights: a) *“proving that one country's emissions cause a specific effect on another country”* b) *“showing that human rights issues are caused solely by global warming; and”* c) *“considering the fact*

⁴⁹ WFP, Available at; <https://www.wfp.org/news/southern-madagascar-brink-famine-warns-wfp>

⁵⁰ United Nations, Human Rights, Office of the High Commissioner. Available at: <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/international-standards>

⁵¹ CoE, Environmentally induced migration and displacement: a 21st-century challenge. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17718&lang=en>

that the human rights framework is usually utilized in response to violations, whereas climate change regulation is concerned with potential future harm”.

In 2012, the Nansen initiative⁵² was initiated jointly by the governments of Norway and Switzerland, marking a significant advancement in the acknowledgement and safeguarding of individuals displaced across borders due to climate-related factors. The primary objective of this initiative was to address the legal protection gap concerning the status of people forced to migrate due to climate disasters, by fostering a consensus among nations to adopt a protection agenda and establish standardized treatment measures. Subsequently, in October 2015, this collaborative effort among states culminated in the formulation of a non-binding 'agenda for the protection of cross-border displaced persons in the context of disasters and climate change', garnering endorsement from 109 states. Within this agenda, ten crucial action points were encapsulated and later referred to as the 10 Nansen principles.

The Nansen principles, though lacking formal adoption, mirror the results derived from the Nansen Conference on Climate Change and Displacement in the 21st Century. The preamble emphasizes their wide-ranging recommendations, designed to offer guidance in addressing the pressing and intricate issues arising from displacement amidst climate change and other environmental perils

According to the Nansen Conference proceedings, Principle I emphasizes the necessity of a comprehensive knowledge base to address climate- and environment-induced displacement. Principles II to IV outline the specific roles and responsibilities of relevant stakeholders. They assert that while states bear the primary responsibility for safeguarding populations affected by climate change and environmental hazards, including displaced and host communities, and those at risk of displacement, addressing the challenges posed by climate change, especially those related to human mobility, requires the active involvement of local governments, communities, civil society, and the private sector. In cases where national capacity is limited, regional frameworks and international cooperation are crucial for preventing displacement, providing assistance and protection to affected communities, and finding sustainable solutions.

⁵² Nansen Initiative, Nansen Initiative Protection Agenda. Available at: <https://www.dandc.eu/en/article/nansen-initiatives-protection-agenda-what-do-about-disaster-displacement>

Furthermore, the Nansen principles underscore the importance of reinforcing prevention and resilience-building efforts in line with the principles set forth in the Hyogo Framework⁵³ (Principle V). Additionally, there is a need to enhance local and national capacity for disaster preparedness and response (Principle VI). It is stressed that existing international law norms should be fully utilized, and any gaps in norms need to be addressed (Principle VII). While the Guiding Principles on Internal Displacement offer a robust legal framework for those displaced within their own country, effective implementation depends on the presence of adequate national laws, policies, and institutions (Principle VIII).

Simultaneously, the principles recognize the lack of normative guidance concerning the protection of people displaced across international borders due to sudden-onset disasters and propose that states collaborate with UNHCR to develop a guiding framework or instrument (Principle IX). Finally, the last Principle emphasizes the importance of implementing all policies and responses, including planned relocation, based on principles of non-discrimination, consent, empowerment, participation, and partnerships with the directly affected individuals, taking into account factors like age, gender, and diversity. The voices of the displaced or those facing potential displacement should be duly considered (Principle X).

Furthermore, in 2016, subsequent to the conclusion of the Nansen initiative process, a Platform on Disaster Displacement⁵⁴ was introduced at the Istanbul World Humanitarian Summit, which further advanced the promotion of the protection agenda. Despite the potential advancements the Nansen initiative brought in acknowledging individuals displaced by climate-related challenges, a significant gap persists in their legal status.

Supplementarily, the *Ioane Tetiota v New Zealand* case, CCPR/C/127/D/2728/2016, UN Human Rights Committee (HRC) with the Committee decision issued in 2019, is considered as a milestone towards activating the principle of non-refoulement in circumstances where “climate refugees” are capable of proving that they are facing an imminent threat of their life. In particular, he appealed to the Committee claiming that New Zealand had violated his and his family’s right to life, as enshrined in Article 6(1) of the International Covenant on Civil and Political Rights, rejecting his asylum application and ordering their expulsion to the Republic

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⁵⁴ Available at: <https://disasterdisplacement.org/the-platform/our-response/>

of Kiribati. The applicant had appeared before the New Zealand Immigration and Protection Court, claiming that he was a refugee fleeing Kiribati due to climate change. He and his family did not want to return to their country of origin due to rising sea levels, which in combination with overcrowding has caused, among other things, food problems as well as conflicts over property, housing, etc. Finally, he submitted a request for protection that was rejected in all jurisdictions as no legal basis was found for the activation of the 1951 Geneva Convention on Refugee Life.⁵⁵

B. EU, Inter-American, AU initiatives and the Nordic countries example

In its 2019 European Green Deal initiative, the European Commission acknowledged that climate change contributes to migration, instability, conflict, and food insecurity. The Commission and Parliament have recognized the climate factor as a driver of migration multiple times, predicting that the number of displaced people could reach 25 million to one billion by 2050 if not adequately addressed.⁵⁶

Despite calls from developing countries for the EU to grant climate migrants refugee status, individual EU Member States have not supported the creation of a new category known as 'climate refugees.' The Commission's Directorate-General for Migration and Home Affairs suggested a new category called 'permanently forced migration' to tackle the refugee issue. In a staff working document from 2013, they argued that there was no need for 'refugee-type protection' based solely on climate-related reasons.

Instead of establishing a new category, the EU opted to address the root causes of migration, emphasizing the importance of better global climate policies and regional development programs to reduce the impact of climate change on vulnerable regions and populations, thus preventing forced migration. As a result, in 2018, the European Commission proposed

⁵⁵ Bhardwaj C, Ioane Teitiota v New Zealand (advance unedited version), CCPR/ C/127/D/2728/2016, UN Human Rights Committee (HRC), 7 January 2020, Environmental Law Review (2021) 23(3) 263-271, Available at : <https://journals.sagepub.com>

⁵⁶ European Parliament. Available at: <https://www.europarl.europa.eu/news/en/headlines/world/20200624STO81906/exploring-migration-causes-why-people-migrate>

addressing the primary causes of irregular migration, including underdevelopment, demography, lack of opportunities, climate change, and inequality.⁵⁷

In September 2020, the EU published a new pact on migration and asylum⁵⁸, aiming to protect refugee status and provide legal pathways and improved integration. However, this pact does not explicitly recognize climate change as a legitimate reason for migration, and climate disasters are not listed as valid motives for seeking asylum. Consequently, the legal status of 'climate refugees' remains uncertain based on the main EU instruments on migration.

During a 2020 hearing, the EESC brought attention to the absence of a precise definition required to effectively tackle the matter of climate migration⁵⁹. Isabel Borges, representing the Norwegian Centre for Human Rights, emphasized the need for a comprehensive European 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'*.

In any event, it is evident that the European Union will encounter rising apprehension regarding climate-induced forced displacement within its territorial boundaries, not solely as a recipient region. The Internal Displacement Monitoring Centre (IDMC) reported that in the year 2020, a total of 37.7 thousand individuals experienced forced displacement within the EU due to climate-related disasters. The predominant cause behind these displacements was wildfires, accounting for 21 thousand instances, likely associated with extreme temperatures and droughts attributable to climate change in the region.

On the other hand, states such as the United States of America or Canada are activating the mechanisms of domestic immigration policy, allowing the legal residence of "climate refugees" most commonly for humanitarian reasons.

In specific, within the nonappearance of any particular government system to address climate movement, the U.S. government has depended on the advertising of Temporary Protected

⁵⁷ European Commission, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Asylum and Migration Fund. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1530262451165&uri=CELEX%3A52018PC0471>

⁵⁸ European Commission, new Pact on Migration and Asylum. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706

⁵⁹ European Economic and Social Committee, Climate refugees account for more than a half of all migrants but enjoy little protection. Available at: <https://www.eesc.europa.eu/en/news-media/news/climate-refugees-account-more-half-all-migrants-enjoy-little-protection>

Status (TPS) to individuals escaping climate catastrophes. TPS covers individuals now within the U.S. who came from a nation that has endured a normal catastrophe or other circumstance that would make it difficult for that nation to get its nationals back. TPS recipients are ensured from expulsion and allowed work authorization for the term of the assignment of their nation within the program. Numerous nations have had TPS assignments that have kept going for decades. Though the Department of Country Security (DHS) can expand TPS for as long as the dangerous environmental conditions persevere, TPS is revocable and gives no pathway to legitimate residency.⁶⁰

As for Canada, section 25.2 of the Immigration and Refugee Protection Act (IRPA) allows the Minister of Immigration, Refugees and Citizenship to grant permanent resident status and/or an exemption from any criteria or obligations of the IRPA if the Minister believes it's justified by public policy considerations. The Minister can deploy this tool to respond to emergency situations like a sudden-onset environmental disaster; for example, the Minister used it during the 2010 Haitian earthquake.⁶¹

The African continent, as one of the most vulnerable and affected regions by climate change and environmental degradation, is dealing with high rates of human mobility due to natural disasters and climate change. In this regard, the African Union has initiated various projects to handle the situation, while, at the same time, is always present in relevant UN actions.

First of all, the African Union, via the OAU Convention Governing the Specific Aspects of Refugee Problems (1969), expanded inter-continent protection to “climate refugees”, as it added to the traditional refugee definition of the UN Refugee Convention the element of being displaced due to “events seriously disturbing public order”. Natural disasters and climate change could fall under the umbrella of such events, as they are progressively causing serious problems like sea level rise, more intense tropical cyclones and coastal inundation⁶².

⁶⁰ Hannah Tyler, IMMIGRATION PROJECT Available at : https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2022/03/BPC_Issue-Brief_ClimateMigration_R06448.pdf

⁶¹ Cher-Lee Gomez, Charlotte Sullivan, Climate Migration: The Canadian Response, Available at : <https://www.mcinnescooper.com/publications/climate-migration-the-canadian-response/>

⁶² Tyler Bergeron, No Refuge for “Climate Refugees” in International Law. Available at: <https://law.lclark.edu/live/blogs/200-no-refuge-for-climate-refugees-in-international> .

Furthermore, the AU is the only regional organization which rendered the UN Guiding Principles on Internal Displacement in a legally binding text, through its codification with the Kampala Convention in 2009⁶³. In this way, African countries are obliged to respect, protect and assist all IDPs, including those who are displaced due to natural disasters and climate change.

Thirdly, the AU, in collaboration with the IMO, is organizing the annual panel “PAFOM” (Pan African Forum on Migration), in which Member States, migration stakeholders and civil society organizations, among others, are discussing the enhancement of migration strategies and exchanging good practices on the impact of climate change, displacement and migration. The African Union Commission is providing technical support to Member States with the aim of developing stable migration policies, through initiatives, such as the AU Climate Change and Resilient Development Strategy and Action Plan (2022-2032), the Integrated African Strategy on Meteorology, the Migration Policy Framework for Africa (MPFA) and the Africa Climate Mobility Initiative (ACMI)⁶⁴.

The latter is the outcome of a collaboration between the African Union Committee, the UN and the World Bank, whose aim is to “harness the potential of mobility in the context of climate crisis”, while dealing with the causes and consequences of climate-forced human mobility. ACMI is collecting and analyzing data and conducting surveys in cooperation with research institutes, concerning climate mobility in the continent. Additionally, it leads a network of various agents, dedicated to create and implement policies concerning “the scope, opportunities and implications of climate-forced mobility in Africa”. Last but not least, it conducts the Africa Climate Mobility Reports and manages the Accelerator for Action, a body that collects resources to enhance efforts in terms of economic integration and green growth⁶⁵.

⁶³ UNHCR, IDP definition. Available at: <https://au.int/en/pressreleases/20221019/addressing-impact-climate-change-human-mobility> .

⁶⁴ African Union, Addressing the Impact of Climate Change on Human Mobility at the center of PAFOM deliberations in Kigali. Available at: <https://au.int/en/pressreleases/20221019/addressing-impact-climate-change-human-mobility> .

⁶⁵ Deltares: Supporting the Africa Climate Mobility Initiative. Available at: <https://www.deltares.nl/en/expertise/projects/african-climate-mobility-initiative> .

The Nordic countries are somewhat an exception in dealing with climate refugees. Finland and Sweden are globally the only nations that include environmental migrants as “persons otherwise in need of protection” in their official state immigration and asylum policy.⁶⁶

In particular, the Swedish provision, which was suspended in 2016 and repealed in 2021, appeared in Chapter 4, section 2a (2) of the Swedish Aliens Act: 15 2a § A person otherwise in need of protection in this law is a non-citizen who in other cases than those set out in 1 or 2 §§ finds herself outside the country that she is a citizen of because he or she

1. needs protection because of an external or internal armed conflict or because of other serious tensions in the home country feels a well-founded fear of being exposed to serious harm or
2. is unable to return to her home country because of an environmental disaster.

The provision consists of an alternative solution of international protection for people who do not meet the requirements to be recognized as a refugee or as a person in need of subsidiary protection.

Similar is the Finnish provision, which was found in section 88a of the 2004 Finnish Aliens Act, until its removal in 2016. The specific inclusion of disaster displacement was added in 1999, although this category was implicit in the general concept of a person in need of protection reflected in section 31 of the 1991 Aliens Act.⁶⁷

8. Conclusion

Climate change constitutes one of the most menacing phenomena globally. Its evolution is connected, among others, with a significant humanitarian crisis, namely the human mobility

⁶⁶ Emily Hush, Developing a European Model of International Protection for Environmentally-Displaced Persons: Lessons from Finland and Sweden , Available at : <https://cjel.law.columbia.edu/preliminary-reference/2017/developing-a-european-model-of-international-protection-for-environmentally-displaced-persons-lessons-from-finland-and-sweden/?cn-reloaded=1>

⁶⁷ Matthew Scottv and Russell Garner, Nordic Norms, Natural Disasters, and International Protection Swedish and Finnish Practice in European Perspective , Available at : https://brill.com/view/journals/nord/91/1/article-p101_6.xml?language=en

within or across the borders of populations whose right to life has been threatened by natural disasters and environmental degradation.

As climate change was not among the factors of migration when the UN Refugee Convention was signed in 1951, people displaced in another country due to environmental drivers cannot obtain the legal status of a “refugee” and the rights it entails, such as the principle of non-refoulement. The latter protects displaced people from being transferred in a country where their lives are under immediate threat. The legal vacuum that has been created jeopardizes fundamental human rights of populations displaced due to climate change and, thus, the situation must be examined carefully by the Judicial Conference on Human Rights.

Moreover, a crucial humanitarian problem arises from the absence of legal protection for those displaced in the context of disasters and climate change within the borders of their country, namely the IDPs. A series of human rights’ breaches follows the fact that these people are not entitled to international protection under any circumstances.

For all of the above, your Excellencies the Judges of the Rhodes Judicial Conference on Human Right, the issue must be approached with the highest respect to the fundamental human rights of these vulnerable populations who face one of the most challenging contemporary issues.

Points to be addressed

- 1) Should there exist a unified approach for individuals displaced due to disasters *internally* and individuals displaced *internationally* due to disasters?
- 2) Should the term “climate refugees” be used to describe individuals displaced due to disasters?
- 3) Which kind of natural disasters should constitute part of the legal basis for the protection of individuals displaced due to disasters?
- 4) Which is the impact of climate change to the human rights of individuals displaced due to disasters and how should its consequences be faced?

- 5) Which human rights of individuals displaced due to disasters are endangered and how can they be protected?