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Towards recognition of climate refugees : legal issues and international challenges

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Abstract

For many years now, we have been hearing talk of "climate change", or the disruption of the climate mainly due to human activity, which represents a real threat to the planet. This disruption is already causing multiple disruptions with devastating impacts, particularly for the most vulnerable populations. Although the term 'climate refugee' is embraced by the media and political forces across the spectrum, it is rejected by others, such as United Nations officials, given the absence of a widely accepted definition, and of a legal framework to deal with them. Fortunately, initiatives are emerging to fill this gap.

Keywords: *Refugees, Climate refugees, Climate change, Protection.*

ملخص

منذ سنوات عديدة، يُذكر مصطلح "التغير المناخي" أو "اضطراب المناخ" بشكل متكرر، ويعود ذلك أساسًا إلى بعض الأنشطة البشرية التي تعد تهديدًا خطيرًا لكوكب الأرض، فهذا الاضطراب بالفعل في العديد من الآثار المدمرة، خاصة بالنسبة للفئات الأكثر ضعفًا. وعلى الرغم من أن مصطلح "لاجئ المناخ" يُستخدم بشكل شائع من قبل وسائل الإعلام والجهات السياسية المختلفة، إلا أنه مرفوض من قبل البعض، خاصة مسؤولي الأمم المتحدة، وذلك لعدم وجود تعريف مقبول على نطاق واسع وإطار قانوني محدد. لحسن الحظ، هناك مبادرات ناشئة تهدف إلى سد هذه الفجوة وتوفير الحماية المناسبة لهذه الفئات.

كلمات مفتاحية: اللاجئون، لاجئو المناخ، تغير المناخ، الحماية.

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1. INTRODUCTION

At the dawn of the 21st century, the world is facing an unprecedented crisis : climate change. According to World Bank estimates, by 2050, more than 216 million people could be forced to move as a result of climate impacts[1] . Among its many consequences, the emergence of "climate refugees" poses a major challenge to the international community, international law and national legal systems. These people, forced to leave their homes as a result of climate upheaval - be it rising sea levels, desertification or natural disasters intensified by global warming - find themselves in a legal vacuum, with no protection.

The very concept of 'climate refugee' raises complex issues at the intersection of environmental law, international refugee law and human rights. These issues highlight the limitations of the current international legal framework, which was conceived in a historical context in which climate refugees were not yet recognised as a major issue. The Geneva Convention of 28 July 1951, the cornerstone of international refugee law, only takes into account people in distress fleeing their State because of easily identifiable persecution (threats emanating essentially from State authorities), thus leaving out the victims of climate upheaval who have no specific legal status at international level, unlike political or economic refugees.

Although awareness of the issue has been growing since the 1970s, it has become essential to protect people fleeing droughts, natural and/or industrial disasters. However, it was not until the 1990s that the issue of refuge for climatic reasons became an emergency, even though exile for climatic reasons has existed since the beginning of humanity.

Faced with this emerging reality, a number of fundamental questions arise, but the most pertinent is how to define and legally protect these vulnerable populations ?

This issue is part of a wider context of climate justice and international responsibility. The countries most affected by forced displacement are often those that have contributed least to global warming, raising questions of equity and the historical responsibility of industrialised nations.

This article sets out to explore the legal issues involved in recognising climate refugees, examining the gaps in the current legal framework and the emerging initiatives aimed at filling this void. Our analysis will focus on two main areas : firstly, we will examine the current state of international law on the protection of people displaced by climate change ; secondly, we will analyse the various efforts and initiatives aimed at establishing a suitable legal framework.

2. Current situation: the emergence of a new category of refugee

According to the report by the Intergovernmental Panel on Climate Change (IPCC)[2] , the earth's average temperature will rise by between 1.5 and 5.8 degrees Celsius by 2100. This is mainly due to the burning of fossil fuels (oil, petrol, coal), deforestation and agriculture, which are increasing the amount of greenhouse gases in the atmosphere. In addition to the extinction of species, rising sea levels will flood coastal areas, submerge certain inhabited areas and contaminate drinking water. This will increase the spread of certain diseases, such as malaria[3] . No region of the globe will be spared by 2100, according to the IPCC report, although the Arctic, Africa, small island states and the large deltas of Asia and Africa will be hardest hit[4] . Although, these predictions by the IPCC have left some sceptics is to rule out

the existence of a right to protection for climate refugees as long as climate change did not exist. [5]

However, since the start of the new millennium, a consensus seems to have emerged on the international scene. The entire international community now recognises the existence of climate change. Various protocols and conventions have been signed and ratified in recent years, as have the various summits organised by States and international, non-governmental and regional organisations to discuss global warming. The United Nations Framework Convention on Climate Change (UNFCCC)[6] and the various programmes, such as the Global Environment Facility, which was set up to facilitate technology transfers to help developing countries take measures to adapt to climate change, are examples of this. The political agreement reached in Copenhagen also made it possible to limit the rise in global temperatures to 2 degrees Celsius, and to make commitments to finance the prevention of deforestation and forest degradation and to support adaptation measures while granting more funding.[7]

However, the international community's interest in protecting the rights of people displaced by climate change is more recent, having been regarded as a subject belonging solely to the field of the environment, whereas it is now the subject of increasing attention from other disciplines, with a particular focus on establishing the link between human rights and climate change. It is becoming increasingly clear that we are at the dawn of the evolution of the international law responsible for their protection. But the framework is useless without a legal definition of the concept of climate refugees (**2.1**) and a clarification of the limits of the current legal framework with regard to this category (**2.2**).

2.1 Defining and characterising climate refugees

Today there is a wide range of terms used to describe the victims of climate change, from "environmentally displaced people"[8] , to "climate migrants"[9] , to "eco-refugees" or, more recently, "climate refugees". Nevertheless, there is no common definition of these expressions (1). However, some characterisations can be drawn (2).

1 - Defining climate refugees

It was not until 1985 that the term "environmental refugee" was coined by Essam El-Hinnawi, a researcher with the United Nations Environment Programme (UNEP)[10] , who drew up the first systematic definition of environmental refugees. This definition includes any person forced to leave their traditional home, temporarily or permanently, due to natural or human causes, resulting in a significant deterioration of their environment, seriously disrupting their living environment and seriously compromising their quality of life.[11]

Hinnawi goes on to distinguish three categories of refugees :

- those temporarily displaced by cyclones or earthquakes (which are termed environmental stress).

- those displaced due to irreversible habitat changes.

- those forced to leave their original homes permanently because of their environment's failure to provide them with enough to fulfill their basic needs.

In the same vein, the report of the International Organization for Migration (IOM) defines environmental refugees as : individuals and groups who, due to sudden or gradual environmental changes negatively impacting their lives or living conditions, are forced to leave their habitual residence, whether on their own initiative or by necessity, temporarily or permanently, and who, as a result, move either within their country or outside of it.". [12]

This definition refers to different types of environmental crisis that can potentially generate migration : degradation of natural resources leading to drought, desertification, deforestation, etc. ; industrial accidents such as Chernobyl ; natural disasters (hurricanes, tornadoes, floods, etc.) ; major development projects.

Other narrower definitions have been used, such as distinguishing between refugees who are forced to leave and climate migrants who choose to leave. [13]

Thus, Myers proposes to define climate refugees as : "People who can no longer secure a livelihood in their country of origin, mainly due to environmental factors of unusual magnitude, including drought, desertification, deforestation, soil erosion, water scarcity and climate change, as well as natural disasters such as cyclones, storms and floods. Faced with these environmental threats, these people feel they have no alternative but to seek a livelihood elsewhere, both within the country and outside, whether on a semi-permanent or permanent basis"[14] . This last definition takes into account internal migration, i.e. individuals moving within the borders of the country, and also the multitude of factors potentially at the origin of ecological migration, without taking into account external migrants who move outside their countries.

However, given the complexity of the interactions between societies and their environment, the very notion of "climate refugee" remains difficult to define unequivocally[15] . Our scientific knowledge of the dynamics of ecosystems and how they may change as a result of disruption is still patchy and subject to constant change. It is easier for us at this stage to define them by means of characterisation.

2 - Defining climate refugees

Although there is no widely accepted definition of the concept of climate refugees[16] , there are a number of essential elements that enable us to define this new legal category and distinguish it from other forms of migration. These elements are based on material and temporal criteria which, when combined, make it possible to identify and legally qualify the situation of the people concerned.

The first element is forced displacement, which is at the heart of the definition of a climate refugee. This fundamental criterion is materialised by the absence of any real choice in the decision to leave one's usual place of life[17] . Unlike economic migration, where the voluntary element predominates, the displacement of a climate refugee is the result of an external constraint directly linked to environmental conditions. This constraint may take the form of a physical impossibility of remaining in the same place (flooding, destruction of habitat), or a material impossibility of maintaining decent living conditions (inability to farm, lack of drinking water). In order to characterise this forced nature, a direct link must therefore be established between the environmental degradation and the impossibility of maintaining a normal existence in the place of origin.

On the other hand, the environmental change is the factor that triggers the displacement and must have certain specific characteristics. This can take two main forms[18] . The first involves sudden and brutal events, such as natural disasters intensified by climate change (cyclones, floods, landslides). The second is progressive but irreversible environmental degradation, such as rising sea levels, desertification or the salinisation of agricultural land. In both cases, the deterioration must be serious enough to make it objectively impossible to maintain populations in the area. This impossibility may be immediate in the case of a sudden disaster, or foreseeable in the short or medium term in the case of gradual deterioration.

Finally, the impossibility of obtaining effective protection in the country of origin is a determining factor in the definition. This impossibility may result either from the material inability of the State to protect its population in the face of environmental upheaval, or from its lack of resources to implement effective adaptation measures.[19] This criterion distinguishes the situation of climate refugees from that of internally displaced persons, for whom relocation within their country of origin remains possible. The lack of effective protection must be assessed in the light of the actual capacity of the country of origin to guarantee the safety and minimum living conditions of its population in the face of the impacts of climate change.

Here we consider the concept of climate refugee in its popular sense, as it is more appropriate to describe any population forced to leave its usual living space following an event, which may be of natural origin, but which is aggravated, or even triggered, by human action.

2.2 The limits of the current legal framework for climate refugees

Faced with the emergence of climate refugees, the current legal framework, at both international (1) and regional (2) level, has revealed serious shortcomings. These gaps, which can be seen at various levels of international law, create a worrying situation of legal uncertainty for the populations concerned and raise major challenges for the international community.

1 - Shortcomings at international level

Although a consensus seems to have emerged in recent years on the existence of climate change, unlike political or economic refugees, climate refugees do not have a specific legal status at international level.

The 1951 Geneva Convention, the cornerstone of the international refugee protection system, is clearly unsuited to climate-induced displacement[20] . Even though it relates to the status of refugees. This inadequacy is rooted in the very definition of refugee that it enshrines.[21] In fact, the Convention strictly limits recognition of refugee status to people with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. This definition, rooted in the historical context of the post-Second World War period, does not cover situations where displacement is caused by climatic upheavals, however serious they may be.

As a result, major changes need to be made to this convention. In order to ensure adequate protection for people fleeing climate change, this convention is based on so-called individual situations, and the person must demonstrate that the State they are fleeing from no longer

protects them. However, climate-related migration is not necessarily inter-State, and State protection may exist but be insufficient ; some States may be powerless in the face of a disaster, and climate refugees are not persecuted in the same way as people claiming refugee status under the Geneva Convention[22] . Consequently, in its current form, the Convention cannot be used to protect refugees.

Nor do climate refugees find adequate protection in another existing specialised area of international law to ensure respect for, protection and conservation of the environment, better known since 1970 as international environmental law regulating human activities relating to the environment, first through a sectoral approach, and more recently through integrated environmental protection taking into account development and the global economic context[23] . However, there is a notable gap in international environmental law, in the protection of the rights of climate refugees within international conventions and treaties. Even within the UNFCCC, human beings as subjects of environmental law are not considered in a context of mass displacement due to climate change.[24]

International human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights do not provide sufficient guarantees of protection against disasters or environmental degradation. These instruments focus mainly on protecting the individual against arbitrary action by the state, and thus neglect the protection of rights in the event of environmental crises[25] .

For its part, the United Nations Convention to Combat Desertification, adopted in Paris on 17 June 1994[26] , although it recognises a link between environmental damage and its consequences for human migration. However, this link, particularly with regard to international migration, is not clearly established, which allows States to contest the need for specific protection for "climate refugees". Furthermore, the Convention does not provide any specific protection mechanism for this category of refugee.

So there is no text at international level that can really serve as a legal basis for the protection of "climate refugees". Is the same true for regional texts ?

2 - The inadequacy of regional protection mechanisms

Because of the legal vacuum concerning the effective protection to be given to climate refugees at international level. Some regional organisations have taken initiatives in favour of a protective status for climate refugees.

Thus, as the only intergovernmental organization at the African regional level, the African Union (AU) Convention (formerly the Organization of African Unity [OAU]) of Addis Ababa on September 10, 1969. defines refugees under Article 1, paragraph 2, as : any person who is compelled to leave their habitual residence in search of refuge outside their country of origin or the country of which they hold nationality, due to aggression, external occupation, foreign domination, or events seriously disturbing public order in part or all of their country .[27]

This definition of refugees can be interpreted broadly, especially as the vagueness of the wording leaves room for ambiguity : the expression "events seriously disturbing public order" could easily be open to interpretation and pave the way for a new approach to the status of refugees fleeing climate-related disasters and extreme weather events, but it needs to be clarified effectively by the treaty monitoring body.

Other important regional legal instruments for the protection of climate refugees include the Cartagena Declaration of 22 November 1984[28] . This is an important regional legal instrument for the protection of refugees in Latin America and the Caribbean (LAC). Its international importance lies in the extension of the refugee definition to people who have left their country because of threats to their life, safety or freedom. These threats may result from generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances seriously disturbing public order.[29]

The definition is similar to that of the OAU Convention. Like the OAU Convention, the refugee is defined as a person threatened by multiple socio-political violence affecting the State. However, unlike the OAU, while the reasons for the refugee's exile may be indeterminate and exclusively linked to one of the objective situations envisaged, they must personally endanger the life and freedom of the persons concerned.

However, although these texts appear to be usable, their effectiveness remains relative, because, as some researchers have pointed out[30] , the diversity of cases of climate refuge and the large number of people displaced in Africa and Central America for climatic reasons put the real application of these instruments to climate refugees into perspective .[31]

A new international legal instrument was adopted at the Extraordinary Session of the African Union on 22 and 23 October 2009 in Entebbe (Uganda), the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)[32] . Although it only covers so-called internally displaced persons, it remains a relevant regional instrument for protecting people displaced for climatic reasons. However, it has not been universally adopted and does not constitute a binding legal framework for all countries.[33]

The Pacific Island States adopted the Suva Declaration on 04 September 2015[34] , which calls for the recognition of climate refugees and the establishment of specific protection mechanisms. The Pacific islands, which are particularly vulnerable to climate change, have been proactive in seeking regional solutions.

No binding text has yet linked the two issues of refuge and climate disasters. These various legal instruments can only provide climate refugees with protection that is undoubtedly limited for some of them.

3. Efforts and initiatives for the legal recognition of climate refugees

The issue of the legal recognition of climate refugees has become a growing concern as the effects of climate change are felt more acutely around the world. These forced displacements pose unique challenges that require tailored solutions at both national and international level. Unlike traditional refugees fleeing conflict or persecution, climate refugees are forced to leave their homes because of various climatic factors such as rising sea levels, extreme weather events, etc. Their specific needs in terms of protection, assistance and integration are only partially covered by existing legal mechanisms, which are mainly designed for other types of forced displacement, or are non-binding.

Despite the enormous efforts made by public authorities and certain international organisations to promote their protection and recognition, they remain unsuccessful, as illustrated by the resolution adopted on 8 December 1988 by the United Nations General Assembly, inviting States to provide assistance to the victims of natural disasters and other

emergency situations. The same is true of the declaration on climate migration at the Brussels International Conference held on 11 June 2008 at the European Parliament, whose main contribution was to make European leaders aware of the human needs of global warming. In the same vein, we might mention the declarations issued by the Human Rights Council[35] , the Bonn Conference on 02/06/2009[36] , the sixteenth Conference in Cancun from 29 November to 10 December 2010 [37] and the Oslo Conference from 5 to 7 June 2011[38] . The latter has the merit of having enshrined the so-called "*Nansen* Principles",[39] which call for support for populations affected by climate change.

In order to remedy the lack of legal recognition of climate refugees and the inadequacies of current mechanisms for the specific protection of these vulnerable populations. International initiatives have been put in place, including various agreements and conventions (**3.1**), not forgetting the active role of international organisations (**3.2**).

3.1 Agreements and conventions

Faced with the reality of climate refugees, the international community is faced with the need to adapt its legal and institutional frameworks. In this context, agreements and conventions play a crucial role in structuring international efforts to recognise and protect climate refugees. These include the Paris Agreement (1), the Sendai Framework for Disaster Risk Reduction and the Platform on Disaster-Related Displacement (2).

1- Paris Agreement

The Paris Agreement is the first legally binding international treaty on climate change. It was adopted by 196 parties at the 21st Conference of the Parties (COP 21) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC), held in Paris, France, on 12 December 2015. The agreement entered into force on 4 November 2016, having been ratified, as required, by at least 55 parties representing at least 55% of global greenhouse gas emissions

According to all the signatories to the Paris Agreement, its primary objective, based on scientific reports - in particular those of the IPCC[40] - is to :

- cap warming at well below 2°C above pre-industrial levels by 2100
- continue the work to limit the warming to 1.5°C ;
- reach zero emissions (zero net emissions), i.e. a balance between greenhouse gas emissions and the offsetting effect of carbon sinks or reservoirs, such as forests.[41]

At the same time, it encourages developed countries to support the efforts of developing countries. In particular, it recognises the special situation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS).

Nevertheless, the novelty of this agreement lies in its explicit and implicit recognition of the challenges posed by climate refugees. Indeed, the agreement mentions these refugees not only in the preamble, which states that "Aware that climate change is a matter of concern to all humankind [...] the Parties should respect, promote and take into account their respective obligations regarding human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and persons in vulnerable

situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity". But also, implicitly, in the body of the text, where it is stipulated that it "Also requests [...] with a view to developing recommendations on integrated approaches to preventing, reducing and responding to population displacement associated with the adverse effects of climate change".[42]

Consequently, this international agreement recognises the importance of forced migration linked to the adverse impacts of climate change. At the same time, it calls for greater international understanding, coordination and support for these fragile populations. Thus, by addressing the effects of climate change on populations, the Paris Agreement highlights the need for global and concerted strategies to protect and assist these vulnerable individuals, while underlining the urgency of concrete actions to prevent and mitigate future climate impacts.

However, it is important to note that the Paris Agreement is not legally binding in its entirety. In fact, only the procedural aspects concerning the communication of a nationally determined contribution every five years[43] and the financing of developing countries by developed countries[44] are. As a result, a "hybrid" approach is reflected in this agreement, mixing bottom-up flexibility, to obtain broad participation, with top-down rules, to promote responsibility and ambition, which can be a double-edged sword when it comes to recognising climate refugees.

2- The Sendai Framework for Disaster Risk Reduction and the Platform on Disaster-Related Displacement (PDD) :

Two complementary international initiatives aimed at reducing disaster risks and protecting climate refugees from these events can be cited as initiatives contributing to their recognition :

a- The Sendai Framework for Action on Disaster Risk Reduction 2015-2030 (Sendai Framework)

The Sendai Framework was adopted at the third UN World Conference held in Sendai, Japan from 14 to 18 March 2015. The Conference provided an opportunity for countries to adopt a concise, focused, forward-looking and action-oriented post-2015 disaster risk reduction framework, as well as completing the review and assessment of the implementation of the "Hyogo Framework for Action 2005-2015 : Building the Resilience of Nations and Communities to Disasters"[45] .

As a result, the Sendai Framework for Disaster Risk Reduction (2015-2030) aims to reduce disaster risk and strengthen the resilience of communities to natural disasters and extreme weather events.

Although it does not deal specifically with climate refugees, it does offer a number of indirect benefits that can contribute to their recognition by offering them protection and support :

First and foremost, it focuses on disaster prevention and risk reduction,[46] which includes the risks associated with climate change. By reducing the vulnerability of communities to natural disasters, it helps to reduce the number of people forced to move as a result of these events. In addition, the framework encourages governments to strengthen the resilience of

social, economic and environmental systems and infrastructures. This includes measures such as improving early warning systems, building disaster-resistant infrastructure and promoting sustainable agricultural practices. These actions can help reduce the impact of climate-related disasters and protect vulnerable populations.

On the other hand, the Sendai Framework recognises the importance of integrating the knowledge, skills and capacities of migrants and displaced people into disaster risk reduction activities. By involving these populations in the planning and implementation of resilience measures, governments can better respond to their needs and strengthen their protection.

The Sendai Framework also stresses the importance of governance and international cooperation for disaster risk reduction[47] . It encourages states to work together and share information, resources and good practice. Such cooperation can be essential in managing cross-border displacement and offering protection to climate refugees. It also encourages the mobilisation of financial, technical and human resources for disaster risk reduction. This includes investment in climate resilience projects and support programmes for displaced populations. By increasing the resources available, governments can better protect and support climate refugees.

In summary, although the Sendai Framework does not deal directly with climate refugees, it does offer a set of strategies and measures that can help to give them recognition while providing them with protection and support.

b- The Platform for Disaster-Related Travel (PDD)

The PDD was established in July 2016 by Germany and Bangladesh as a follow-up to the work of the Nansen Initiative launched jointly by Switzerland and Norway in 2012, offering assistance to States and other stakeholders. It implements the recommendations of the Nansen Initiative's Agenda for the Protection of People Displaced across Borders by Disasters and Climate Change (Agenda for Protection)[48], approved in Geneva by 109 States in October 2015.

This platform is led by a Steering Group of States[49] . The International Organisation for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR) are permanent guests of this steering group.

Its main objective is to promote measures to meet the protection and assistance needs of climate refugees in the context of disasters, in particular by using instruments such as humanitarian visas, temporary protection measures and other effective practices that States can use to provide humanitarian protection to people displaced across borders in the context of disasters.

It also aims to promote measures to manage the risk of displacement in countries of origin in the event of disasters :

- Enabling people to stay in their homes and avoid displacement through disaster risk reduction, climate change adaptation and resilience-building measures.
- Or by sheltering them from danger in a dignified manner, creating safe, orderly and regular migration routes, and planning planned resettlement as a last resort[50] .

With the aim of strengthening the protection of climate refugees, the PDD is taking every opportunity to advocate at global level for greater protection for these people, even those who are displaced within their own countries, in the context of disasters and the harmful effects of climate change.

But like the Sendai Framework for Action on Disaster Risk Reduction 2015-2030, this platform does not officially recognise climate refugees, but it does emphasise the importance of protecting people displaced by natural and environmental disasters. This could bring them a form of recognition.

It should be noted that a Global Compact was adopted three years after the PDD by 152 countries in Marrakech on 19 December 2018. Known as the Global Compact for Safe, Orderly and Regular Migration, it recognises for the first time climate change as a cause of forced population departures. It provides recommendations and best practices to encourage international cooperation to achieve more effective, but above all more humane, management of international migration, aimed at better protecting people displaced outside the borders of their country of origin as a result of natural disasters. But it remains a non-legally binding text, with no guarantee that the protection instruments envisaged will actually be put in place by states.

So, although these agreements and conventions demonstrate the efforts being made at international level to address and manage the challenges posed by climate refugees, while highlighting the need for increased cooperation and specific legal mechanisms to offer effective protection, they remain legally non-binding. However, proposals for formal legal recognition are emerging at the international level through negotiations taking place at the United Nations such as the COP29 currently taking place in Baku[51], or Regional Initiatives, such as the Suva Decision adopted at the United Nations Climate Change Conference COP23 in 2017.[52]

3.2 Roles of international organisations

Faced with the devastating effects of climate change, international organisations, including United Nations agencies (1)and non-governmental organisations (NGOs) (2) , have committed themselves to the protection and support of climate refugees, through the development of global strategies, the provision of humanitarian assistance and the promotion of effective policies.

1-United Nations (UN)

The United Nations (UN) is an international organization established as a replacement for the League of Nations. It was officially created on October 24, 1945, following the ratification of the United Nations Charter signed on June 26, 1945, by representatives of 51 states. Today, it has 193 member states.

Its primary objectives are the maintenance of peace and international security. To achieve these, it promotes the protection of human rights, provides humanitarian aid, sustainable development and the guarantee of international law, and has specific powers such as the establishment of international sanctions and military intervention.

The organisation plays an essential role in the protection and support of climate refugees, through various agencies such as the UNHCR, IOM and the United Nations Development Programme (UNDP).

One of the most recent initiatives led by the UN through the UNHCR is the creation of the Climate Resilience Fund, announced in April 2024 in Geneva. The fund aims to raise $100 million by 2025[53] to support refugees threatened by climate change. With this in mind, the UNHCR has also launched its Strategic Climate Action Plan 2024-2030, which has set four objectives, including providing protection and assistance to refugees and people displaced by the effects of climate change. This includes increasing their resilience to future disasters and improving their living conditions in host areas.

To this end, a series of activities are being carried out by UNHCR in line with the UNHCR Strategic Plan for Climate Action 2024-2030, such as:

-providing weatherproof shelters to withstand extreme conditions, combat food insecurity and provide livelihoods through climate-resilient agriculture,

- Improving access to solar energy, through the expansion of solar mini-grids in climate refugee settlements.[54]

In addition, the UN contributes to the protection and support of climate refugees through its specialised agencies such as IOM, through the development of policies on climate change, the environment, migration and disaster-related displacement, and through its institutional expertise in areas such as displacement monitoring and camp management in the event of disasters, and disaster risk reduction[55] .

In addition, with the aim of protecting and supporting climate refugees. Close cooperation between IOM and UNHCR, and other actors such as the Platform on Disaster-Related Displacement, plays a key role in supporting States' efforts to implement the Platform's Protection Agenda and strategy, which are directly linked to IOM's vision and action on human mobility due to disasters and climate change[56] .

For its part, the United Nations Development Programme (UNDP) is working on projects aimed at strengthening the resilience of communities to the impacts of climate change, by integrating migration-related considerations into its sustainable development programmes.[57]

In this way, the UN, through its various agencies, is demonstrating the commitment of international organisations to offering adequate protection to climate refugees. At the same time, it ensures that they are recognised. The same commitment is being made by non-governmental organisations.

2-The role of non-governmental organisations (NGOs)

Since the 20th century, a number of private-sector organisations, such as NGOs, have been involved in issues relating to international law, and at the same time have taken on the task of improving it. As a result, the recognition and protection of climate refugees is one of their aims. The most active in this area include ;

The international confederation of Oxfam, an organisation founded during the Second World War in Great Britain in 1942, known as the Oxford Committee for Relief Famine. It is made up of around twenty independent charities around the world. They are located in Australia, Belgium, Brazil, Canada, Colombia, Denmark, France, Germany, Hong Kong, India, Ireland, Italy, Mexico, Netherlands, New Zealand, South Africa, Spain, Quebec, Turkey and the United States .[58]

These independent non-governmental organisations aim to unite their efforts on the international stage in order to maximise the impact of their actions to reduce poverty and social injustice in the world and to promote sustainable development ; fair trade, arms regulation, while integrating climate justice issues into their programmes.

Although Oxfam is not creating a specific legal status for climate refugees, the organisation is actively working to improve their protection and recognition within existing and future migration and displacement frameworks. It also supports the development of long-term strategies to enable safe and dignified migration for those who may be forced to move in the future as a result of climate change .[59]

Refugees International, for its part, was founded in 1979 by Sue Morton in Washington, D.C. as a citizens' movement to defend the rights of people fleeing Vietnam, Cambodia and Laos. In recent years it has grown rapidly to become a recognised global organisation, defending refugees and their rights wherever they are threatened.[60]

This organisation campaigns for vital assistance, human rights and the protection of displaced people. It carries out field missions to identify the needs of displaced people and promote solutions to displacement crises, including those affected by climate change.

The NGO also advocates legal recognition of climate refugees through the publication of reports and increased dialogue with governments and international organisations, while raising awareness of their situation.

On the other hand, the NGO Climate Refugees founded in November 2015 by Amali Tower. Also plays a crucial role in the recognition and protection of people displaced by climate change. This independent non-profit organisation created to draw attention to and take action on behalf of people displaced by climate change.[61] It conducts research, raises public awareness and works with other organisations to develop appropriate solutions to the displacement caused by climate change.

Although these NGOs do not create a specific legal status for climate refugees, they are actively working to improve their protection and recognition within existing and future frameworks for migration and adaptation to climate change.

4- Conclusion

Recognition of climate refugees is a major challenge today, given the growing impact of climate change and the displacement it is causing. While current international law recognises the rights of people displaced within their own countries, those who flee across borders enjoy no international protection. Although the international community has taken important steps to protect these individuals, much remains to be done to provide them with formal legal protection. Existing agreements and conventions, as well as the roles of international and non-

governmental organisations, show a promising commitment. However, clear legal recognition and greater coordination are needed to respond adequately to the needs of climate refugees.

In order to achieve the greatest benefit for climate refugees, the following measures should be put in place.

1-A legal framework similar to the 1951 Convention on Refugees, to guarantee their rights and protection.

2-Encourage closer cooperation between States, international organisations and NGOs to create harmonised and coordinated protection mechanisms.

3-Support local and regional initiatives to strengthen the resilience of vulnerable communities and prevent forced displacement.

4-The introduction of measures such as humanitarian visas or resettlement mechanisms for people displaced by climatic disasters.

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