



# CLIMATE REFUGEES

Addressing climate-induced massive migration  
before it happens



**GREEK  
COUNCIL  
FOR  
REFUGEES**



**WWF**

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**Cover image:** Ahead of the 2019 COP25, WWF and Prado Museum joined forces using art to underline the humanitarian emergency, which is expected to happen in a world that does not stop climate change at 1.5°C. This painting by Francisco Goya was reimagined to reflect the drama of climate migration. Photo credits: © Museo del Prado-WWF España

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The **Greek Council for Refugees** (GCR) is a non - governmental organization, which has been active since 1989 in the fields of asylum and human rights in Greece. GCR is a special charity, has Consultative Status in the Economic and Social Council (ECOSOC) of the UN since 2001 and is an operative partner of the UN High Commissioner for Refugees (UNHCR). GCR is also member of the Executive Committee of the European Council on Refugees and Exiles (ECRE) since 1991, a member of the Separated Children in Europe Program (SCEP) and participates in the National Committee for Human Rights since 1999.

**WWF Greece** is the Greek national office of WWF, the world conservation organization. Our mission is to stop the degradation of the environment, protect biodiversity, ensure the sustainable use of renewable natural resources and promote the reduction of emissions and consumer waste. We build and promote solutions for people, the environment and the climate, with the ultimate goal of coexisting in harmony with nature and ensuring that we thrive.

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# ipcc

INTERGOVERNMENTAL PANEL ON  
climate change



Climate change is contributing to humanitarian crises where climate hazards interact with high vulnerability (high confidence). Climate and weather extremes are increasingly driving displacement in all regions (high confidence), with Small Island States disproportionately affected (high confidence). Flood and drought-related acute food insecurity and malnutrition have increased in Africa (high confidence) and Central and South America (high confidence).

“Migration, when voluntary, safe and orderly, allows reduction of risks to climatic and non-climatic stressors.”

*(IPCC, AR6)*

## INTRODUCTION

This is an initiative of two Greek civil society organisations, the Greek Council for Refugees and WWF Greece, whose fields of expertise complement the big picture of the climate migration nexus and are key to proactively addressing the need for assistance to climate refugees.

As global overheating will very likely exceed the climate 'defence line' of 1.5°C within 2024, thus significantly increasing the risk of more frequent extreme weather events, the impacts on human communities are reasonably expected to skyrocket. A significant part of the published research on the impact of climate change on human displacement focuses on projections and estimations of the size of cross-border migration. This report argues that the discourse needs to be about human rights and how to defend them, in view of an unfolding climate crisis which beyond the 2°C threshold will most likely bring humanity in a state of a long emergency, beyond adaptation capacity. Since the narrative is about the rights of persons in distress, the invisible victims of the climate crisis, it is important that the debate about climate migration is not used for purposes other than the protection per se of each displaced person. Climate change being in its very essence a human rights crisis, it is important that all mitigation, adaptation and loss and damage policies and strategies be founded on a robust human rights basis.

The broader Eastern Mediterranean region is already suffering from extreme climate disasters, while it is geographically placed as the gateway of migration to Europe of persons originating primarily from the continents of Africa and Asia. In the midst of this harsh reality, European states need to proactively set in place proper mechanisms that will ensure the safe and orderly movement of climate refugees. Granting refugee rights to persons forced to displacement from their homelands due to disastrous weather extremes and slow onset climate events is a fundamental first step towards building a protection and assistance system, so as to proactively address the prospect of climate-induced massive migration before it happens.

During our research, it became evident that the possibility of granting protection status to persons suffering the loss of their homelands due to slow or rapid onset climate disasters is often treated with scepticism. A need for exact determination of the causes of displacement is provided as the source of this hesitation in legislating for the protection of persons displaced due to climate change. We consider these concerns baseless, given the mounting scientific documentation of the impacts of climate change on livelihoods and human welfare and the increasing attribution of extreme weather events to climate change.<sup>1</sup>

Our paper specifically focuses on cross-border migration and does not cover issues related to internal displacement. The analysis, data, and discussions herein are exclusively concerned with the movement of individuals across national borders, rather than within the boundaries of a single country. Any references or implications to migration are to be understood strictly in the context of cross-border phenomena.

Our report on the issue of climate migration focuses on Europe for several compelling reasons, reflecting both geographical realities and the unique position of Europe in addressing this pressing issue. Firstly, Europe's geographical reality places it at the epicenter of migration flows from regions like Africa and Asia, which are already facing severe adverse circumstances due to climate change. These regions are experiencing increased frequency and intensity of extreme weather events, such as droughts, floods, and storms, which lead to food and water shortages, loss of livelihoods, and displacement of communities. As

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<sup>1</sup> "Until recently, scientists largely avoided connecting any individual event with climate change, instead pointing towards the trend and saying that an event might reflect the sort of thing we can expect to see more of in the future. However, climate change is already having a profound influence on the weather we are experiencing, and has done so for decades. The science is finally becoming commensurate with this fact. In recent years, methods have been developed that enable scientists to work out the link between global climate change and an individual extreme weather event, calculating how much more or less likely, and how much more or less intense, an event has become because of global warming." See: Clarke, Ben, and Friederike Otto. (2022). Reporting extreme weather and climate change. World Weather Attribution.

these environmental challenges worsen, it is inevitable that more people will seek refuge in Europe, necessitating a proactive and comprehensive response from European nations.

Secondly, the European Union (EU) is founded on clear and legally robust humanitarian principles that emphasize the protection of individual rights. The EU's commitment to human rights, enshrined in treaties and reinforced by its legal framework, provides a strong foundation for addressing the needs of climate refugees. This legal and moral obligation means that Europe not only can but, in our opinion, should take the lead in offering protection and assistance to those displaced by climate change.

Moreover, Europe has a history of providing asylum and support to persons fleeing persecution and conflict. Extending this tradition to include climate refugees aligns with Europe's values and responsibilities as a global leader in human rights. By prioritizing the protection of climate refugees, Europe can set a precedent for other regions and contribute to the development of international frameworks that ensure the rights and dignity of all displaced persons are upheld.

In summary, our focus on Europe in this report is due to its geographical proximity to regions severely impacted by climate change, its legal and humanitarian commitments, and its potential to lead by example in the protection of climate refugees. Europe's actions in addressing this issue will be crucial in shaping global responses and ensuring that those most affected by climate change receive the support and protection they desperately need.

In this report, GCR and WWF Greece argue that Europe needs to address climate-induced migration in a coherent manner and to allow its climate policies and human rights acquis to mature, by addressing the deficit in legal protection for persons displaced due to climate change and championing the development of an international protection framework. This report aims to encourage a dialogue within environmental and humanitarian CSOs, in order for civil society to see the same 'big picture' and advocate for the most together advocate for a robust human rights-based system of protection for climate refugees. At this stage, our contribution to the opening dialogue is comprised of a proposed definition of the term "climate refugee" and a package of proposed legislative initiatives granting temporary protection for climate refugees and the right to apply for asylum.

# BIG PICTURE: THE CLIMATE CRISIS IS A HUMANITARIAN CRISIS IN THE MAKING

2023 was by far the hottest year on record, globally. The 2023 annual report by the European Union’s Copernicus Climate Change Service<sup>2</sup> shows record-breaking climate conditions. The report finds that “with a global average temperature of 14.98 °C, 2023 surpassed the previous warmest year, 2016, by a substantial margin of 0.17° C”.

**GLOBAL CLIMATE HIGHLIGHTS 2023**

**Copernicus: 2023 is the hottest year on record, with global temperatures close to the 1.5°C limit.**

As climate change is becoming a crisis faster than initially projected, thus rapidly increasing the frequency of extreme weather events, its impacts on human communities are reasonably projected to be catastrophic. Cross-border migration from the most vulnerable regions is expected to skyrocket, some estimates even exceeding 1 billion.<sup>3</sup>

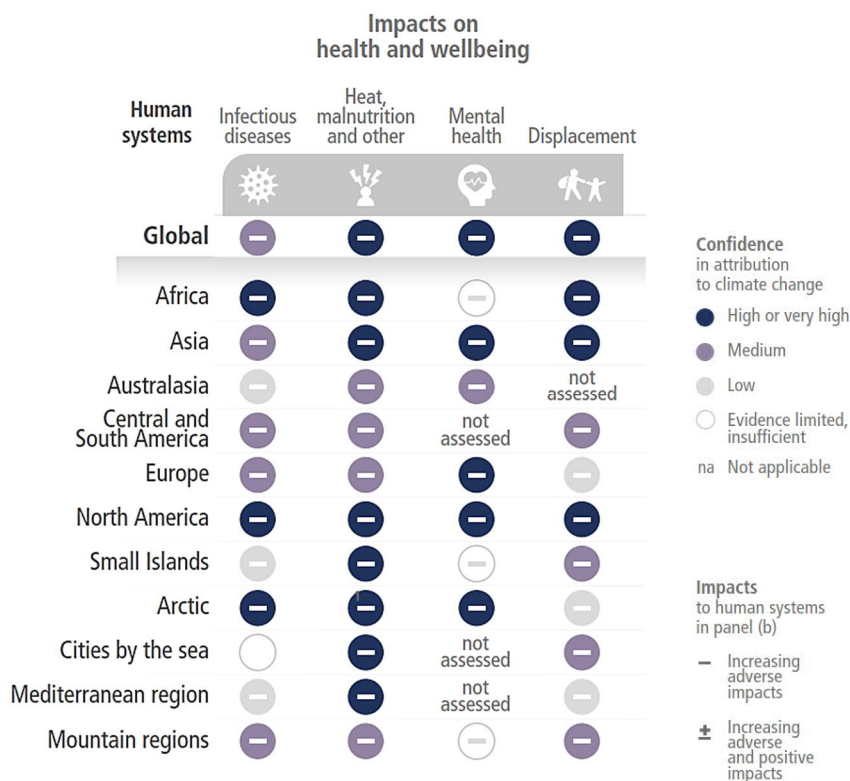


Figure 1- Observed impacts of climate change on human systems (IPCC, AR6-WGII, p.10)

<sup>2</sup> Copernicus Climate Change Service. (2024, January 9). Global Climate Highlights 2023. The 2023 Annual Climate Summary.

<sup>3</sup> Institute for Economics & Peace. (2020, September 9). Over one billion people at threat of being displaced by 2050 due to environmental change, conflict and civil unrest. <https://www.economicsandpeace.org/wp-content/uploads/2020/09/Ecological-Threat-Register-Press-Release-27.08-FINAL.pdf> [accessed: 2 July 2024]



According to the 6<sup>th</sup> Assessment Report of the International Panel on Climate Change (see Figure 1), Africa, Asia and North America are the regions expected to experience more intense climate change-related weather extremes, which will in turn leave no option other than displacement due to severe impacts on their wellbeing (primarily due to overheating and malnutrition). Overall, the IPCC finds that “displacement will increase with intensification of heavy precipitation and associated flooding, tropical cyclones, drought, and, increasingly, sea level rise (high confidence).”

Although the estimation of the number of persons who were left with no other option but to flee from their homelands due to climate disasters is not easy to estimate and is not consistently monitored by any international or regional agency, no one disputes this reality and trend. In line with this, reports of massive climate-induced migration events have increased within the past two decades.

In 2020, an undetermined number of people were forced to flee outside of the borders of Honduras, due to extreme storms.<sup>4</sup> In 2022, approximately 260,000 people crossed the border from Somalia into Kenya, due to prolonged drought.<sup>5</sup> According to the UNHCR, 70% of all refugees who move across borders after disasters live in countries adjacent to their own, while nearly 60% of refugees and internally displaced people live in countries that are among the most vulnerable to climate change. With the expected worsening of climate change, it can be reasonably expected that cross-border displacement of people in need of safe refuge will increase. In an alarming report calling for urgent global action to strengthen the resilience of communities in the face of the increasing climate disasters, the International Federation of Red Cross and Red Crescent Societies found that by 2050, 200 million people could require international humanitarian aid, as a result of the climate crisis.<sup>6</sup>

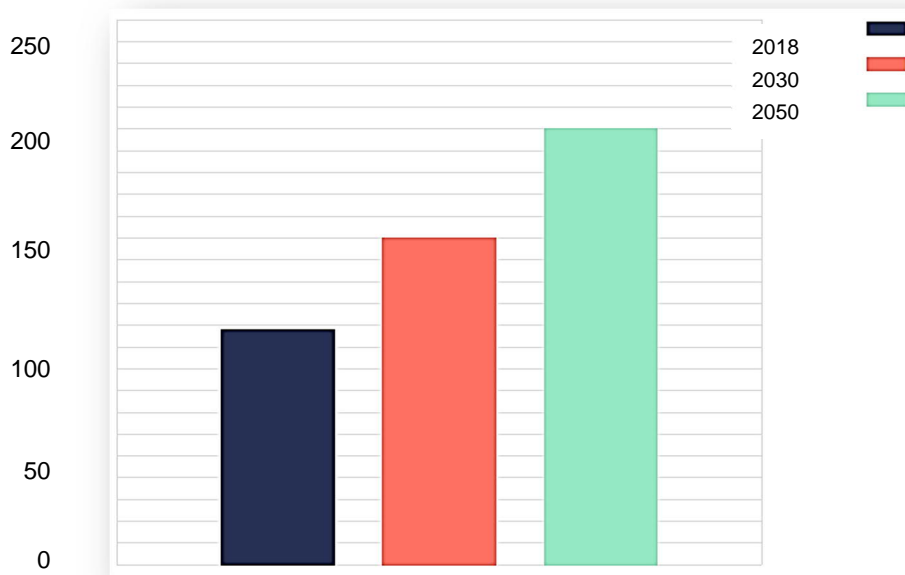


Figure 2. Increase of population in need of humanitarian assistance as a result of climate-related disasters by 2030 and 2050 (under pessimistic scenario). Source: IFRC

<sup>4</sup> ReliefWeb. (2023, September 28). Climate change migration is draining Honduras of its people: UN expert. <https://reliefweb.int/report/honduras/climate-change-migration-draining-honduras-its-people-un-expert>

<sup>5</sup> Kimutai, et al. (2023). Human-induced climate change increased drought severity in Horn of Africa. Imperial College London. <https://www.worldweatherattribution.org/human-induced-climate-change-increased-drought-severity-in-southern-horn-of-africa/>

<sup>6</sup> International Federation of Red Cross and Red Crescent Societies. (2019). The cost of doing nothing. The humanitarian price of climate change and how it can be avoided. <https://www.ifrc.org/document/cost-doing-nothing>



# FRAMING THE POLICY DEBATE ON CLIMATE REFUGEES



United Nations  
Framework Convention on  
Climate Change

*The Conference of the Parties to the Paris Agreement, ...*

*131. Calls on Parties and relevant institutions to improve coherence and synergies between efforts pertaining to disaster risk reduction, humanitarian assistance, rehabilitation, recovery and reconstruction, and displacement, **planned relocation and migration, in the context of climate change impacts**, as well as actions to address slow onset events, in order to make progress in averting, minimizing and addressing loss and damage associated with climate change impacts in a coherent and effective manner.*

First global stocktake, COP28

All people are entitled to the same universal human rights. However, people on the move, i.e. people who either choose or are forced to leave their countries of origin and migrate across international borders, do not enjoy the same rights. Refugees and migrants are classified as different groups of people whose rights are framed differently. Only those persons who are awarded the status of refugee are entitled to international protection based on the 1951 Refugee Convention. Yet, as disasters caused by extreme weather events and slower-onset changes, and catastrophic decline of living conditions tend to become the new normality, it is a priority that the international community cooperates to develop and legislate a framework for persons left with no other option but migration to other countries. Planned relocation and visa options, in cases where adaptation in or return to their country of origin is not possible, including procedures for family reunification, need to also be the focus of these initiatives, together with temporary protection.



United  
Nations

*The world will witness a mass exodus of entire populations on a biblical scale.*

Antonio Guterres, UN Secretary General

Although the human rights legal framework, international and EU, does not recognize the climate crisis or mention climate disasters as a legitimate reason to seek asylum, the following milestones are helpful in the context of the developing debate:

## **UNFCCC Paris COP15**

The 2015 Paris Agreement acknowledges that “*climate change is a common concern of humankind*” and that “*parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants [...]*”.

## **IPCC 6<sup>th</sup> Assessment Report**

The 6<sup>th</sup> Assessment Report (6<sup>th</sup> AR) of the Intergovernmental Panel on Climate Change (IPCC) extensively discusses the issue of forced climate migration and advises in favour of planning ahead for orderly and human rights-based policies for the welcoming of persons fleeing climate disaster zones.

As evidence on climate migration has grown, the 2023 6<sup>th</sup> AR<sup>7</sup> distances the IPCC from the view that forced climate migration may be an adaptation strategy. Respecting the tendency of people residing in climate-stressed zones to remain close to their homelands, the IPCC exposes the climate-related hazards, which increase the degree of exposure of vulnerable communities to risks of extreme events and resulting disasters, such as floods, storms, heatwaves and droughts, and evidently sea-level rise. As clearly stressed by the IPCC, “[a]daptive migration and the implied assumption that people can or should simply move out of harm’s way is not a substitute for investment in adaptive capacity-building (high agreement). [...] Climate-related migration, and especially involuntary displacement, often occurs only after in situ adaptation options have been exhausted and/or where government actions are inadequate.”

### **UNFCCC Dubai COP28 (November 2023)**

At the 28<sup>th</sup> Conference of the Parties (COP28) to the UN Framework Convention on Climate Change (UNFCCC), the international community acknowledged the vulnerability of frontline communities to climate disasters and increasing distress caused by the climate crisis. At the First Global Stocktake, COP28 calls for a coherent and humanitarian response to climate migration.

### **UN Special Rapporteur on human rights in the context of climate change**

In his 2023 report on “Providing legal options to protect the human rights of persons displaced across international borders due to climate change”, the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, “concludes that there is a deficit in legal protection for such people and makes a number of recommendations on how this legal deficit can be resolved, including his recommendation for the development of an optional protocol to the Convention relating to the Status of Refugees to protect the human rights of persons displaced across international borders due to climate change.”

In this milestone report, the Special Rapporteur discusses the different terms that have been so far used in the public discourse on the matter of forced displacement caused by climate change. His conclusion is that regional human rights bodies should be encouraged to expand the definition of refugees to cover persons displaced across international borders due to climate change. The same report also recommends the establishment of a new protocol under the 1951 Refugee Convention, which will provide the legal regime for the protection of climate refugees.

### **Directive 2001/55/EU, as model legal framework**

In cases of mass influx of displaced persons from third countries, who cannot return to their country of origin, the EU has established a mechanism for temporary protection. The mechanism is a fundamental part of the EU’s human rights-based approach to international affairs. Founded on the 1951 Geneva Convention, the temporary protection directive adopts a definition of ‘refugees’ within the restrictive meaning of the convention and aims to establish a system for managing mass arrivals of foreign nationals in the EU who cannot return to their countries, in particular because of war, violence or human rights violations. This temporary protection status directive was first implemented in 2022, following Russia’s invasion of Ukraine, when a mass exodus of civilians from war-torn areas sought refuge in EU countries.

### **Directive 2008/115/EC, commonly known as the Return Directive**

It is a legislative act of the European Union (EU) that establishes common standards and procedures for the return of non-EU nationals (third-country nationals) who are staying illegally in member states. In article

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<sup>7</sup> IPCC, 2022: Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegria, M. Craig, S. Langsdorf, S. Lösschke, V. Möller, A. Okem, B. Rama (eds.)].

5, the Directive upholds the principle of non-refoulement, ensuring that no one is returned to countries where their life would be at risk due to environmental reasons.

### Case law and national responses from Europe

During the drafting of this report, it became evident that to date no European country has granted refugee status to any person, on the basis of climate change. However, seeds of a temporary protection arrangement exist in the legal systems of certain countries. The legal systems of three European countries contain provisions for the prohibition of deportation persons to countries in which their life would be at risk due to environmental disasters.

- **Cyprus:** The 2000 Refugee Law of Cyprus<sup>8</sup> prohibits the deportation of persons to a country in which their life is at risk due, inter alia, to 'environmental disaster'. More specifically, in its provision 23(e) of 53(I) of 2003, the Refugee Law stipulates that "(4) It is prohibited to issue a deportation order against a refugee or person with subsidiary protection status to a country in which his life or freedom would be at risk or he would be in danger of being subjected to torture or inhuman or degrading treatment or punishment or persecution for reasons of sex, race, religion, nationality, membership of a particular social group or political opinion or because of armed conflict or environmental disaster." Although Cyprus does not recognize climate change as a reason of eligibility for refugee status, its law notably does allow for protection against refoulement for persons whose country of origin is unsafe due to climate change. During our research, it was reported that the relevant authorities and courts of Cyprus have until now not approved any case of protection against deportation to countries in climate distress.<sup>9</sup>
- **Italy:** The 1998 Immigration Law of Italy<sup>10</sup> (art. 18) states that temporary protection measures are established and are to be adopted in cases of humanitarian needs on the occasion of "natural disasters or other events of particular seriousness in countries not belonging to the European Union". Although no cases are known in which the relevant administrative authorities have implemented this provision, Italian courts have, in certain cases, ruled against the deportation of persons to countries experiencing environmental disasters.

An interesting case, which is relevant to climate change, is the ruling of the Italian Supreme Court of Cassation (Civil Section II), concerning the case of a person who was denied international protection by the Court of Ancona. In its decision, the supreme court acknowledged that the Niger Delta, homeland of the appellant, is subject to serious environmental instability, "*due to the indiscriminate exploitation of the area by oil companies and the ethnic-political conflicts*". The supreme judge in this case concluded that "*when, as in the present case, the court of first instance recognises, in a given area, a situation capable of constituting an environmental disaster, or in any case a context of serious degradation of natural resources accompanied by the exclusion of entire sections of the population from their enjoyment, the assessment of the condition of widespread danger existing in the applicant's country of origin, for the purposes of granting humanitarian protection, must be carried out with specific reference to the particular risk to the right to life and to a dignified existence resulting from environmental degradation, climate change or unsustainable development of the area.*"<sup>11</sup>

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<sup>8</sup> Cyprus: The Refugee Laws 2000 to 2020 ("ο περί Προσφύγων Νόμος του 2000").

<https://www.refworld.org/legal/legislation/natlegbod/2000/en/92142>

<sup>9</sup> Nicoletta Charalambidou, Human rights lawyer, Cyprus, personal communication, May 18, 2024.

<sup>10</sup> Italy: Legge 6 marzo 1998, n. 40. "Disciplina dell'immigrazione e norme sulla condizione dello straniero."

<https://www.parlamento.it/parlam/leggi/98040l.htm>

<sup>11</sup> Free translation from the Italian original: "Da quanto precede discende che qualora, come nel caso di specie, il giudice di merito ravvisi, in una determinata area, una situazione idonea ad integrare un disastro ambientale, o comunque un contesto di grave compromissione delle risorse naturali cui si accompagni l'esclusione di intere fasce di popolazione dal loro godimento, la valutazione della condizione di pericolosità diffusa esistente nel Paese di provenienza del richiedente, ai fini del riconoscimento della protezione umanitaria, va condotta con specifico riferimento al peculiare rischio per il diritto alla vita e all'esistenza dignitosa derivante dal degrado ambientale, dal cambiamento climatico o dallo sviluppo insostenibile dell'area."

- **Finland:** The 301/2004 Aliens Act of Finland<sup>12</sup> (section 109) stipulates that “*temporary protection may be given to aliens who need international protection and who cannot return safely to their home country or country of permanent residence, because there has been a massive displacement of people in the country or its neighbouring areas as a result of an armed conflict, some other violent situation or an environmental disaster.*”
- **Switzerland:** The case **Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20)** was brought before the European Court of Human Rights (ECtHR) and is significant for its focus on the impact of climate change on human rights. Verein KlimaSeniorinnen Schweiz (Senior Women for Climate Protection Switzerland) is an association comprised primarily of elderly women who are particularly vulnerable to the effects of climate change. The association, along with individual members, initiated the case against Switzerland, arguing that the Swiss government's inadequate action on climate change violated their human rights. It might seem that the case is beyond the scope of the current project, as the focus was not on climate displacement per se, however the Court's judgment marked a significant moment in the intersection of environmental issues and human rights law. While the specific outcome of the case in 2024 would depend on the Court's detailed analysis, generally, such cases raise important considerations about the state's obligations under the ECHR to protect citizens from environmental harm, particularly in the context of climate change. In summary, Verein KlimaSeniorinnen Schweiz and Others v. Switzerland is a landmark case that underscores the responsibility of states under human rights law to take effective action against climate change, particularly protecting vulnerable populations from its adverse effects.

Various policies and agreements, such as the Guiding Principles on Internal Displacement (UN, 1998),<sup>13</sup> set a framework for the protection of victims of natural disasters. However, on the one hand these contexts are non-binding (soft-law declarations), while on the other hand they mix climate-related disasters with other disasters, such as earthquakes. As the UN Special Rapporteur has rightly pointed out, “*the connection between climate change and natural disasters creates some confusion*”.<sup>14</sup>

Thus far, people affected by climate disasters prefer to stay close to home and family, hence they are internally displaced within their country or broader region, hoping that someday they will be able to return.

Although the climate crisis clearly induces human displacement<sup>15</sup> and the increasing frequency and severity of climate disasters is widely acknowledged as a cause for abandonment of homelands, the need of a special status of climate refugees has not been sufficiently addressed. The European Union's solid foundations on the values of respect for human dignity, freedom and respect for human rights (Article 2 TFEU) is the basis for extending a protection status to persons driven away from their homelands due to climate – induced disasters or unbearable living conditions caused by the climate crisis. Existing EU law on migration and asylum does not cover the need for protection of persons suffering from the impacts of climate-related extreme events.

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<sup>12</sup> Finland: <https://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf>

<sup>13</sup> UN Commission on Human Rights. (1998). Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2. <https://www.refworld.org/legal/otherinstr/unchr/1998/en/18487> [accessed 06 April 2024]

<sup>14</sup> Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, Providing legal options to protect the human rights of persons displaced across international borders due to climate change, A/HRC/53/34, UN General Assembly, 18 April 2023, <https://www.refworld.org/reference/themreport/unga/2023/en/124268> [accessed 29 June 2024]

<sup>15</sup> The links between climate change and human rights and the key legal considerations concerning the applicability of international and regional refugee and human rights law when cross-border displacement occurs in the context of the adverse effects of climate change and disasters, are explored in the following UNHCR document: UN High Commissioner for Refugees (UNHCR). (2020). Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters. <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123356> [accessed 20 June 2024]

## WHO IS A CLIMATE REFUGEE?

Since the entry into force of the 1951 Geneva Convention<sup>16</sup> the term 'refugee' denotes the legal status awarded to persons in fear of or subjected to persecution "for reasons of race, religion, nationality, membership of a particular social group or political opinion", who "is outside the country of his 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". The legal distinction between migrants in the broader sense and refugees is key in this context: refugees move "through compulsion, not on the basis of meaningful choice, and their immediate objective is to seek protection, not a migration outcome".<sup>17</sup> Currently, the term 'refugee' does not cover those persons who are forcibly displaced due to climate change. Precisely due to the forced displacement resulting from the climate crisis and the fact that migration under these circumstances is not a choice, we consider the persons forced by climate change to displacement from their homelands as refugees, in a broader sense.

A definition of 'climate refugee' needs to include the following characteristics:

- forced displacement,
- temporary or permanent relocation,
- movement across borders,
- disruption consistent with climate change and extreme weather events such as heat waves, heavy rain and flooding, drought and associated wildfires,
- sudden or gradual environmental disruption (such as desertification and soil degradation, coastal erosion, loss of biodiversity).

A definition that can help address the need to identify and provide assistance to people forced by climate change to abandon their homelands, honouring the European Union's humanitarian founding principles and values of respect for human dignity and respect for human rights (TFEU, art. 2), is the following:

### **Climate refugee: proposed definition**

*"Persons who involuntarily leave their country of nationality, or the country in which they reside, because of gradual or sudden changes in their environment related to at least one of the adverse effects of climate change (sea-level rise, extreme weather events, drought and water scarcity), and are unable or unwilling to return to it."*



Credits: 350.org / 350 Rising Sea Level Campaign at Kuala Terengganu, Malaysia

<sup>16</sup> UNHCR. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees> [accessed: 29 June 2024]

<sup>17</sup> UNHCR. (2001, May 31). Refugee Protection and Migration Control: Perspectives from UNHCR and IOM. Paper. Global Consultations on International Protection, 2<sup>nd</sup> Meeting. <https://www.unhcr.org/media/refugee-protection-and-migration-control-perspectives-unhcr-and-iom>



As climate change impacts, this definition refers to “gradual or sudden changes in the natural environment such as temperature rise, sea level rise, drought, water scarcity and extreme weather events, e.g. heat waves, storms, rainfall, and floods, whose frequency and/or magnitude exceeds the average of the available pre-industrial data at the relevant geographical scale.

The proposed definition:

- Avoids vague concepts and uses terms that are easy to define legally and/or scientifically.
- Focuses on disasters caused by climate change and cannot cause confusion with geological disasters such as earthquakes and tsunamis.
- Places targeted emphasis on cross-border movement of people, distinguishing from “internal migrants”, i.e. people who move temporarily within their country.
- Takes into consideration the existing debate on the 1951 Geneva Convention and the valid concerns that opening the convention to reform may result in weakening the existing framework.

## FRAMEWORK FOR THE PROTECTION OF CLIMATE REFUGEES

Should a protection framework for climate refugees be developed in the form of a special international convention? Is the international law and policy framework sufficient, under minor improvements, to provide protection to climate refugees? Reflecting the spirit of the Paris Agreement’s preamble and the 2023 Global Stocktake’s decision on “loss and damage”, we propose a legislative and policy framework which will bring the European Union at the forefront as champion of the recognition of the status of climate refugees, and will be comprised of the following pillars:

### **i) European level:** Adoption of EU law granting temporary protection to climate refugees

Building on the framework developed in the context of the Temporary Protection Status Directive, the EU may consider adopting a new directive, aiming to protect displaced persons due to the effects of climate change. In line with the above proposed definition, ‘displaced persons’ are defined as those individuals who, against their wish, are left with no other option but to leave their country of nationality or country of residence, due to gradual or sudden changes in their natural environment caused by at least one of the adverse effects of climate change and are unable or unwilling to return to it.

Key provisions of the legislative framework for climate refugees will need to be the following:

- Temporary protection will be applied in all member states by decision of the European Commission confirming a mass influx of displaced persons in the EU and defining the groups of persons in need of protection.
- Duration of one year, which can be extended for up to two years.
- Protection can end if the Commission considers it safe for the persons to return home.
- Member States will be required to issue a residence permit to persons granted temporary protection. This permit is valid for the entire duration of the protection.
- Persons granted temporary protection have the right to:
  - engage in an employed or self-employed activity;
  - access to adult education programmes, vocational training and work experience;
  - proper housing,
  - social assistance, financial aid and medical care.
- Children under 18 will also have the right to education under the same conditions as nationals of the host member state.

- If some of the members of the same family have been granted temporary protection in different EU member states, or if some of the family members are not yet in the EU, they should have the right to be reunited in the same member state.
- People granted temporary protection must be able to apply for asylum. The receiving member state is responsible for examining the application. Member states may decide that a person granted temporary protection cannot have asylum seeker status at the same time.

The Temporary Protection Status should not be confused with the asylum procedure. Temporary protection is part of the Common European Asylum System and not an alternative to it. As proposed above, beneficiaries of the temporary protection status retain the right to apply for asylum.

Providing host countries with adequate funding for the implementation of the new protection framework will be crucial for their orderly and well-organized response to the housing, educational and health care needs will be crucial, in order to provide better care for those displaced and to minimise possible disruption in the destination countries, just like in the case of the millions of refugees from Ukraine.

ii) **International level:** Advocacy by the EU towards the addition of a “climate refugees” protocol to the Geneva Convention

Given the high probability that displacement caused by the climate crisis can be permanent, the temporary protection framework is highly likely to require broader political actions, bringing the international community together in responding to the need to protect climate refugees. It is therefore important for the European Union to champion an initiative for the addition to the Geneva Convention of a “protocol on climate refugees”. This proposal was put forward by the UN Special Rapporteur on Climate Refugees in 2023 and appears as the best solution to achieving a concerted human rights-based approach to climate induced migration.



*There is an urgent need to provide a legal regime to protect the rights of persons displaced across international borders due to climate change. Considering that the Convention relating to the Status of Refugees comes close to affording the type of protections that are needed, it would seem logical to establish a **new protocol under the Convention to give protection to persons displaced across international borders due to climate change.***

Ian Fry, UN Special Rapporteur on the promotion and protection of human rights in the context of climate change

Key issues that will need to be covered by the proposed “climate refugees protocol” are the following:

- **Process:** The initial proposal will be submitted to the UN General Assembly by either the EU, the European Council or the EU High Representative for Foreign Policy. The UN High Commissioner for Refugees (UNHCR), and the International Organization for Migration take the lead in facilitating the effort for adoption of a climate refugees protocol to the 1951 Geneva Convention.
- **Definition:** The Protocol adopts the definition of a climate refugee described above.
- **Children:** The framework should include provisions relating to children. Children are victims of climate change, as they may not experience a normal childhood due to displacement caused by climate change, may be exploited, and may be excluded from educational processes. UNICEF and IOM developed the Guiding Principles for Children Forced to Move in the Context of Climate Change, which include a rights-



based approach; best interests of the child; accountability, awareness and participation in decision-making; family unity; safety and security; access to education, health care and social services; and anti-discrimination. These pillars should be granted legal status and incorporated into the new Protocol.

- **Role of states:** Encourage states, as well as regional initiatives, to develop legal frameworks based on the new Protocol for the protection of climate refugees. At the same time, it is proposed that measures to protect climate refugees be adopted pending the adoption of the Protocol, so that de facto pressure can be exerted for the development of a uniform framework.
- **Climate attribution science:** In order for the proposed protection system to operate based on a solid scientific basis, the need for a climate attribution mechanism, which publicly announces the disasters caused by climate change around the globe, has also been raised. The proposed climate attribution mechanism will function under the oversight of the International Organization for Migration (IOM) and the Intergovernmental Panel on Climate Change, which would be responsible for reviewing every few months the parts of the world designated in 'climate crisis' and based on its report, states would accept to consider asylum claims of climate migrants coming from these areas.

### iii) Regional level: Mediterranean declaration on the protection of climate refugees

The EU's hopeful first say in opening an international debate on the protection of climate refugees and the development of policies in this direction, does not preclude similar initiatives from being developed at a regional level. Quite the contrary. Considering that political and bureaucratic procedures in the EU take a long time, efforts for consultation and action at regional level should be stepped up.

Following the model of regional initiatives such as the Organisation of African Unity Convention (1969) on the Special Aspects of the Refugee Problem on the African Continent, which has been ratified by 46 states, or the Cartagena Declaration (1984), or the African Union Convention for the Protection and Assistance of Internally Displaced Persons (2009), or the Pacific Regional Framework on Climate Mobility, it is proposed to encourage similar initiatives at the European regional level.

As mentioned in the IPCC's 6<sup>th</sup> AR (WGII): *"The Mediterranean Sea is the world's most dangerous place for migrants, with more than 20,000 deaths reported since 2014. Although empirical evidence indicates that migration related to climate impacts is mostly internal to national borders, climate change is likely to contribute to migration in the Mediterranean Basin as one out of several factors. Climate impacts contribute to migration flows particularly by affecting the economic and political drivers of migration. [...] Many migrants attempting to cross the Mediterranean to Europe originate from sub-Saharan Africa, a region heavily affected by climate change. In West Africa, for example, migration decisions are heavily influenced by perceptions of climate change and of its economic impact on resources and income."*

Given the critical significance of the Mediterranean Sea as a human migration route, it will be important for the EU governments of the region to undertake bold initiatives that will allow a humane and orderly response to an impending humanitarian crisis resulting from sudden massive displacement of people from regions stricken by brutal climate disasters. In the Mediterranean in particular, a region where migration should be a priority for robust transnational cooperation, an initiative on climate migration could be taken in the context of the EU MED9 group (Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia, and Spain). Among other Mediterranean issues, the MED9 group have prioritised an integrated and systemic response to migration issues.

In this context, initiatives could be proposed by MED9 to develop a broader European institutional framework based on the resolution "A legal status for 'climate refugees'", adopted in 2019 by the Council of Europe, which will protect 'climate refugees' and which will be introduced in their national legislation. A Mediterranean declaration on climate-induced migration would need to grant refugee protection status to

persons satisfying the criteria of the definition proposed above, and vest them with their full rights, according to international and EU law (eg. rights to non-refoulement and family reunification).

If asked why would Europe and its Mediterranean member states open an agenda for climate migration, the answer is provided, again, by the IPCC’s 6<sup>th</sup> AR on the need for adaptation to climate migration by both ends: sending and receiving regions. *“Increasing adaptive capacities minimises the negative impacts of climate-related displacement and involuntary migration for migrants and sending and receiving areas (high confidence). This improves the degree of choice under which migration decisions are made, ensuring safe and orderly movements of people within and between countries (high confidence). Some development reduces underlying vulnerabilities associated with conflict, and adaptation contributes by reducing the impacts of climate change on climate sensitive drivers of conflict (high confidence). Risks to peace are reduced, for example, by supporting people in climate-sensitive economic activities (medium confidence) and advancing women’s empowerment (high confidence).”*

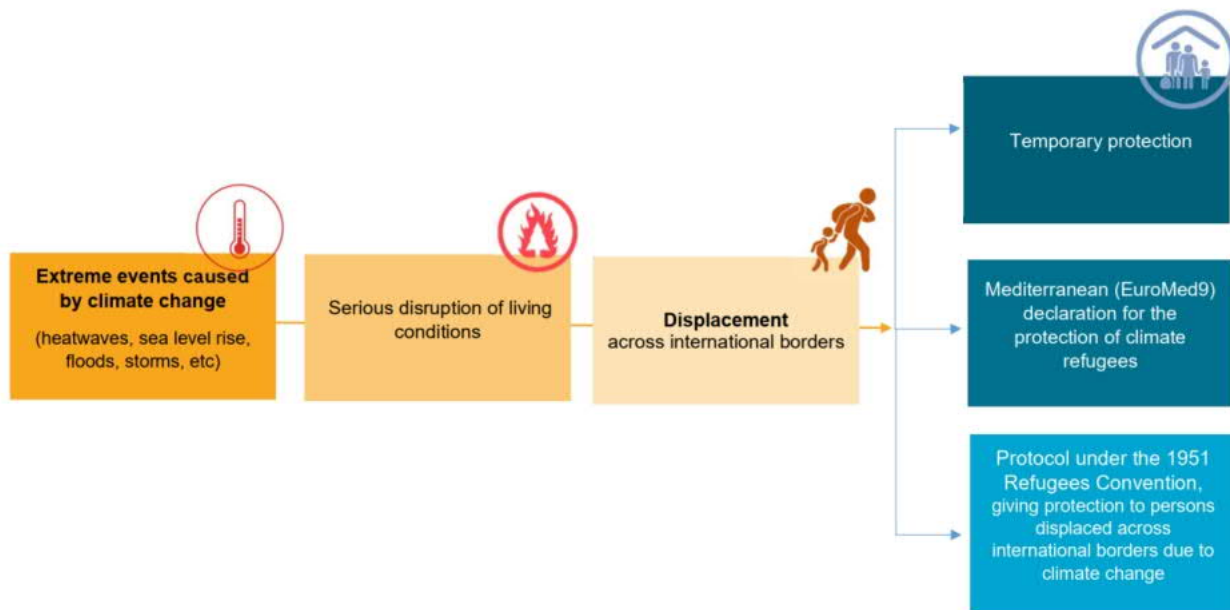


Figure 3: Framework addressing climate displacement across international borders

Not addressing the issue of climate migration, while there is still time, is recipe for a humanitarian crisis of likely unprecedented proportions, within the next 25 years.

## CONCLUSION

Addressing the loss and damage caused by the climate crisis is the responsibility and moral obligation of the world's developed economies, whose historically heavy footprint on the planet's climate and natural resources has caused vastly unequal impacts on those least responsible.<sup>18</sup> This is a particularly challenging undertaking especially in relation to the migration flows which are reasonably expected to rise as the world's weakest economies in the Global South are hit hardest by the severe impacts of the climate crisis. *“Without some kind of official legal status, acknowledging that the vast majority of climate refugees will come from countries which bear little (if any) responsibility for the increasingly devastating impacts of climate emergency, those rich countries that do bear that responsibility may well seek to ignore their moral and legal obligations to provide appropriate financial support for climate refugees – both for those who are able to remain within their own countries (for instance, moving inland to escape sea level rise and flooding), or who are forced to move to other countries.”*<sup>19</sup>

This report, prepared by the Greek Council for Refugees and WWF Greece, highlights the need for a human rights-based approach to addressing climate-induced migration. While much of the ongoing discourse focuses on numbers and projections, the real target should be on the rights and effective protection of displaced individuals. The Eastern Mediterranean, a critical migration gateway, is already experiencing severe climate impacts, a dramatic reality which underscores the need for pre-emptive measures to ensure the safety and dignity of climate refugees. Notwithstanding political scepticism surrounding the legal protection of persons displaced due to climate disasters, the extensive scientific evidence linking climate change to displacement cannot be ignored. It is therefore vitally important that the European Union develop a cohesive strategy which integrates climate policies and human rights principles, filling the existing legal protection gap. This report aims to encourage a unified civil society effort to advocate for a comprehensive protection framework for climate refugees, beginning with a clear definition and legislative initiatives to provide temporary protection and asylum rights. By doing so, we can proactively address the challenges of climate migration and uphold the fundamental human rights of the disadvantaged persons and communities suffering the most brutal impacts of the climate crisis.

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<sup>18</sup> United Nations Trade and Development. Smallest footprints, largest impacts. Least developed countries need a just sustainable transition. <https://unctad.org/topic/least-developed-countries/chart-october-2021> [accessed 29 June 2024].

<sup>19</sup> Porritt, J., Maynard, R., Hines, C. (2024, June 19) Migration in Hotter Times. Humanity at Risk. <https://www.jonathonporritt.com/wp-content/uploads/2024/06/Migration-In-Hotter-Times.pdf>

# ANNEX

## A CRITICAL LITERATURE REVIEW ON THE ISSUE OF CLIMATE MIGRATION

Author: Konstantinos Vlachopoulos<sup>20</sup>

### Introduction

According to various authors, the scale of displacement resulting from environmental degradation is substantial. Jacobson (1988) highlights that "environmental refugees have become the single largest class of displaced individuals globally." Homer-Dixon (1991) adds that environmental degradation is likely to generate "waves of environmental refugees that spill across borders, causing destabilizing effects" on domestic order and international relations. Referring to displaced persons not accounted for in official refugee figures, the Executive Director of UNEP at the time, Mustafa Tolba (1985), asserts that "these people are the millions fleeing the droughts of northern Africa, the victims of Bhopal, and the thousands made homeless by the Mexico earthquake. They are environmental refugees."

Estimates of the number of environmental refugees begin at 10 million (compared to the 17 million official refugees); more than half of these are believed to be in Sub-Saharan Africa (Jacobson, 1988; Trollalden, et al., 1992; Westing, 1992). Due to governments generally providing little official recognition to this unconventional category, Myers (1992) suggests that the numbers may be as high as 25 million. It is also asserted that the numbers are rapidly increasing. The Intergovernmental Panel on Climate Change (IPCC, 1990) pointed out that the most significant impact of climate change may be on human migration, displacing millions due to shoreline erosion, coastal flooding, and agricultural disruption. Based on this, Myers (1992) projected environmental refugees in a greenhouse-affected world (in the year 2050) to reach 150 million individuals. Westing (1992) additionally documented displaced persons worldwide in 1990 (using UN data), encompassing officially recognized refugees (16.7 million), unrecognized cross-border "refugees" (3.5 million), and unrecognized internal "refugees" (21.3 million). He aggregates these into a category of "total national refugees," totaling 41.5 million persons. In 1986, the total was only 26.4 million, and he speculates that the growth is attributable to the inclusion of "environmental refugees."

Since 2008, more than 376 million individuals have experienced displacement due to climate-related disasters,<sup>21</sup> which corresponds to one person being displaced every second or the entire population of Australia being compelled to abandon their homes annually. In 2022 alone, 36.2 million people faced displacement because of climate change-induced natural disasters. While many sought refuge within their own nations, others were compelled to seek shelter abroad. The International Federation of Red Cross and Red Crescent Societies (IFRC) predicts that the number of affected individuals will double by 2050. This underscores the urgent need for a comprehensive response to the global phenomenon of millions being displaced annually due to environmental disasters.

Although serious concerns have been expressed regarding the reliability of the estimates around climate displacement and more specifically of the methodological approach used to measure people on the move due to environmental degradation, no one disputes the existence of the phenomenon and this existing trend. These caveats will be discussed in detail later in the chapter.

This study is an initial attempt to highlight the issue of climate displacement and how this affects or will affect Europe in the future. Although many studies on the link between climate change and migration have been carried out in recent years, empirical data are still limited and focus on specific regions, Africa, Asia and the Pacific, and the Americas. Few studies have been carried out in Europe and the Middle East. In

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<sup>20</sup> Konstantinos Vlachopoulos, is a researcher at the Greek Council for Refugees.

<sup>21</sup> European Parliamentary Research Service. (2023) The concept of 'climate refugee': Towards a possible definition. [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2021\)698753](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)698753)

this chapter, a literature review is deployed in the effort to identify the key issues concerning displacement of people due to climate change, and initiate the debate with regards to the term of “Climate Refugees”. It will then move on to trace the approaches of potential political responses to the issue in Europe.

### **The evolution of the debate on climate refugees**

The concept of 'climate refugees' has been a topic of public discussion since 1985, when Essam El-Hinnawi, an expert from the UN Environment Programme (UNEP), coined the term 'environmental refugees.' He defined them as individuals compelled to leave their traditional habitat, either temporarily or permanently, due to significant environmental disruption—whether natural or induced by human activities—that endangers their existence or significantly impacts their quality of life. This definition is also applied to the term 'climate refugees,' and any practical distinctions between 'environmental' and 'climate' remain ambiguous. Defining the term 'climate refugee' poses a major challenge in providing protection for those displaced by climate change, given the intricate considerations involved. This challenge also takes into consideration the existing discourse on the Refugee Convention and prior attempts to define 'environmental refugees.'

During a 2020 hearing at the European Economic and Social Committee (EESC), Isabel Borges, a professor and researcher at the Norwegian Business School and University of Oslo, highlighted the absence of a precise definition for individuals displaced by environmental factors. This lack of clarity hampers efforts to accurately quantify the number of current and potential displacement flows. Academic researchers Docherty et al. (2009) suggest that a comprehensive 'climate refugee' definition should encompass elements such as forced migration, temporary or permanent relocation, movement across borders, disruption consistent with climate change, sudden or gradual environmental upheaval, and a clear standard for human contribution to the disruption.

While the majority of individuals forcibly displaced due to climate-related factors remain within their country's borders as internally displaced persons, some venture abroad and become externally displaced. However, the lack of comprehensive data, primarily focusing on internally displaced persons, poses a challenge in gaining a clear understanding of the extent of cross-border migration attributed to climate reasons. This data gap, coupled with the legal uncertainties surrounding the status of such individuals, often referred to as 'external climate migrants,' hinders the establishment of an international legal framework to address this issue. Despite these challenges, the international community has started acknowledging the phenomenon of external migration for climate reasons, particularly since the launch of the Nansen Initiative in 2012.

On September 19, 2016, the UN General Assembly adopted the New York Declaration for Refugees and Migrants, urging the development of two global compacts—one on refugees and the other on 'other migrants.' The latter, known as the Global Compact for Safe, Orderly and Regular Migration (GCM), was endorsed on December 10, 2018, in Morocco. Objective 2 of the GCM recognizes the urgent situation of migrants displaced due to climate change. In the same year, the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP24) addressed the displacement of people resulting from climate change. Despite climate migration becoming a recurring topic in international negotiations, no official status or legal protection has been granted to those affected so far.

The COP25 in 2019, building on the Intergovernmental Panel on Climate Change (IPCC) special report on climate change and land, discussed desertification and the heightened global risk of food scarcity as consequences of climate change that compromise human life quality. In response, the International Organization for Migration (IOM) highlighted that climate change-related impacts worsening living conditions for vulnerable populations serve as triggers for increased human mobility.

## **Towards a definition of the term 'climate refugee'**

Before analysing the intrinsic aspects and the different dimensions of the term "climate refugee", it is necessary first to map the terms used in the literature to describe generally people on the move and more specifically those on the move due to adverse environmental circumstances.

According to the International Organization for Migration ("IOM"), the term "migrant" is an umbrella term, for which there is no universally accepted definition in international law and is usually understood to reflect the situation of a person who moves away from his/her place of habitual residence, either within a country or across borders, temporarily or permanently for various reasons. The term encompasses a number of well-defined legal categories of people, such as migrant workers, persons whose specific types of movement are legally defined, migrant travellers and those whose status or means of movement are not explicitly defined by international law (e.g. international students). An 'environmental migrant' is defined as a person or group of persons who, mainly for reasons of sudden or progressive changes in the environment that adversely affect the life or their living conditions, are forced or choose to leave their place of habitual residence, either temporarily or permanently, and who move within or outside their country of origin or habitual residence. Climate migration' focuses on the above-mentioned environmental changes due to climate change.

On the other hand, according to the 1951 International Convention relating to the Status of Refugees, a refugee is a person who is outside his or her country of origin or place of residence, has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and, owing to that fear of persecution, is unable or unwilling to avail himself or herself of the protection of the country or to return to it. The 1969 Organization of African Unity Convention on the Special Problems of Refugees in Africa and the 1984 Cartagena Declaration in the Latin American context specify the cases in the above definition by referring to circumstances that disturb public order. In addition, the term "climate/environmental refugee" is used to refer to a category of environmental migrants whose displacement is of a forced nature but has now become widely accepted as misleading and is not supported by the UNHCR ("UNHCR" or "UNHCR") and is more accurately referred to "persons displaced in the context of disasters and climate change".

Therefore, the two terms have distinct meanings and confusing them creates problems for both populations, and equating refugees with migrants can have serious consequences for the lives and security of refugees.

Hence, it is evident that the definitions intersect at many points and the distinction between concepts and persons in the respective procedures for determining refugee or other status becomes difficult if the factors of climate change, vulnerability, the combination of reasons for leaving the country of origin or habitual residence, as well as human rights violations are included in the equation.

The weakness in properly defining the term "Climate Refugee" has implications in how reliable are the available data regarding the number of people fleeing their countries due to environmental disasters. Even data published by acclaimed International Organisations are debatable owing to the lack of a consistent framework that will allow us to measure the accurate numbers. In reality, no one knows with absolute certainty how many people have already moved out of state borders due to climate change or how many will be moved in the future. It should of course be stressed that what is in question here is the exact number of people who are moving because of climate change. and not the phenomenon itself. While the scientific argument for evolving climate change and its anthropogenic origin is undisputed, the impact of climate change on cross-border population movement is unclear and largely unpredictable.

This is because it is very difficult to isolate climate change as the sole cause of migration. Other factors, economic, social and political, may influence the decision to migrate. Climate change may have a 'multiplier effect', i.e. it may reinforce other factors that trigger migration. In addition, the movement of people may be the result of a slow process of environmental degradation (e.g. rising sea level rise, soil erosion) or a sudden extreme weather event occurring at a particular point in time (e.g. intense storms and floods). It may be deliberate or forced, occur within national borders or across borders, be temporary or permanent,

or be of a temporary or permanent nature. Population movement may also constitute a measure to adapt to adverse weather conditions, i.e. a strategy to address the problem.

## **Policy responses to climate-induced migration**

Precisely because the issue is multifactorial, as we have seen above, and because there is difficulty in defining the content of the concept of 'climate refugee', the emergence of policies to address the issue is proving to be a difficult process. However, as is evident in the literature there have been attempts to respond to the challenges of displacement due to environmental reasons.

A few theories have been outlined in an effort to address the policy responses to climate displacement. According to Draper (2022), most theories focus on creating a special normative status for climate refugees. Such a designation would bestow upon those recognized as climate refugees a specific set of rights and entail corresponding duties for the international community. These proposals typically manifest as suggestions for establishing a new international institution, often in the format of a multilateral treaty designed to address the concerns of climate refugees. The “monist” approach mentioned above provides a clear, yet rigid framework in tackling the tricky part of responding to challenges arising from climate displacement.

The preeminent example of the monist approach is exemplified by Biermann and Boas (2010; 2008), who have proposed a new legal instrument in the form of a Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), referred to as the Protocol for the Recognition, Protection, and Resettlement of Climate Refugees. Biermann and Boas (2010: 75–76) assert that this Protocol should delineate a category of "climate refugees," and their treatment should be governed by five fundamental principles of governance: (i) the principle of planned relocation and resettlement; (ii) the principle of resettlement rather than temporary asylum; (iii) the principle of collective rights for local populations; (iv) the principle of international assistance for domestic measures; and (v) the principle of international burden-sharing. They collectively view these principles as articulating an understanding of what obligations the international community has toward those displaced by the impacts of climate change.

Additional proposals with similar structures have been advanced. For instance, Docherty and Gianni (2009) have advocated for a unique legal convention tailored for "climate change refugees." They contend that this convention should ensure climate refugees' entitlement to a spectrum of rights, encompassing those directly associated with mobility as well as diverse civil, political, social, cultural, and economic rights (Docherty and Giannini, 2009: 376–79).

Draper contests such theories and offers a more “pluralist” approach. He claims that the failings of the monist approach focus on the idea that climate refugees are something unique –an idea that obscures the complexity and heterogeneity of climate displacement. Instead, he proposes that, by adopting a pluralist approach the climate displacement should be integrated with other, non-climate forms of displacement. Secondly, Draper argues that climate displacement should not be viewed one, undifferentiated phenomenon. As he clearly puts it: “Different principles and institutional forms will be appropriate for the different contexts in which climate change and displacement interact.” (Draper, 2022)

A similar approach is shared by Emannouela Doussis (2023). As she clearly states: “The multifactorial nature of migration and the difficulty of isolating climate change as a single cause of migration have prompted some authors who have worked on this issue to propose approaching the problem as part of the dynamics of global migration rather than as a separate, independent category. According to this view, this approach would facilitate the design of appropriate solutions to legal problems because the different manifestations of climate change-related migration 'require different responses at the local, national, regional and international levels'.”

The issue of migration due to climate change has been discussed in recent years in the mechanisms established by the United Nations Framework Convention on Climate Change and, in particular, in the



Committee on Adaptation to Climate Change, which was established in 2010. The debate focuses on finding ways to address the challenges posed by climate change induced mobility through the national climate change adaptation plans formulated by states.

It should be noted that the preamble of the Paris Agreement on Climate Change (2015) explicitly refers to migrants, calling on Parties to respect their rights when taking measures to address climate change. As in the case of human rights, this call does not create new obligations, but refers to obligations that parties have already undertaken through human rights law. However, the focus here is also on the protection and mechanisms provided by existing human rights law for displaced populations.

There have been explored various policy responses in the literature regarding the legal institutional framework that would allow policy makers to offer protection to people on the move due to environmental degradation. The idea that climate refugees should be included as a separate category in the international protection framework under the 1951 Geneva Convention for Refugees is widely held approach.

It should be noted, however, that proposals in the literature for the formulation of an additional or new international treaty (such as an additional protocol to the Refugee Convention or the Framework Convention on Climate Change, or a new treaty for the protection of "climate refugees") face wide criticism due to a lack of political interest and because they are unlikely to provide effective protection given the difficulty of defining a distinct category of "climate refugees". As Doussis (2023) asserts: *"Migration is a particular area of international policy for two main reasons. The first reason is that states want to have the final say on migration issues, which makes it difficult to formulate international rules. They even seem to prefer non-binding consultation procedures and exchange of good practices, such as the Nansen initiative on cross-border movement in the wake of natural disasters. This is an intergovernmental consultative process launched in 2012 by the governments of Norway and Switzerland to foster consensus on key principles and elements in relation to the protection of persons moving across borders in the context of natural disasters, and to shape the framework for future action at the domestic, regional and international levels. Through organized consultations at regional level, this initiative aims to gather information on the challenges of climate change disasters and to document good practices that could be applied in other situations."*

For this reason, this report aims to address the above-mentioned criticism. Firstly, we emphasize the urgency and importance of the issue. The climate crisis is not a distant threat; it is an immediate and escalating emergency that is already displacing millions of people worldwide. Extreme weather events, rising sea levels, and long-term environmental degradation are forcing communities to leave their homes in search of safety and stability. The scale and severity of these impacts demand immediate and robust action from the global community, including policymakers in Europe.

Despite this urgency, political interest has often lagged, partly because of the complexities involved in defining and recognizing climate refugees. Existing international frameworks, such as the 1951 Refugee Convention, do not explicitly include environmental factors as grounds for seeking asylum. This gap has led to inconsistent protection and support for those displaced by climate change. Our report highlights that ignoring this growing issue is not a viable option, as the number of people affected will continue to rise dramatically if climate action remains insufficient.

To overcome the definitional challenge, our report proposes a definition of climate refugees. This definition acknowledges the multifaceted nature of climate-induced displacement and incorporates key criteria to identify and protect those affected. By proposing this definition, we aim to provide a clear and actionable framework that can be adopted by national and international bodies to ensure that climate refugees receive the recognition and protection they need. This approach sets the stage for more coordinated and comprehensive policy responses.

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