

MUNLawS 2025

United Nations General Assembly

1. Table of Contents

1.	<i>Table of Contents</i>	2
2.	<i>About the MUNLawS</i>	4
3.	<i>Welcome letter</i>	6
4.	<i>About the Committee</i>	8
4.1.	Brief history	8
4.2.	Mandate	9
4.3.	Legal ground	10
4.4.	Membership	11
5.	<i>Addressing Climate Change and Ensuring Protection for Persons Displaced Due to Adverse Effects of Climate Change</i>	12
5.1.	Introduction.....	12
5.2.	Key definitions	14
5.3.	Current situation.....	17
5.3.1.	Introduction and concerns for the future	17
5.3.2.	Current situation.....	18
5.3.3.	Climate change effects in correlation with displaced people.....	21
5.3.4.	Current initiatives	28
5.4.5.	Insufficiency of current climate change measures	31
5.4.	Broad Sate stances on the issue	32
5.5.	Overview of relevant international law	35
5.5.1	Refugee law and human rights law	35
5.5.2.	Climate law	39
5.6.	The legal gap	49
5.7.	Comment to the proposed draft	49
5.8.	Conclusion	51
6.	<i>Questions a resolution should consider</i>	52
7.	<i>Bibliography</i>	52
8.	<i>Annex 1: The proposed UNGA resolution with the Draft Protocol</i>	58
	<i>80/001. Protocol to the Convention relating to the Status of Refugees on the Rights of Climate-Displaced Persons</i>	59
	Annex I Second Protocol relating to the Status of Refugees.....	60
	Article 1 Purpose	61

Article 2 Definitions	61
Article 3 General principles	62
Article 4 General obligations.....	62
Article 5 Committee on the Rights of Climate Displaced Persons.....	63
Article 8 Cooperation between States Parties and the Committee	64
Article 9 Relationship of the Committee with other bodies.....	64
Article 10 Report of the Committee	65
Article 11 Conference of States Parties	65
Article 12 Depositary	65
Article 13 Signature	65
Article 14 Consent to be bound.....	66
Article 15 Regional integration organizations.....	66
Article 16 Entry into force	66
Article 17 Reservations.....	66
Article 18 Amendments	66
Article 19 Denunciation.....	67
Article 20 Accessible format.....	67
Article 21 Authentic texts.....	67

2. About the MUNLawS

It is our great pleasure to welcome, after a year of absence, the delegates, head delegates, observers, and faculty advisors back to the festive city of Ljubljana to once again take on the pressing issues of the day at the 12th MUNLawS Model United Nations Conference.

As the prospects of this year's conference were discussed earlier this year, it fell upon us to determine its scope and focus. Facing wide array of global challenges – each significant in its own right – our instinct times and again was to return to the fundamental yet enduring discussion on the construction of the global order and its respect for international law – the solemn commitment of one for all with no one left behind. Reaching, in good faith, Beyond Divisions, Ensuring Security for All.

The unfolding year spares no shortage of anniversaries. Eighty years ago, the deadliest war in human history came to an end, and the foundations of a bold new vision for global governance were laid. Today, complacency toward the binding rules of this international order is being tested, as a series of conflicts steadily erodes its very ideal, rekindling the specter of wider confrontation. Thirty years ago, in Srebrenica, former compatriots turned against their own, committing one of the most horrendous atrocities in modern European history. Today, echoes of such despair resonate in many parts of the world, reminding us that the struggle for justice and the protection of human life and dignity remains urgent.

At the same time, the year 2025 is the one of considerable achievements. With the recent ceasefire in Gaza, the seeming resolution of the Armenian–Azerbaijani conflict, the groundbreaking Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change and other significant developments, a trebling light on the horizon reminding us of the promise of tomorrow still shines brightly. As a non-permanent member of the UN Security Council, the Republic of Slovenia devoted considerable effort to fulfilling its responsibilities. It is, therefore, a privilege to count the Ministry of Foreign and European Affairs of the Republic of Slovenia as our trusted partner in organizing this conference.

Furthermore, we extend our sincere gratitude to the European Parliament Liaison Office in Slovenia for their steadfast and invaluable support in bringing this conference to fruition. Representing a core institution of arguably the greatest peace project in human history, their involvement underscores the enduring importance of forging bridges in the pursuit of a cause far greater than ourselves. We are also deeply thankful to Tourism Ljubljana, which, together with the European Parliament Liaison Office in Slovenia, made it possible to organise two incredible social events.

We sincerely hope you will delight in exploring this mosaic, forge meaningful new friendships, and cherish the experience of MUNLawS 2025. Let the festivities begin!

Yours truly,

Žiga Murn Lindič, Secretary-General of MUNLawS 2025

3. Welcome letter

Dear delegates,

It is our immense pleasure to welcome you to the 2025 MUNLawS UNGA summit in Ljubljana!

Let's start by introducing ourselves:

Hi everyone, I'm Miha Persyn, and I'll be one of your chairs for the UNGA committee in MUNLawS! I'm half Belgian and half Slovene, but am currently based in Ljubljana, Slovenia, where I'm doing my final year of my bachelor's in international relations. Last year, I had the privilege of being the vice conference organizer of our conference, Salient. In addition to this, I have done numerous MUNs in Belgium, Spain, Slovenia, Germany, Malta, Armenia, Czechia, and Albania, and I'm excited to be returning to once again chair MUNLawS, which I have already chaired in 2023! Outside of MUN, I love listening to various genres of music, playing video games, and nerding out on all topics related to international relations. I can't wait to meet all of you in the beautiful city of Ljubljana in November!

Hello, you all! I'm Andrej Makaji, a second-year year student at the Faculty of law, University of Ljubljana, a smiling person curious about law, diplomacy and excitatory debates. Learning about the MUN club at our faculty was love at first sight, most recently participating as a delegate in the LIMUN 2025 conference in London. In my spare time, I rarely take my eyes off basketball games and like to immerse myself in never-ending chess games or good music. Words can't describe how excited I am to dive into this conference with you to hear your breathtaking arguments and innovative solutions. In this conference there is no such a thing as a reckless question, so don't hesitate to ask all of us for anything that interests you!

Hello there! I'm Brina Galuf, a second-year law student at the Faculty of Law, University of Ljubljana, often recognized by a wide smile and the colourful flowers in my hair and I'll be one of your chairs for the UNGA committee in MUNLawS! In my high school years, I was a very eager debater, now I judge debate competitions and have also become a MUN enthusiast. I love

dancing, playing the piano, stargazing, getting lost in the woods, and reading (especially fantasy novels). I hope that you have a great time in this committee, and please do not hesitate to ask us any queries or doubts you may have. I am very grateful and excited to guide you through the debates and discussions ahead and I look forward to the impeccable arguments and diplomacy you will bring to the floor! See you at the plenary session! (And the socials!!) (Actually, more importantly the socials) (Definitely come to the socials).

What you have before you is your study guide, which shall be your most basic guide to the debate at hand. In it, we hope to have illustrated the most basic outline of why the issue at hand is something that the UNGA, as the main meeting point in the UN, should address, and hopefully be able to give you the necessary knowledge for you, as delegates, to find innovative solutions and resolve the problem. When preparing for the debate, please keep in mind that the study guide should be your starting point, but should by no means be the only resource you consult before the debate. Even if your State is mentioned in the study guide, you should still research and prepare arguments tailored for the State that you are representing.

With the introduction out of the way, sit back, relax, and dive headfirst into the complex issue of climate-induced displacement!

(PS: if you need to reach us, you can always find us by sending us an email to: miha.persyn@gmail.com for Miha, brina.galuf25@gmail.com for Brina, and makajiandrej53@gmail.com for Andrej).

4. About the Committee

4.1. Brief history

The Second World War and solutions towards common peace and cooperation were the main trigger for the idea of creating such an organization that the United Nations (UN) represents today. President Franklin D. Roosevelt was the first one to propose the idea of the international organization at the meeting with the Soviet Premier Joseph Stalin in November 1943 where he included the idea of an assembly of all member States to discuss social and economic issues. His concept developed even further in August and September 1944 in Washington. Back then, U.S., British, Soviet and Chinese representatives met at Dumbarton Oaks to draft the charter of a postwar international organization based on the principle of collective security where they recommended a General Assembly (UNGA) of all member States and several other paramount representative bodies too.¹

Such causes resulted in an establishment of the UNGA in 1945.² Its first session was convened in January 1946 in the Methodist Central Hall in London and included representatives of 51 nations. Between 1946 and 1951 initial meetings were held, forming historically influential significant decisions and resolutions in Flushing Meadows, New York before heading to the permanent Headquarters of the United Nations in Manhattan in October 1952. The number of resolutions passed by the UNGA significantly raised each year usually adopted without opposition. Nevertheless, there have been many disagreements among members on several issues, such as those relating to the Cold War, the Arab Israeli conflict and human rights. The UNGA to this day has addressed sharp historical conflicts that still have a significant impact on society today. Its notable actions began in 1947 with the vote to adopt the United Nations Partition Plan for Palestine and continued in 1960 and in 1992 with the suspension of the South

¹ U.S. Department of State, Office of the Historian. (n.d.). *Milestones: The United Nations, 1937–1945* <https://history.state.gov/milestones/1937-1945/un>

² United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

African delegation due to apartheid policies and with the influence of the post-Yugoslavia era setting new standards for the UN membership.³

4.2. Mandate

Functions and powers make the UNGA omnipresent in many spheres of a diverse society, and its nature as the main policymaking and representative body of the UN represents a true sense of legitimacy and democracy. Its most prominent role is to provide a unique and needed multilateral discussion of the full spectrum of international issues through sessions that consist of all 193 Members of the UN participating.⁴ The plenary regular session runs from September to December, which can reconvene at any time during the year, and thereafter, from January to September, runs the resumed part where the UNGA takes up reports from other Committees. During that period, the UNGA is bound by social changes and current issues, and it conducts informal consultations on a wide range of substantive topics towards the adoption of new resolutions. To fulfil and pursue its goals, the Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

The main aim of the UN is to maintain international peace and security. The UNGA does that through discussion and recommendations on any questions within the scope of the Charter. In practice, it performs this through various tasks, such as recommendations for the peaceful settlement or on the general principles of cooperation. Furthermore, within the mentioned tasks, the UNGA plays a central role in development and codification of international law and more importantly, on the realization of human rights. More widely, this body contributes and promotes international collaboration in other areas as well, such as economic, social, humanitarian, cultural, education and health fields so that the widest range of activities and social spheres are represented.⁵ These efficient tasks within the UNGA represent its broad and social competences.

³ Britannica, T. Editors of Encyclopaedia. (n.d.). *United Nations General Assembly*. *Encyclopædia Britannica* <https://www.britannica.com/topic/United-Nations-General-Assembly>

⁴ United Nations. (n.d.). *Ask UN: What is the General Assembly?* <https://ask.un.org/faq/14344>

⁵ United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

On the other hand, the UNGA's main competence within the United Nations is to consider and approve the UN budget and establish the financial assessments of Member States. In terms of correlation, control and cooperation between the UN bodies, an instance of the competence of the GA is to elect the non-permanent members of the Security Council (UNSC) and the members of other UN councils and organs, such as Economic and Social Council and Human Rights Council, while its obligation shows in considering reports from the UNSC and other UN organs.⁶ Although its powers seem to be too broad, the UNGA has its limits or perhaps even shortcomings. The UNGA cannot make decisions on international disputes that are being considered by the Security Council and perhaps even more significantly, its recommendations are not legally binding on Member States.⁷

4.3. Legal ground

Although the UNGA's decisions are not legally binding, they express the international community's collective will and send a political and moral message to all Member States, calling for concretization of and respect for international law. Even though the legal ground of the UNGA is mostly emphasized through budget and elections, its legal nature can be also represented through treaties and conventions that can become binding law due to work and discussions in the "Sixth Committee".

The Sixth Committee serves as the primary forum for the consideration of legal questions.⁸ Besides that, the UNGA includes Committees with paramount roles within the UNGA, from solving the economic, social, cultural or humanitarian issues to considering special political, security and legal questions.⁹ It is a mandatory part of the process with the conclusion of the general debate in the UNGA. The UNGA begins consideration of numerous substantive items on its agenda and afterwards sends and allocates those to its six Main Committees relevant to their

⁶ United Nations. (n.d.). *General Assembly* <https://www.un.org/en/ga/>

⁷ United Nations. (n.d.). *How decisions are made at the UN* <https://www.un.org/en/model-United-nations/how-decisions-are-made-un>

⁸ United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

⁹ International Service for Human Rights. (n.d.). *UN General Assembly* <https://ishr.ch/about-human-rights/who-protects-human-rights/the-united-nations/un-general-assembly/>

work. The Committees discuss matters under the agenda items and recommend draft resolutions and decisions to the UNGA for consideration and action, which can lead to the creation of conventions and treaties that represents significant normative weight and guidepost to all Member States.¹⁰

4.4. Membership

The UN Charter clearly sets the conditions for States to join the Organization. Such conditions express the obligations of States to sign the Declaration by the United Nations from January 1942 and to ratify the present Charter in accordance with Article 110.¹¹ Until now, 193 States adopted those standards and entered as members in such Organization, with South Sudan being the latest admission in 2011.¹² Each of these Member States is represented in the UNGA, composed of the head of delegation and other advisers and experts participating in plenary sessions.¹³ The principle of parity most appropriately describes the structure of the UNGA where each delegation is equally represented and has equal voting opportunities to make decisions on paramount matters, commonly requiring a two-thirds majority.¹⁴ Beside the composition of 193 UN Member States, the participation in discussion belongs to few non-member States too, such as Palestine and Holy See to which both belong observer status as they are identified as Observer States, without possibility to vote.¹⁵ The admission of any such State to membership is effected by a decision of the UNGA upon the recommendation of the UNSC. A Member of the UNGA can be at any moment suspended from the exercise of the rights and privileges of membership due to violations of the Principles in the Charter, which can consequently even lead to expulsion from all future sessions and discussions in such organization.¹⁶

¹⁰ United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

¹¹ United Nations. (n.d.). *Charter of the United Nations (Article 3)* <https://www.un.org/en/about-us/un-charter>

¹² United Nations. (n.d.). *Membership of Principal UN Organs* <https://www.un.org/en/about-us/membership-of-principal-un-organs>

¹³ United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

¹⁴ United Nations. (n.d.). *About UN Membership* <https://www.un.org/en/about-us/about-un-membership>

¹⁵ United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>

¹⁶ United Nations. (n.d.). *Charter of the United Nations (Article 4, 6)* <https://www.un.org/en/about-us/un-charter>

The 80th ordinary session of the UNGA opened on 9 September 2025 with the theme: “*Better together: 80 years and more for peace, development and human rights*”.¹⁷ During the session ending one year later, the main focus will be on artificial intelligence governance, ongoing escalations in the Gaza strip, Sudan, Somalia, Ukraine and elsewhere. UN reform and not inconsiderably also about climate change.¹⁸ With the pace and scale of the climate crisis across the globe, the UN Secretary-General is convening a Climate Summit to serve as a platform for world leaders to present their new national climate action plans. The Summit will focus on seizing the benefits of the new clean energy era and essentially demonstrating commitment to protect people and the planet in line with the goals of the Paris agreement.¹⁹ It is precisely because of the alarming urgency and impact of climate change that it has become the subject of increasingly frequent discussions in the UNGA. Due to climate change, more and more people are being forced to leave their homes and relocate, making environmental migration one of the most frequently used terms in the global media. This thematic focus of the UNGA thus leads us nicely into our main discussion topic.

5. Addressing Climate Change and Ensuring Protection for Persons Displaced Due to Adverse Effects of Climate Change

5.1. Introduction

The Earth's climate is the result of a delicate balance of different elements shaping it. From its atmosphere, land surface, oceanic flows, vegetation, ice sheets and the rotation of the earth's axis among others, each element has in some way influenced either the global or local climate, giving shape to unique conditions which allowed for a rich biodiversity to develop around our planet. Since its inception, the global climate has changed through time periods, as the previously listed elements have changed as well, due to natural processes. Recently however, an undisputable process has begun because of Man's intensive release of greenhouse gases

¹⁷ United Nations. (n.d.). *80th Session of the UN General Assembly* <https://www.un.org/en/ga/80/>

¹⁸ Council on Foreign Relations. (2025, September 30). *What Is the UN General Assembly?* <https://www.cfr.org/background/un-general-assembly-unga-role>

¹⁹ United Nations. (n.d.). *General Assembly High-level Week 2025* <https://www.un.org/en/high-level-week-2025>

into the atmosphere. The “Anthropocene Epoch”, or human caused global warming as it is more commonly known, has drastically differed from the previously described natural processes.²⁰

Other than being man-made in origin, it has also been much faster in its process compared to global natural processes, and globally reaching compared to faster local events. The result of the release of greenhouse gasses into the atmosphere has been a gradual rise in global temperatures, which has upset previous delicate balances and brought relentless natural disasters with it, such as desertification, land degradation, salination, littoral land erosion, sea level rise, an increase in the frequency and intensity of floods, and increase in precipitation and the disappearance of the Earth’s frozen fresh water reserves.²¹

The consequences of both the increase in global temperature, a rise of sea levels, changes in the direction and intensity of sea currents and the increase in extreme weather events have affected all ecosystems of the world. Global climate change combined with human activities have brought us to a catastrophic reduction in the number of species, akin to some other great extinctions of the past. For humans, it has been theorised that the current effects of climate change kill more people per year than all wars combined.²² While the effects of climate change and the political battle against it are crucial topics for the survival of our species, they are too wide to be addressed at a single MUN conference. This study guide will look at the effects of climate change on man’s habitat, his ability to maintain a livelihood, and how to politically come together to help those who have lost everything because of climate change.

²⁰ NASA. (2022, June 15). Climate change through time—Evidence. <https://science.nasa.gov/climate-change/evidence/>

²¹ European Commission. (n.d.). Consequences of climate change. Retrieved October 2, 2025, from https://climate.ec.europa.eu/climate-change/consequences-climate-change_en

²² WWF. (n.d.). What is the sixth mass extinction and what can we do about it? World Wildlife Fund. Retrieved October 2, 2025, from <https://www.worldwildlife.org/stories/what-is-the-sixth-mass-extinction-and-what-can-we-do-about-it>

5.2. Key definitions

Climate change: A change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings such as modulations of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use. Note that the United Nations Framework Convention on Climate Change (UNFCCC), in its Article 1, defines climate change as: “*a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere, and which is in addition to natural climate variability observed over comparable time periods*”. The UNFCCC thus makes a distinction between climate change attributable to human activities altering the atmospheric composition and climate variability attributable to natural causes.²³

Abrupt climate change: A large-scale abrupt change in the climate system that takes place over a few decades or less, persists (or is anticipated to persist) for at least a few decades and causes substantial impacts in human and/or natural systems.²⁴

Extreme climate event: The occurrence of a value of a weather or climate variable above (or below) a threshold value near the upper (or lower) ends of the range of observed values of the variable. The characteristics of what is called extreme weather may vary from place to place in an absolute sense. When a pattern of extreme weather persists for some time, such as a season, it may be classified as an extreme climate event, especially if it yields an average or total that is itself extreme (e.g., high temperature, drought or heavy rainfall over a season). For simplicity, both extreme weather events and extreme climate events are referred to collectively as climate extremes.²⁵

²³ IPCC. (n.d.). Glossary Search - Climate change, <https://apps.ipcc.ch/glossary/>

²⁴ IPCC. (n.d.). Glossary Search - Abrupt climate change, <https://apps.ipcc.ch/glossary/>

²⁵ IPCC. (n.d.). Glossary Search - Extreme weather event, <https://apps.ipcc.ch/glossary/>

Hazard: The potential occurrence of a natural or human-induced physical event or trend that may cause loss of life, injury, or other health impacts, as well as damage and loss to property, infrastructure, livelihoods, service provision, ecosystems and environmental resources.²⁶

Human habitability: The ability of a place to support human life by providing protection from hazards which challenge human survival, and by assuring adequate space, food and freshwater.²⁷

Human security: A condition that is met when the vital core of human lives is protected, and when people have the freedom and capacity to live with dignity. In the context of climate change, the vital core of human lives includes the universal and culturally specific, material and non-material elements necessary for people to act on behalf of their interests and to live with dignity.²⁸

Planned relocation: A form of human mobility response in the face of sea level rise and related impacts. Planned relocation is typically initiated, supervised and implemented from national to local level and involves small communities and individual assets but may also involve large populations. Also termed resettlement, managed retreat, or managed realignment.²⁹

Climate refugee/migrant/internally displaced person: There is no universally accepted definition for a climate displaced person. The different definition offered by some authors could be watered down into something like: A person who moves from their habitual residence, either temporarily or permanently, partly or wholly as a result of sudden-onset or slow-onset climate-related impacts.³⁰ Again, this is not an official definition but simply something to help you understand the issue. It is also worth noting that some authors distinguish between migration because of sudden onset changes and gradual changes, with the implication being

²⁶ IPCC. (n.d.). Glossary Search - Hazard, <https://apps.ipcc.ch/glossary/>

²⁷ IPCC. (n.d.). Glossary Search - Human Habitability, <https://apps.ipcc.ch/glossary/>

²⁸ IPCC. (n.d.). Glossary Search - Human Security, <https://apps.ipcc.ch/glossary/>

²⁹ IPCC. (n.d.). Glossary Search - Planned Reallocation, <https://apps.ipcc.ch/glossary/>

³⁰ Author's own work - not an official definition

that sudden onset changes induce forced migration, while gradually onset migrations induce voluntary migrations.³¹

Refugee: The term Refugee is a well-defined term in international law, as defined in the 1951 convention on Refugees and its subsequent 1967 protocol, and reads as following: *“The term “refugee” shall apply to any person who: As result of events and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*³²

Migrant: The definition of a migrant is not universally accepted in international law. The International Organization for Migration (IOM) provides an umbrella definition of a migrant: *“a person who is moving or has moved across an international border or within a State away from their habitual place of residence, regardless of their legal status, reasons for movement, or the length of their stay.”*³³ This is a broad term and carries no legal obligations with it. Another definition, which can be found in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines the following term: *“The term “migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”*³⁴ This term does carry legal weight with it, however is more narrow in scope compared to the IOM definition.

Internally displaced persons: Internally displaced persons (IDPs) are *“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual*

³¹ Omolere, M. P. (2025). What Is Climate Migration and How Is the World Addressing It? [Earth.Org]. <https://earth.org/climate-migration-a-multidimensional-challenge-requiring-global-action/>

³² Convention relating to the status of refugees (1951). Adopted on July 28th 1951 in the UN General Assembly. <https://www.unhcr.org/1951-refugee-convention.html>

³³ IOM. (n.d.). Who is a Migrant? <https://weblog.iom.int/who-migrant>

³⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (1990). adopted on 18 December 1990 in the UN General Assembly. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

*residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.*³⁵

Statelessness: The international legal definition of a stateless person, as defined in Article 1 of the Convention relating to the Status of Stateless Persons, is “*a person who is not considered as a national by any State under the operation of its law*”.³⁶

Small Island Developing States: A distinct group of developing States facing specific social, economic and environmental vulnerabilities. They were recognized as a special case both for their environment and development at the Rio Earth Summit in Brazil in 1992. Fifty-eight States and territories are presently classified as SIDS, with 38 being UN member States and 20 being Non-UN Members or Associate Members of the Regional Commissions.³⁷

5.3. Current situation

5.3.1. Introduction and concerns for the future

The effects of human-caused global warming are happening now, are irreversible, and will worsen if humans add greenhouse gases to the atmosphere. The Intergovernmental Panel on Climate Change (IPCC) in its most recent report found that human emissions of heat-trapping gases have excessively and dreadfully warmed the climate since 1850-1900. Additionally, such caused changes to Earth’s climate are already having widespread effects on the environment, including glaciers and ice sheets that are shrinking, river and lake ice that is breaking up earlier,

³⁵ UN OHCHR. (n.d.). About internally displaced persons. <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>

³⁶ Convention relating to the Status of Stateless Persons (1954). Adopted on September 28th 1954 in the UN General Assembly. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>

UNHCR. (n.d.). About statelessness. <https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/about-statelessness>

³⁷ IPCC. (n.d.). Glossary Search - Small Island Developing States, <https://apps.ipcc.ch/glossary/>

plant and animal geographic ranges that are shifting, and eventually plants and trees that are blooming sooner.

Even the future is not self-evident or less disputable and challenging. On the contrary, the potential future effects of global climate change include more frequent wildfires, longer periods of drought, and an increase in wind intensity and rainfall from tropical cyclones.³⁸ Each subsequent destructive impact on nature does not exclude the same impact on society; moreover, it jeopardises human health, social stability, and national security. Humans, at the centre of the process, are doubly exposed due to the progressive destruction of ecosystems and biodiversity on which they depend. As a result, millions of people have been bereft of their homeland because of environmental catastrophes, particularly in low-lying coastal areas.

5.3.2. Rising Global Temperatures and Climatic Trends

*“Today I can officially report that we have just endured a decade of deadly heat”.*³⁹ These words from the UN Secretary-General at the end of the year 2024 do not reflect the increasingly common less cautious view of climate change, moreover, they are gradually worrying the millions of people affected by these changes around the world annually. The annually averaged global mean near-surface temperature in 2024 was 1.55°C, approximately 0.13°C above the pre-industrial (1850-1900) average. This was the warmest year in the 175-year observational record, beating the previous record set only the year before, closing almost a decade of unprecedented heat fuelled by human activities as greenhouse gas levels continue to grow to record observed highs.⁴⁰ Nevertheless, according to the World Meteorological Organization (WMO), the upcoming heat is far from over.

It is increasingly certain that global temperatures will continue rising, with an 80 percent chance that at least one year between now and 2029 will be even hotter compared to 2024. In

³⁸ NASA. (n.d.). *Climate Change: Effects*. NASA Science <https://science.nasa.gov/climate-change/effects/>

³⁹ World Meteorological Organization (WMO). (2024, March 5). *Climate change impacts grip the globe in 2024* <https://wmo.int/media/news/climate-change-impacts-grip-globe-2024>

⁴⁰ World Meteorological Organization (WMO). (2024). *State of the Global Climate 2024* <https://library.wmo.int/idurl/4/69455>

2024, the WMO estimated that the average global temperature was between 1.34°C and 1.41°C higher than pre-industrial levels. Furthermore, the WMO now projects the 20-year average warming from 2015-2034 to reach around 1.44°C above pre-industrial levels. Although the 1.5-degree threshold adopted in the Paris agreement will not yet be completely breached, referring to long-term averages over 20 years, the upcoming near-term spikes are warning signs of an accelerating climate crisis. The planet is predicted to experience temperatures between 1.2°C and 1.9°C above pre-industrial levels (1850-1900) over the next five years. More precisely, the report from the WMO finds a staggering 86 percent chance that global average temperatures will exceed 1.5°C above pre-industrial levels in at least one of the next five years.

The situation is even more concerning in the Arctic than in the rest of the world. The average Arctic temperature over the next five winters is expected to be even 2.4°C warmer than 1991-2020 average, causing a non-negligible 3.5 times increase in the global average temperature.⁴¹ Consequently, oceans are continuing to warm, acidification is increasing, and sea ice is expected to keep shrinking, contributing to rising sea levels and disrupted weather patterns worldwide. The frozen parts of Earth's surface, known as the cryosphere, are melting at an alarming rate, glaciers continue to retreat and Antarctic sea ice has already reached the second-lowest extent ever recorded.⁴² These unimaginable expectations do not only apply to the north and south poles, as the impacts of regional precipitation will most probably cause wetter than average conditions in the African Sahel, northern Europe and South Asia while conversely, the Amazon region could see continued drought.⁴³

⁴¹ United Nations. (2025, May 20). *As the world convulses in war....* UN News <https://news.un.org/en/story/2025/05/1163751>

⁴² World Meteorological Organization (WMO). (2024). *State of the Global Climate 2024* <https://library.wmo.int/idurl/4/69455>

⁴³ United Nations. (2025, May 20). *As the world convulses in war....* UN News <https://news.un.org/en/story/2025/05/1163751>

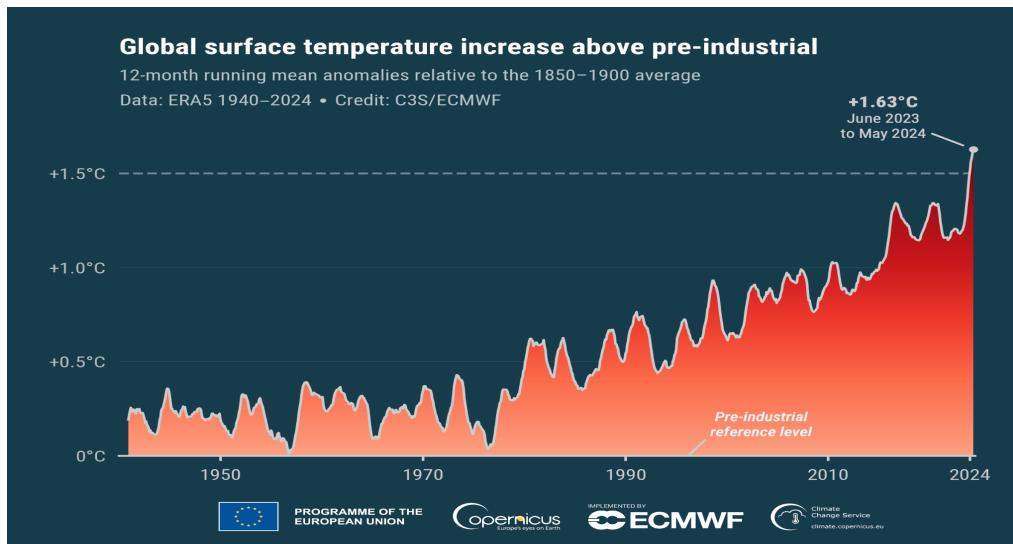


Figure 1 - Global surface temperature increase above pre-industrial (Copernicus, 2024)⁴⁴

Notwithstanding, temperatures are only a small fraction of this picture. Rising temperatures as a result of climate change led to consequences, which play out before people's eyes on an almost daily basis in the form of increased occurrence and impact of extreme weather events. This proved most influential in the already mentioned year 2024 as nature has suffered record-breaking rainfall, flooding events, and terrific loss of life in numerous States, causing heartbreak to communities on every continent. Tropical cyclones caused an appalling human and economic toll, notably in the Indian Ocean, and to corroborate data about ever-higher temperatures, intense heat harmed dozens of States, with temperatures 50°C on a number of occasions, causing devastating wildfires.⁴⁵

⁴⁴ Copernicus. (2024, June 5). *Hottest May on record spurs call for climate action*
<https://climate.copernicus.eu/hottest-may-record-spurs-call-climate-action>

⁴⁵ World Meteorological Organization (WMO). (2024, March 5). *Climate change impacts grip the globe in 2024*
<https://wmo.int/media/news/climate-change-impacts-grip-globe-2024>

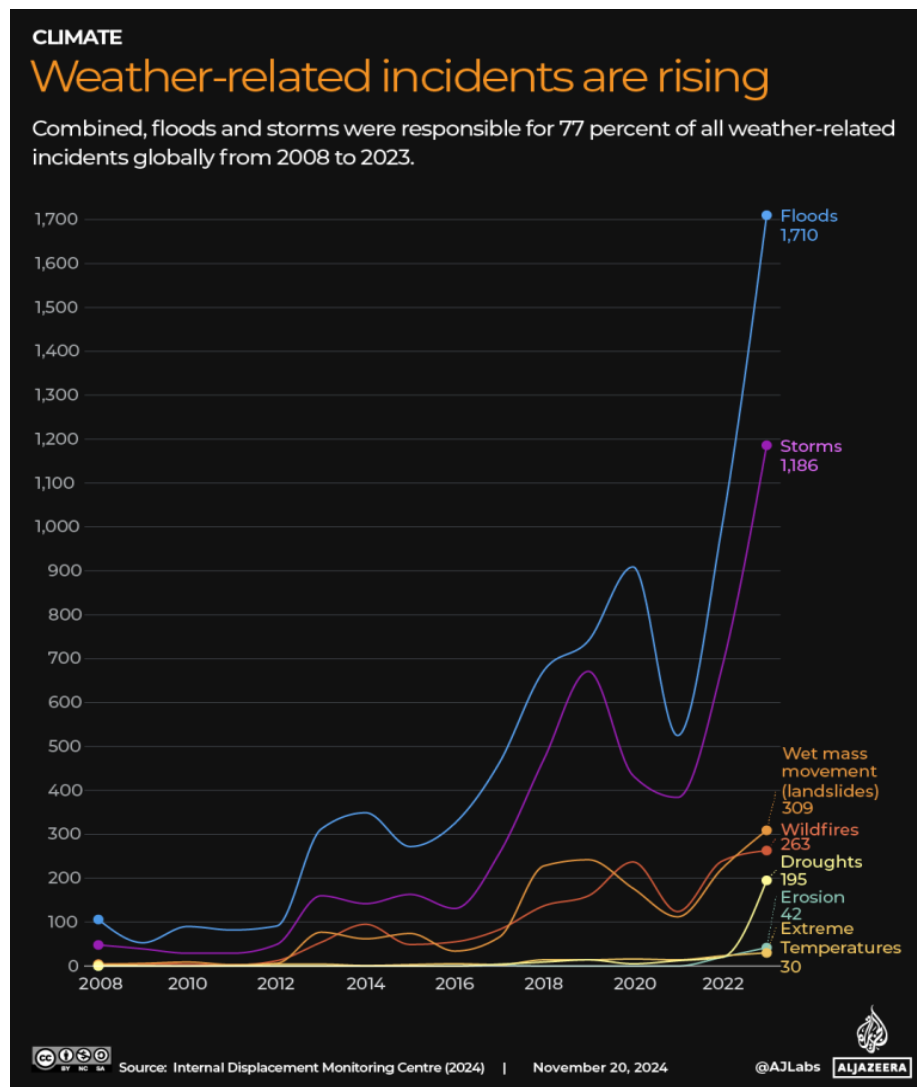


Figure 2 - Weather-related incidents are rising (Al Jazeera, 2024)⁴⁶

5.3.3. Climate change effects in correlation with displaced people

Extreme weather events have historically displaced many people. From migrations due to the ice ages, to other instances, such as in 1816, when a volcanic eruption in Indonesia caused crop failures in Germany, which pushed migrants to North America.⁴⁷ The difference today however is that the extreme weather events are ever increasing, due to the activity of mankind. Extreme

⁴⁶ Al Jazeera. (2024, November 22). *Mapping the impact of climate change on global displacement* <https://www.aljazeera.com/news/2024/11/22/mapping-the-impact-of-climate-change-on-global-displacement>

⁴⁷ USCRI. (2025, July 15). The 1951 Refugee Convention: Displacement Caused by Climate Change. USCRI. <https://refugees.org/the-1951-refugee-convention-displacement-caused-by-climate-change/>

weather events lead to the degradation of natural habitats and displace people. The numbers are staggering. The projected global number of those displaced by climate change is over 216 million, with an average of 25.4 million annual displacements every year because of natural disasters. Furthermore, these causes are themselves likely to trigger further causes, such as overcrowded cities, loss of jobs, poverty, famine, and wars and conflicts over (scarce) territory and resources.

An example, in addition to many other troubling years, is 2019, in which weather-related hazards triggered around 24.9 million displacements in 140 States, almost $\frac{3}{4}$ of the world facing a migration crisis due to climate change impacts in this instance. Moreover, several studies emphasize a disaster risk in the near future, as climate-related disasters could double the number of people requiring humanitarian assistance to over 200 million each year by 2050.

Essentially, when people are forced to move in such a case due to climate change, it is very rare for them to return. In comparison with war conflicts, return can sometimes be a durable solution once a conflict is over, while with environmental degradation, in such regions it is too dangerous to live in or too fragile to support large populations, leaving many people without much possibility to go back to their habitats.

Climate change impacts are unevenly weighted against the world's most vulnerable people, particularly leaving displaced and stateless people among those in greatest need of protection. Vulnerable communities are already experiencing those influences on food, water, land and other ecosystem services necessary for human health, livelihoods, settlement and eventually survival. A terrifying example to these correlations are several worst food crises in 2019, linked to climate shocks and conflict. Resilience to climate shocks is a significant difficulty before the States, specifically those with the post-conflict or current-conflict and fragile environment, as the consequences of climate change may jeopardise conflict dynamics, or even initiate modern conflicts and fragility. Essentially, it is undoubtedly certain that climate change is a risk multiplier, or a threat multiplier, for other drivers of displacements.

Each region has its own set of challenges regarding climate change, additionally leaving major pressure on governance and access to overall resources. In the Sahel region, there is a massive population increase taking place where it is expected to almost double the population in the next 20 or 30 years. Although there is an increase in the population, consequently, arises a decrease of the productivity of the land, which combined may threaten survival for most vulnerable and adds to stress in the region, possibly creating even higher risk of conflict. Similar trends emerge in other regions too, such as Southern Africa and South Asia, while in Central and South America can be seen gradual progress.⁴⁸

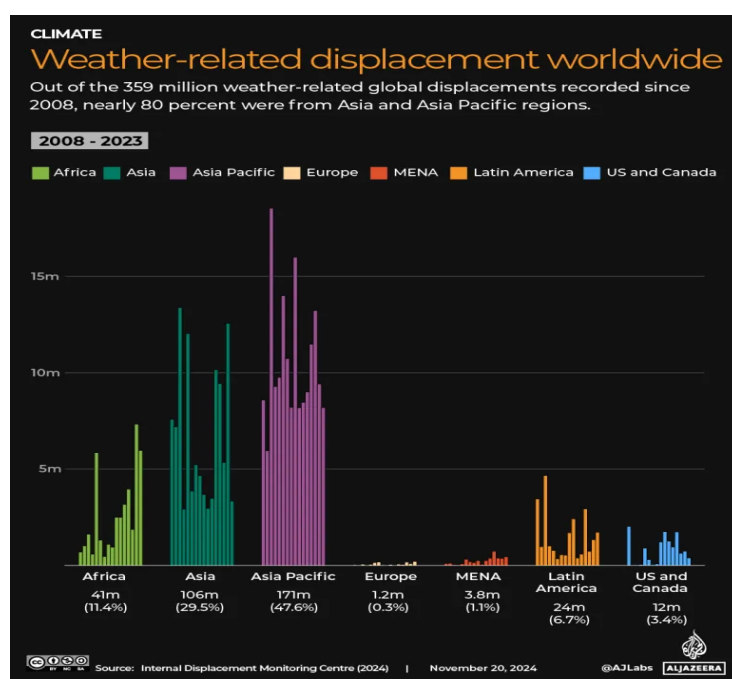


Figure 3 - Weather-related displacement worldwide (Al Jazeera, 2024)⁴⁹

Nevertheless, in the Sahel region of Western Africa, along with one of the world's fastest growing displacement crises, temperatures are rising 1.5 times faster than the global average.

⁴⁸ United Nations High Commissioner for Refugees (UNHCR). (2020, November 30). *Climate change is the defining crisis of our time and it particularly impact the displaced* <https://www.unhcr.org/news/stories/climate-change-defining-crisis-our-time-and-it-particularly-impacts-displaced>

⁴⁹ Al Jazeera. (2024, November 22). *Mapping the impact of climate change on global displacement* <https://www.aljazeera.com/news/2024/11/22/mapping-the-impact-of-climate-change-on-global-displacement>

Such rising temperatures jeopardize agricultural activities in places where most of the population lives off the land, generating tensions that may lead to new displacements.⁵⁰

Such aftermaths develop due to massive external migrations nowadays, particularly leaving people crossing nearest international borders, such as Somalis that flee to Ethiopia or numerous other similar instances. As a more precise instance, Kutupalong camp in Bangladesh has received more than 700,000 displaced people from Myanmar since 2017. However, those same aftermaths likewise represent even broader difficulties, particularly in Kutupalong camp resulting in shortage of food and cutting down the forests in order to warm people in camp.⁵¹

The picture is much broader than the Sahel region. According to recent research from the United Nations Refugee Agency (UNHCR), by 2040, the number of States projected to face extreme climate-related hazards is expected to rise from 3 to 65, including many refugee-hosting States. Such States like Cameroon, Chad, South Sudan, Nigeria, Brazil, India, Iraq and many others, together host more than 40 percent of all people currently living in displacement, while half of the States experience fragility.

Over the past 10 years, weather related disasters have caused 220 million internal displacements, approximately 60,000 displacements per day.⁵² With the current average of 25.4 million annual displacements each year, this number might even be rising, as an independent report by the Internal Displacement Monitoring Centre in 2023 revealed a staggering 32.6 million internally displaced by disasters, compared to 28.3 million displaced by conflict during 2022. The increasing intensity and frequency of extreme weather events, such as prolonged drought, heavy rainfall, widespread flooding, heatwaves or cyclones, very likely may result in horrific environmental catastrophes, leaving enormously large number of people constantly

⁵⁰ UNHCR. (n.d.). *How climate change impacts refugees and displaced communities* <https://www.unrefugees.org/news/how-climate-change-impacts-refugees-and-displaced-communities/>

⁵¹ United Nations High Commissioner for Refugees (UNHCR). (2020, November 30). *Climate change is the defining crisis of our time and it particularly impact the displaced* <https://www.unhcr.org/news/stories/climate-change-defining-crisis-our-time-and-it-particularly-impacts-displaced>

⁵² UNHCR. (n.d.). *How climate change impacts refugees and displaced communities* <https://www.unrefugees.org/news/how-climate-change-impacts-refugees-and-displaced-communities/>

seeking for new resources and habitat, for instance, the people of Kiribati, Tuvalu, Maldives and Bangladesh. From Nicaragua to South Sudan, vulnerable communities around the world are already experiencing shortages in food, potable water, land and natural resources. By mid 2024, around 90 million of the current 123 million forcibly displaced people are living right in those States prone to such climate-related hazards. This represents an increase of around 5 million forcibly displaced people living in highly vulnerable areas since the end of 2023.⁵³

Furthermore, many refugee communities are located in so-called “climate change hotspots” significantly prone to the effects of climate change, which compromises their security and places them at risk of secondary displacement.⁵⁴ Climate change hotspots are regions experiencing intensified and unevenly weighted climate impacts, with significant hotspots particularly including the Amazon, Central and West Africa, the Arctic and the Mediterranean. Additionally, those impacts are omnipresent in other key areas, such as Central America, East Africa, the Middle East and parts of the USA. These hotspots are often characterised by rapid warming, increased heatwaves, extreme rainfall, prolonged droughts, rising sea levels and impacts on human populations.⁵⁵ A specific instance is extreme heat, warning of a significant threat with most refugee settlements and camps projected to experience twice as many days of dangerous heat by 2050.⁵⁶

5.3.3.1. Sahel region

Across Africa’s semiarid Sahel region, temperatures have drastically risen faster than the global average, resulting in severe threats to water access, food security and human health, while droughts, floods and agricultural losses continue to worsen. Such climate factors along with

⁵³ Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by Climate Change: Navigating Legal Framework for ‘Climate Refugees’ in International Environmental Law. *India Quarterly: A Journal of International Affairs*, 81(1), 9–24. <https://doi.org/10.1177/09749284241307928>

⁵⁴ UNHCR. (n.d.). *How climate change impacts refugees and displaced communities* <https://www.unrefugees.org/news/how-climate-change-impacts-refugees-and-displaced-communities/>

⁵⁵ ScienceDirect. (2024, June 15). *Global hotspots of climate-related disasters* <https://www.sciencedirect.com/science/article/pii/S2212420924002504>

⁵⁶ UNHCR. (n.d.). *How climate change impacts refugees and displaced communities* <https://www.unrefugees.org/news/how-climate-change-impacts-refugees-and-displaced-communities/>

several others mostly affect this very region in the displacement crisis, which is currently one of the fastest and most destructive, without an end in sight. With 8 million internally displaced persons in the region now, urban areas face overburdened infrastructure while attempting to host stateless people facing further risks too. Additionally, climate change impacts specifically interact with ethnic and economic tensions, exacerbating violence between pastoral and farming groups competing over degraded productive land and water resources.⁵⁷

For instance, in Mali, one of the driest parts in Africa where pastoralism and farming overlap are the main forms of land use, conflicts are still ongoing. As pastoralists are being gradually suppressed out of access to grazing land, such conflict is causing drastic agricultural encroachment. Furthermore, this has already led to the migration of people and nomads being marginalised by State policies, triggering Mali's civil war twice in almost three decades.⁵⁸

These concerning situations represent climate pressure as threat multiplier, for both intensified violent conflict and internal displacement across States spanning Senegal to Sudan, notably resulting in profound implications for the psychosocial well-being of affected populations. Competition for dwindling resources, including land, water and grazing areas, has led to violent clashes, particularly in Nigeria, Burkina Faso and Mali, where it could be seen exploitation of weak State presence and these climate stresses by violent non-State actors.⁵⁹

The Sahel is highly susceptible to climate change, with impacts that vary across different regions. The area is projected to become progressively hotter, as projections suggest the mean annual temperature could rise by 6°C by the end of the century.⁶⁰ Additionally, some parts of

⁵⁷ Science direct. (2025, May-June). *From drought to displacement: Assessing the impacts of climate change on conflict and forced migration in West Africa's Sahel Region* <https://www.sciencedirect.com/science/article/pii/S2667278225000318>

⁵⁸ International Institute for Environment and Development (IIED). (2016, September 13). *Does climate change cause conflicts in the Sahel?* <https://www.iied.org/does-climate-change-cause-conflicts-sahel>

⁵⁹ National Library of Medicine (NLM). (2021, November 17). *Climate change, health, and conflict in Africa's arc of instability* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8649415/>

⁶⁰ Springer Nature (2020, October 22). *How a typical West African day in the future-climate compares with current-climate conditions in a convection-permitting and parameterised convection climate model* <https://doi.org/10.1007/s10584-020-02881-5>

the Sahel are experiencing erratic rainfall patterns, while others face reduced precipitation. These shifts, including rising temperatures, changing precipitation patterns, desertification and extreme weather events, are expected to intensify in the coming decades.

The annual number of very hot days, essentially with temperatures exceeding 35°C, is projected to rise substantially. Regions like northeastern Guinea and southwestern Mali could experience an additional 125 very hot days per year by 2080. This increase in extreme heat poses severe risks to human health, agriculture and water resources. In correlation with high temperatures that eventually increase the atmosphere's water vapor capacity, such changes in precipitation patterns could shortly increase the frequency of heavy rainfall events.⁶¹ In 2024, rainfall levels across Chad and Niger were 120% to 600% above the 1991-2020 average,⁶² while northern Chad is projected to experience an additional 7.6 days of heavy precipitation days annually by 2080. Meanwhile, western Sahel areas are projected to see fewer heavy rainfall days, with annual heavy precipitation days significantly dropping.⁶³

The most growing problems are desertification and land degradation. The Sahel is among the most rapidly desertifying regions globally, currently with approximately 80% of the region's farmland that is considered degraded. As desertification progresses, the land's capacity is reduced to sustain vegetation and agriculture. This not only threatens food security but also increases the vulnerability of communities reliant on subsistence farming.⁶⁴

⁶¹ United Nations High Commissioner for Refugees (UNHCR). (2021) *Representative Concentration Pathways: Climate Risk Profile For The Sahel Region* <https://www.unhcr.org/sites/default/files/legacy-pdf/61a49df44.pdf>

⁶² Food and Agriculture Organization of the United Nations (UNFAO). (2024). *Flooding In The Sahel Countries: What Impact On Agriculture And Food Security?* <https://www.fao.org/africa/news-stories/news-detail/flooding-in-the-sahel-countries-what-impact-on-agriculture-and-food-security/en>

⁶³ United Nations High Commissioner for Refugees (UNHCR). (2021) *Representative Concentration Pathways: Climate Risk Profile For The Sahel Region* <https://www.unhcr.org/sites/default/files/legacy-pdf/61a49df44.pdf>

⁶⁴ World Economic Forum. (2019, January 23). *The Sahel Is Engulfed By Violence. Climate Change, Food Insecurity And Extremists Are Largely To Blame* <https://www.weforum.org/stories/2019/01/all-the-warning-signs-are-showing-in-the-sahel-we-must-act-now/>

Due to such climate change consequences, projections suggest that by 2050, over 86 million in sub-Saharan Africa may be forced to relocate internally.⁶⁵ Within the Sahel, Chad hosts the largest number of such stateless people with half a million, followed by Niger with 250.000 while Burkina Faso similarly saw internal displacement rise, in 2018 from 72.000 to nearly 1 million by 2020 due to violence and drought.⁶⁶

The region has become a high-risk area for escalating instability, with the number of internally displaced persons in West Africa surging and climate change being a significant contributor.⁶⁷ This displacement compounds pre-existing pressures, such as weak State institutions, ethnic tensions and competition for critical resources like land, pasture and water.⁶⁸ Understanding how climate stressors, such as desertification, drought and flooding, drive resource scarcity, fuel conflicts and trigger displacement is essential. Addressing these challenges is crucial for mitigating resource shortages, supporting vulnerable populations in climate hotspots like the Sahel and preventing future crises.

5.3.4. Current initiatives

A staggering 3.6 billion people, nearly half of the global population, are currently highly vulnerable to climate change impacts, from droughts, floods and storms to heat stress and food insecurity. This number will only continue to rise as long as global temperatures keep climbing. Beyond doing everything society can to cut greenhouse gas emissions and slow the pace of global warming, the adaptation to the unavoidable impacts of climate change is almost mandatory. Nevertheless, the influence of human, State and cooperation can be the initiator of new changes.

⁶⁵ The World Bank. Groundswell. (2018). *Preparing for Internal Climate Migration* <https://www.unclearn.org/resources/library/groundswell-preparing-for-internal-climate-migration/>

⁶⁶ United Nations High Commissioner for Refugees (UNHCR). (2021) *Representative Concentration Pathways: Climate Risk Profile For The Sahel Region* <https://www.unhcr.org/sites/default/files/legacy-pdf/61a49df44.pdf>

⁶⁷ National Library of Medicine (NLM). (2021, November 17). *Climate change, health, and conflict in Africa's arc of instability* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8649415/>

⁶⁸ United Nations High Commissioner for Refugees (UNHCR). (2021) *Representative Concentration Pathways: Climate Risk Profile For The Sahel Region* <https://www.unhcr.org/sites/default/files/legacy-pdf/61a49df44.pdf>

Every society and economy needs to become more resilient to climate impacts. Such contributions usually come from each government dealing with specific consequences, whether establishing systems to prevent flooding, to limit landslides and overflow from melting glaciers in mountain regions or rebuilding infrastructure to prevent higher temperatures and more powerful storms. While the case for adaptation is clear, priority must go to the most vulnerable. Some communities most vulnerable to climate change are the least able to adapt, such as developing States with significant struggle to come up with enough resources for basics like health care and education.

All Parties to the Paris Agreement committed to strengthening the global response to climate change by increasing the ability of all to adapt, build resilience and reduce vulnerability, notably provided by the Article 7.1 in such agreement anticipating collective commitment. Since 2011, under the UNFCCC, several States have developed National Adaptation Plans. Additionally, new ways of collaborating are developing, expecting a global surge in adaptation finance for vulnerable States.

Pioneering instances of new collaborative models are the partnerships between Tuvalu and Australia and the Dominican Republic and Spain, which aim to ramp up finance flows to turn adaptation priorities into investment opportunities. In El Salvador, the capital, San Salvador, aims to become a city that will restore surrounding forests to limit landslides and floods and improve drainage in ways that mimic natural streams and rivers, essentially striving for nature-based solutions. In the United States, the coastal city of Miami is raising street levels and developing green infrastructure, with ambitious plans to reduce greenhouse gas emissions.⁶⁹

5.3.4.1 Djibouti

In Djibouti for example, the enormously growing curve of displaced people due to climate change nowadays represents a big problem for States facing such a crisis and making new

⁶⁹ United Nations. (n.d.). *What Is Climate Change?* (chapter “Adapting to climate change”, subchapter “Climate adaptation”) <https://www.un.org/en/climatechange/what-is-climate-change>

contributive decisions. Communities are developing nature-based solutions by protecting against sea level rise, one of the numerous consequences of such displaced people. Particularly years earlier, many habitats in Djibouti were washed away due to big floods, leaving many inhabitants living in fear of flooding or finding a safer place in the mountains without any property. Climate change is leading to unpredictable rainfall in Djibouti, with devastating droughts and floods both on the rise. In such cities on the Indian Ocean, the floods are wreaking havoc on infrastructure and farming, perpetuating widespread poverty and food security.

The government is taking action to adapt, notably building an almost 2 kilometres long wall to defend neighbourhoods from the floods. Such effort was put to test during the unprecedented monsoon of 2019 when, according to government sources, 150.000 of Djibouti's 950.000 people needed immediate humanitarian assistance. The partial success of the initiative has now led to the approval of a much larger project in Djibouti's regions. Supported by several organizations and based on a government climate adaptation plan, it aims to further expand flood defence infrastructure.

The ongoing project uses flood walls as main infrastructure that includes natural systems with positive long-term environmental consequences. This initiative continues to restore mangrove forests on the coastline, which reduce the height and strength of waves before they hit the shore, tackling the dangerous impacts of flooding and shoreline erosion caused by rising sea levels. While many local communities are receiving training on mangrove planting to ensure the long-term sustainability of the project, the newly restored mangroves have also boosted the local economy, brought back the fish that used to live there and eventually spread such practice across the world.⁷⁰

⁷⁰ United Nations Environment Programme (UNEP). (2021, April 29). *Flood walls and forests help Djibouti adapt to climate change* <https://www.unep.org/news-and-stories/story/flood-walls-and-forests-help-djibouti-adapt-climate-change>

There are thousands if not even more other small initiatives by actors all around the world working on preventing the adverse effects of climate change, with the ones described here serving only as an illustration in everything that can be possible.

5.4.5. Insufficiency of current climate change measures

Members of the UN or essentially the whole world and society affected by climate change are currently dealing to some extent with insufficient climate change measures. The main deficiencies are global emissions that are not decreasing fast enough to meet the Paris agreement goals and eventually national plans and commitments that are falling far short of the reduction criteria needed by 2030 to limit warming to 1.5°C.⁷¹ More precisely, current national climate commitments indicate a collective emissions reduction of only 14% by 2030, far short of the estimated 43% global reduction needed to gradually limit higher temperatures to mentioned 1.5°C.⁷²

While some progress is being made, the overall speed and ambition of actions taken by States remain slightly inadequate, leading to a projected global temperature rise of around 2.4°C to 2.6°C by the end of the century.⁷³ Other fundamental barriers to achieve climate goals include continued reliance on fossil fuels and insufficient actions especially in transforming sectors like energy, industry and transportation. Eventually, unsustainable development patterns perhaps represent a root cause of climate change and consequently disrupting necessary changes.⁷⁴ A critical turnaround is needed from climate negotiations to concrete implementations of policies, which are in most cases a driving force that led to insufficiency, whether due to late or

⁷¹ United Nations Framework Convention on Climate Change (UNFCCC). (2022, October 26). *Climate Plans Remain Insufficient: More Ambition Actions Needed Now* <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>

⁷² Organisation for Economic Co-operation and Development (OECD). (2024, November 7). *Progress in national climate policy efforts remains insufficient to achieve 2030 targets* <https://www.oecd.org/en/about/news/press-releases/2024/11/progress-in-national-climate-policy-efforts-remains-insufficient-to-achieve-2030-targets.html>

⁷³ United Nations Framework Convention on Climate Change (UNFCCC). (2022, October 26). *Climate Plans Remain Insufficient: More Ambition Actions Needed Now* <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>

⁷⁴ ScienceDirect. (2024, December). *Mitigation of climate change. Risk and uncertainty research gaps in the specification of mitigation actions* <https://www.sciencedirect.com/science/article/pii/S1462901124002466>

insufficient contributions from States or eventually not putting much needed patterns into action.

5.4. Broad State stances on the issue

States in the international community have a plethora of different views towards the topic. The most obvious view comes from a position of human rights and justice. It cannot be argued that these people in any way deserved to be displaced, as a majority of the displaced come from underdeveloped nations, which have historically contributed very little to greenhouse gas (GHG) emissions. In spite of the legal distinctions, why should it matter whether a person lost a roof above their head due to an artillery shell or an extreme weather event? Their human right to a home should stay the same.

In this perspective we come across following stakeholders:

- Developed States

Developed States have more resources available to them to transform their economy and economic policies to mitigate and adapt to, because green transition is very expensive. It is important to acknowledge the EU's commitment to green politics, which can be shown in enormous funding of green transition. Because of EU funds more and more European States are transitioning to more environmentally friendly politics. Under the United Nations Framework Convention on Climate Change (UNFCCC), we get another division amongst the States, Annex I and Annex II States and non-Annex States. It is important to acknowledge the power and impact of Annex II States. They are required to provide financial resources to enable developing States to undertake emissions reduction activities under the Convention and to help them adapt to adverse effects of climate change. In addition, they must promote the development and transfer of environmentally friendly technologies to European Institute of Innovation & Technology (EIT) Parties and developing States. Funding provided by Annex II

Parties is channelled mostly through the Convention's financial mechanism.⁷⁵ Due to this, many highly developed States would argue that they have already contributed their fair share of available resources towards addressing climate change, with little left over to address climate displacement.

Additionally, many high-income States, which would also likely be the preferred destinations of many displaced persons, perceive climate displacement as a threat and an issue to be managed. Such developed States would argue that ensuring a healthy and safe environment is a responsibility that each individual State must provide to its citizens and are also more likely to advocate for more adaptation measures, aimed at preventing displacement from occurring in the first place. They might also wish to act in a humanitarian way, providing humanitarian aid and shelters to those displaced, making sure that the displaced are not required to become international migrants.

- Other States

Developing States often don't have enough resources to carry out the green transition with them having more immediate political priorities to the people in their States. As such, developing States can often not invest enough into fighting climate change. Developing States, predominantly in the global south, advocate the need that those who are displaced must be taken care of by those who are historically most responsible for emissions, similar to the Common but Differentiated Responsibilities and Capabilities principle. This could either mean by financing the rehabilitation of lost habitats and economies or by directly taking in displaced persons. Such opinion will most likely come with objections from the States that would need to take in the bulk of refugees, as many such States are already facing internal political crises due to an increase in incoming migration and may additionally oppose taking in migrants due

⁷⁵ United Nations Framework Convention on Climate Change. (n.d.). *Parties & observers*. UNFCCC. Retrieved from <https://unfccc.int/parties-observers>

to the costs associated with it. Many developed welfare States like to invoke arguments of not being able to cope with the monetary costs of taking in migrants.

Even though most climate refugees come from developing States due to a combination of higher exposure to climate risks, greater vulnerability, and fewer resources to adapt or recover, it is not entirely their responsibility. According to the UNHCR report about Climate Risk Analysis and Costing,⁷⁶ we are witnessing a continuing increase in forced displacement, with 84% of refugees originating from States highly vulnerable to climate change in 2022, compared to 61% in 2010. This statistic underscores the growing impact of the climate crisis on global displacement. Responding to this challenge, UNHCR has collaborated with the United Nations Satellite Centre (UNOSAT) to conduct targeted geospatial and hydrological analyses at 30 displacement settlements in 15 States affected by climate risks.

- Small island developing States

If the effects of climate change are already beginning to affect developing States that expect major and irreversible changes in the coming decades, small island developing States are facing irreversible damage in the near future. Effects of climate changes are reflected in the reduction of living space which leads us to another problem-statelessness. Statelessness brings more legal problems: no (legal) citizenship, nationality, limited access to basic human rights such as education, healthcare, etc. Because of the immediate danger those States are put in, they are advocating for better and more sustainable solutions regarding non-renewable energy sources, and their residents are often forced to leave their homes causing even more climate migrations.

These are only some of the most basic arguments in favour and against the adoption of a new legal framework for climate-displaced persons. For the debate, be sure to carefully study the

⁷⁶ UNHCR. (2024). *Climate risk analysis and costing: Executive summary*. <https://www.unhcr.org/sites/default/files/2024-04/climate-risk-analysis-and-costing-executive-summary.pdf>

arguments of the State you are representing and consider how to transform these stances into concrete amendments to the draft optional protocol.

But for us to be able to work on a new legal framework, we must first understand the already existing one, which we explain in the next section of this study guide.

5.5. Overview of relevant international law

5.5.1 Refugee law and human rights law

When looking at the legal obligations of States when it comes to people moving between States, two key conventions have to be looked at are the 1951 Convention Relating to the Status of Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

5.5.1.1. The 1951 Refugee Convention

The 1951 Refugee Convention and its 1967 protocol relating to the Status of Refugees are the two cornerstone international law documents when it comes to guaranteeing the rights of forcibly displaced persons. The 1951 Convention was originally drafted as an instrument to deal with the consequences of the Second World War and was only applicable to refugees displaced before 1951, however, this was then later changed in 1967, which removed all geographical and temporal limits of the convention, making the provisions of the convention universally binding for all State parties to the Convention. Today, 147 States are parties to the 1967 protocol.⁷⁷ The States not parties to the protocol are mostly from the developing world, with some located in the Caribbean, Africa, while the majority of non-parties are located in Southern or South-Eastern Asia. Certain provisions of the Convention have, however, become part of customary international law, namely the principle of *non-refoulement*, meaning they also applies to states not party to the Convention.

⁷⁷ UNHCR. (n.d.). States parties, including reservations and declarations, to the 1951 Refugee Convention. <https://www.unhcr.org/media/states-parties-including-reservations-and-declarations-1951-refugee-convention>

The Convention brought with it some key protections for refugees, which are still in use. Firstly, it brought a universal definition of a refugee (see par 1 definitions). Additionally, the convention has established duties to both refugees and to the States hosting them, namely imposing non-discrimination in the treatment of refugees (art. 3), the freedom of religion (art. 4), judicial rights (art. 12-16), employment right (art. 17-19), the right to welfare (art. 20-24), the right to administrative assistance and rights (art. 25-31), prohibiting the expulsion of refugees (art. 32) and establishing the prohibition of refoulement of refugees to their origin State (art. 33). The rights established by these conventions are without a doubt important, however are not the issue of most importance to our topic.⁷⁸

The provisions of this convention apply only to people falling under the definition of a refugee. So, looking back at the definition, the only people able to enjoy the protections granted by these refugees are persons who are fleeing their States due to “/.../ well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion /.../”. From this, we can see that there are two key elements to a person being granted refugee status. The first one is that the person is being persecuted. Persecution can be understood as serious negative consequences, or the founded fear of such potential serious negative consequences, together with the absence of adequate State protection. The second element for a person to be able to be given refugee status is that the element of persecution must be based on a reason explicitly stated in the convention, that being, race, religion, nationality, membership of a particular social group or political opinion. Climate change was only recognised as a threat to humankind later, towards the end of the century,⁷⁹ and as such, the convention is written in a way that displacement resulting from reasons that are not in some form direct human interaction falls outside of its scope. This means that the protection granted under refugee status can only be granted to individuals fleeing from the effects of climate change, if their State is also experiencing some sort of political violence or persecution,

⁷⁸ Convention relating to the status of refugees (1951). Adopted on July 28th 1951 in the UN General Assembly. <https://www.unhcr.org/1951-refugee-convention.html>

⁷⁹ United Nations Chronicle. (2007). From Stockholm to Kyoto: A Brief History of Climate Change. United Nations. <https://www.un.org/en/chronicle/article/stockholm-kyoto-brief-history-climate-change>

due to which they would be able to ask for asylum. This view is defined in practice by States as well as in the UNHCR Handbook, the most authoritative guide for interpreting the 1951 Refugee Convention. It states that, unless an individual has a well-founded fear of persecution for one of the reasons specified in the definition, those affected by famine or natural disasters are not eligible for protection under refugee law.⁸⁰

5.5.1.2. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Another relevant international convention is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families from 1990. This convention has a much lower ratification rate, with only 60 States ratifying it.⁸¹ These States are also mostly located in the developing world, namely in Northwest Africa, Latin America, and some scattered States around the rest of the developing world. This convention is important as it provides the basic standards to people and their families who migrate between States to work, be it on a temporary or permanent basis. The convention does, however, only apply to people who are documented in the host State, meaning it does not apply to people who cross borders irregularly and without the permission of the host States. This convention additionally does not include a non-refoulement clause.⁸² This means that the rights guaranteed under this convention (which already covers a very limited geographical area) are only available to people whom the receiving State wants there and can expel at any point when it no longer wants them there. While the existence of this convention is certainly preferred to nothing, for the issue at the core of our topic, this convention also lacks the necessary scope and protections that climate-displaced persons require.

⁸⁰ Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by Climate Change: Navigating Legal Framework for 'Climate Refugees' in International Environmental Law. *India Quarterly: A Journal of International Affairs*, 81(1), 9–24. <https://doi.org/10.1177/09749284241307928>

⁸¹ UN Treaty Collection. (n.d.). United Nations Treaty Collection. Retrieved October 3, 2025, from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4

⁸² International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (1990). adopted on 18 December 1990 in the UN General Assembly. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

Since human rights specific to displaced persons fall short of the requirements of our topic, let us look at the possibility of approaching the issue through the wider lens of human rights law in general.

5.5.1.3. Human rights Law

The effects of climate change could potentially significantly impair the enjoyment of human rights by individuals. The rights that could potentially be impaired by the effects of climate change are the right to life, the right to health, and the right to an adequate standard of living, which encompasses access to food, water, and housing. Additionally, the right to privacy, the right to family and home, and the rights of women, children, and indigenous people could all be impaired, as well as others.⁸³

The core of international human rights law is codified in various treaties, while additional principles are reflected in declarations and customary international law, which are too extensive to fully cover in this study guide.

Of particular note here can be the right to a clean, healthy, and sustainable environment, which the International Court of Justice (ICJ) recently described as a precondition for the enjoyment of many human rights. As such, the Court was of the opinion that it is difficult for the obligations arising from the protection of human rights to be fulfilled if the protection of the environment is also not fulfilled at the same time.⁸⁴ More about the Advisory Opinion on Obligations of States in respect of Climate Change can be found in section 5.5.2.3.

On a regional and national level, multiple courts, such as the Supreme Court of the Netherlands, New Zealand, Switzerland, and the European Court of Human Rights, have all ruled that the effects of climate change have breached different human rights. However, seeing

⁸³ Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by Climate Change: Navigating Legal Framework for 'Climate Refugees' in International Environmental Law. *India Quarterly: A Journal of International Affairs*, 81(1), 9–24. <https://doi.org/10.1177/09749284241307928>

⁸⁴ International Court of Justice (2025). Summary of Advisory Opinion on Obligations of States in respect of Climate Change from July 23rd 2025, No. 187., paragraphs 369-404. <https://www.icj-cij.org/case/187>

as these developments have all taken place in national or regional contexts, the precedents set by them are not applicable as generally accepted international law.

However, a landmark development occurred in September 2022, when a UN body linked inadequate climate policy to a violation of human rights. A group of 8 islanders from the Torres Strait Islands submitted a complaint against the Australian government to the United Nations Human Rights Committee in the case *Billy and Others v. Australia*. The Islanders claimed that rising sea levels, caused by climate change, impacted their livelihood, culture, and traditional way of life. They argued that insufficient Australian government action had violated their fundamental human rights mentioned under the International Covenant on Civil and Political Rights (1966). The Committee found Australia in breach of the Islanders' rights under Articles 17 and 27, due to Australia's failure to address coastal erosion and flooding, which infringed upon the Islanders' right to privacy, family life, and home life enshrined under Article 17 and their cultural integrity and traditional practices under Article 27. While acknowledging the threat to the Islander's well-being, the Committee did not find a violation of the right to life under Article 6. While this is a significant ruling as it is the first time a UN body has issued a breach of human rights due to failing to address climate change, it is doubtful if a breach of the rights to cultural integrity, traditional practices, privacy, family life, and home would be enough to allow the victims to invoke refugee status.⁸⁵

5.5.2. Climate law

Now that we have looked at the legal framework shaping the behaviour of States towards displaced people, let us also take a look at the legal framework of the other half of climate displacement, that being the treaties and conventions related to combating climate change.

⁸⁵ Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by Climate Change: Navigating Legal Framework for 'Climate Refugees' in International Environmental Law. *India Quarterly: A Journal of International Affairs*, 81(1), 9–24. <https://doi.org/10.1177/09749284241307928>. Full decision available at: <https://juris.ohchr.org/casedetails/3855/en-US>

The regime shaping international protection of the climate is complex and made up of many treaties, which represent different commitments and obligations of States to prevent the adverse effects of climate change. Unfortunately, none of these treaties, as of now, include provisions tackling climate change as a cause of human displacement directly. In spite of this, understanding what States have already done will help us give the relevant context in which the current topic is placed. The combating climate change legal regime is very vast and not all of it is relevant for the discussion at hand, so we have taken the liberty of reducing this study guide to only the most relevant parts. While reading these provisions, which will pertain to the obligations of States in reducing GHG emissions, keep a keen eye at the underlying concepts used, to see which one could potentially also be extended to displaced persons.

To better understand these obligations, a few terms must first be clarified. Broadly, the efforts of the fight against climate change, and subsequently the obligations imposed in international law, can be divided into three categories:

- Mitigation: refers to efforts that prevent the release of GHG into the atmosphere. This can be switching electricity production from fossil fuels to renewables, upgrading the energy efficiency of infrastructure, reducing emissions by switching from a car to public transport, etc.
- Adaptation: refers to efforts aimed at helping States adapt to the changes brought by climate change. This can be building sea barriers against rising sea levels, building water collectors to prevent flash floods, installing rain collectors to help in areas more prone to droughts, building storm-resistant infrastructure, or even an action as basic as installing air-conditioning in your house to help you survive the next heatwave, etc.
- Loss and damage refers to actions undertaken to compensate for unavoidable and irreversible damage that occurred due to climate change and were not or could not be avoided by mitigation or reduced by adaptation. This can include measures such as rebuilding lost infrastructure, restoring degraded environments, support to establish new livelihoods, programs to rediscover or redefine culture, etc.

These three categories are not hard categories, and there can be some overlap between them, especially between the category of loss and damage and the other two.

Actions to manage the displacement of people can fall under all three categories, but to varying degrees. Mitigation can, of course, influence displacement, as preventing man-made climate change will also prevent any displacement because of man-made climate change. Mitigation efforts receive the most funding and attention in the fight against climate change; however, they are the most general actions, and as such, it is difficult to link them to the topic. Mitigation efforts still have a long way to go, with predictions ranging between the years of 2050 and 2070 for when Earth will achieve net-zero emissions. Mitigation efforts are most prominently tackled at Conference of Parties (COP) meetings and not in the UNGA. Seeing this, and the need to tackle climate displacement as an issue that is already underway, mitigation becomes the least directly applicable form of action for our topic, meaning that the document we hope to pass during this UNGA will instead predominantly impose guidelines on adaptation to loss and damage. Adaptation can be more easily linked directly to displacement. Adaptation efforts can directly tackle the causes of displacement, such as erosion, floods, food scarcity, etc. Loss and damage, on the other hand, can be seen as efforts to tackle already displaced peoples, such as creating new places to live for people who will have to leave sinking islands. As adaptation and loss and damage obligations have a more direct impact on the management of displaced persons, we will focus on those obligations under the different treaties.

5.5.2.1. Climate change treaties

To combat climate change as a global phenomenon, States have come together to convene multiple treaties, with the most important ones being the UNFCCC from 1994, the Kyoto Protocol from 2005, and the Paris Agreement, which entered into force in 2016.⁸⁶ The UNFCCC introduced the ultimate objective of the combating climate change, that being “*to stabilize GHG concentrations at a level that would prevent dangerous anthropogenic interference with the*

⁸⁶Fong, C., & Maizland, L. (2025). Global Climate Agreements: Successes and Failures. Council on Foreign Relations. <https://www.cfr.org/background/paris-global-climate-change-agreements>

climate system, and such a level [is] achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner”, as well as the basic principles and general obligations of States in respect of climate change. The UNFCCC also established some key concepts, such as common but differentiated responsibilities and respective capabilities, the specific needs and special circumstances of developing State parties, sustainable development and co-operation (in the context of combating climate change), and precautionary measures in their implementation of the UNFCCC. The UNFCCC also differentiates States on how developed they are and imposes obligations on the already developed States, which shall assist the developing States in meeting the costs of adaptation. Specifically, funding, insurance, and the transfer of technology are three adaptation measures identified directly in the treaty. Lastly, the UNFCCC also imposes an obligation of co-operation and assistance between States.⁸⁷

The Kyoto Protocol and Paris Agreement then built on this commitment by introducing more concrete obligations to reach the initial UNFCCC goal. The Kyoto protocol imposed more concrete mitigation obligations by setting GHG emission reduction goals and is not directly relevant to our topic.⁸⁸ The Paris agreement, the most recent legally binding universal instrument addressing climate change, introduces three new goals to the fight against climate change:

1. Limiting global warming to 2°C, or if possible, even to 1.5°C above pre-industrial levels.
2. Increase the ability to adapt to the adverse impacts of climate change, while fostering low GHG emissions development, climate resilience, and in a manner that does not threaten food production.

⁸⁷ United Nations. (2024, November 15). United Nations Framework Convention on Climate Change (UNFCCC). <https://www.un.org/climatesecuritymechanism/en/united-nations-framework-convention-climate-change-unfccc-and-climate-peace-and-security>

⁸⁸ UNFCCC. (n.d.). The Kyoto Protocol. <https://unfccc.int/process-and-meetings/the-kyoto-protocol>

3. Make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.⁸⁹

Relevant for our topic is the recognition of States “*that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach*” and lists out many possible measures which States may take to adapt but doesn’t oblige them to take any specific one. Under the obligation of assistance and cooperation, the Paris Agreement establishes obligations for developed States to provide financial resources to developing States, for both mitigation and adaptation, while also strengthening cooperative action on technology development and transfer.

All these treaties have brought with them a rich network of mechanisms, decisions, institutions, reports, and other efforts to advance the fight against climate change under the COP and UNFCCC umbrella. Diving more in depth into these would, unfortunately, be outside the scope of this study guide and this topic; however, delegates are invited to dive more into these topics themselves should they find them interesting and relevant to their State’s stance on the topic.

5.5.2.2. Other treaties and Customary international law

There are also other environmental treaties pertaining to specific parts of environmental protection, such as the Ozone Layer Convention, the Montreal Protocol, the Biodiversity Convention, and the Desertification Convention. These treaties are relevant insofar as they should provide certain protections to habitats, in turn preventing displacement from occurring in the first place. These treaties, combined with other treaties such as the UN Convention on the Law of the Sea, can also provide prohibitions on the actions that States can take, due to already existing obligations.

In addition to treaty law, the environment is also protected by different parts of customary international law. Firstly, as established in previous rulings of the ICJ, States have an obligation

⁸⁹ UNFCCC. (n.d.). The Paris Agreement. <https://unfccc.int/process-and-meetings/the-paris-agreement>

to prevent transboundary environmental harm, which, beyond direct damage caused to the environment by conflicts, also includes damage done to the environment by States. Additionally, customary international law also imposes a duty to cooperate in the field of the protection of the environment.⁹⁰

5.5.2.3. The 2025 ICJ Advisory Opinion

In July of 2025, the ICJ delivered its Advisory Opinion on the responsibilities of States in respect of Climate Change. The court was asked to clarify two questions in its opinion: “*What are the obligations of States under international law to ensure the protection of the climate*”, which we have summarised in the previous points of this subsection, as well as “*What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to: States, in particular small island developing States /.../ and Peoples and individuals of the present and future generations /.../*”⁹¹

Answering question B, the ICJ clarified the responsibilities that States carry as a result of their obligations under international law. The ruling is significant, as the court for the first time tackled a legal issue where both the perpetrators of the harmful act as well as the affected States are universal, due to the nature of climate change. We will now try to break down the ruling into different points:

5.5.2.3.1. Attribution

When it comes to attribution, that is, prescribing responsibility for an action to a State, the ICJ ruled that “*the failure of a State to take appropriate action to protect the climate system from GHG emissions — including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies — may constitute an*

⁹⁰ International Court of Justice (2025). Summary of Advisory Opinion on Obligations of States in respect of Climate Change from July 23rd 2025, No. 187., paragraphs. 271-368. <https://www.icj-cij.org/case/187>

⁹¹ Ibid, paragraphs 1-36.

internationally wrongful act which is attributable to that State.” This is significant, as the court has ruled that it is not the production of GHG that constitutes an internationally wrongful act, but the failure of a State to exercise due diligence by not taking appropriate actions to protect the environment, which is an internationally wrongful act. This could be by not imposing the necessary regulatory and legislative measures to limit the quantity of emissions caused by the private sector under its jurisdiction.⁹²

5.5.2.3.2. Due diligence

The court also clarified that “*The determination of what is required by due diligence ultimately calls for an assessment in concreto of what is reasonable under the specific circumstances in which a State finds itself.*” Under these circumstances, the Court recognizes that the standard of due diligence for preventing significant harm to the climate system is stringent and entails not only the adoption of appropriate rules and measures, but also a certain level of vigilance in their enforcement and the exercise of administrative control. Later in the Opinion, the Court also clarified additional relevant elements when determining due diligence:

- (i) appropriate rules and measures, which include, but are not limited to, regulatory mitigation mechanisms that are designed to achieve the deep, rapid and sustained reductions of GHG emissions that are necessary for the prevention of significant harm to the climate system;
- (ii) the availability of scientific and technological information and the need to acquire and analyse such information;
- (iii) current standards which may arise from binding and non-binding norms, but may also be reflected in certain decisions of the COPs to the climate change treaties and in recommended technical norms and practices, as appropriate;
- (iv) the principle of common but differentiated responsibilities and respective capabilities, it being understood that “the degree of care expected of a State with a well-developed economy

⁹² Ibid, paragraphs 421-443.

and human and material resources and with highly evolved systems and structures of governance is different from States which are not so well placed” but which are nevertheless obliged to take all the means at their disposal to protect the climate system in accordance with their capabilities and available resources;

(v) scientific information regarding the probability and the seriousness of possible harm, it being understood that States should also not refrain from or delay taking actions of prevention in the face of scientific uncertainty;

(vi) the assessment by States of the risks and impact of proposed activities contributing to GHG emissions to be undertaken within their jurisdiction or control, on the basis of the best available science;

(vii) States’ notification of and consultation in good faith with other States where planned activities within their jurisdiction or control create a risk of significant harm or significantly affect collective efforts to address harm to the climate system, such as the implementation of policy changes in relation to the exploitation of resources linked to GHG emissions.⁹³

These principles can hold a crucial role in our topic as well. If displacement can be directly linked as a consequence of climate change, then any State that is found to have committed an internationally wrongful act against the climate could be held liable for the displacement that this wrongful act has caused, if the correct international legal framework would be established.

5.5.2.3.3. Historical emissions

Additionally, the court also made a comment on the opinions of some States that responsibility cannot be invoked due to the cumulative nature of emissions over a long period of time. The court has rejected the argument, instead saying that “*it is scientifically possible to determine each State’s total contribution to global emissions, taking into account both historical and current emissions*” and that “*the rules on State responsibility under customary international law are*

⁹³ Ibid. paragraphs 271-315.

capable of addressing a situation in which there exists a plurality of injured or responsible States.” Therefore, in the context of climate change, the court “*considers that each injured State may separately invoke the responsibility of every State which has committed an internationally wrongful act resulting in damage to the climate system and other parts of the environment.*”⁹⁴

5.5.2.3.4. Causation

Causation or causality is a legal concept that plays a role in determining reparation. Since reparation implies the existence of damage, causation must be established between the wrongful act of a State — or group of States — and particular damage suffered by the injured State or, in the case of a breach of obligations under international human rights law, by the injured individuals. For environmentally related harmful act, the court stated that “*the existing legal standard for establishing causation [developed by the Court], is capable of being applied to the establishment of causation between the internationally wrongful act of non-compliance with States’ obligations to protect the climate system from harm caused by anthropogenic GHG emissions and the damage suffered by States as a result of such a wrongful act /.../ as long as a sufficiently direct and certain causal nexus between the wrongful act and the injury suffered by the applicant*” exists.⁹⁵

To be able to operationalise this legal standard, it first needs to be established whether a given climatic event or trend can be attributed to anthropogenic climate change; and second, to what extent damage caused by climate change can be attributed to a particular State or group of States. As mentioned under point b, a clear system of determining causation for damages related to climate change would, in the opinion of the authors, also make attributing causation for climate displacement possible, should the required legal framework for climate displacement be established.

⁹⁴ Ibid. paragraphs 421-443

⁹⁵ Ibid.

5.5.2.3.5. Erga omnes obligations

The Court in its Advisory Opinion also looked at the nature of the previously established legal obligations related to environmental protection. Here, the Court considers that the obligations of States under these treaties are obligations *erga omnes partes*. As a result, all States parties have a legal interest in the protection of the main mitigation obligations set forth in the climate change treaties and may invoke the responsibility of other States for failing to fulfil them, even if they are not directly affected or damaged by the failure to meet these obligations, since every party is deemed to have a legal interest in the protection of these obligations.⁹⁶

5.5.2.3.6. Legal consequences arising from wrongful acts

With the Court establishing that attribution, causation, and, as a result, international wrongful acts can be established in the context of climate change, it also gave its opinion on what kind of consequences can follow such wrongful acts. These include obligations of cessation and non-repetition, which are consequences that apply irrespective of the existence of harm, as well as the consequences requiring full reparation, including restitution, compensation, and/or satisfaction. The Court also notes that breaches of States' obligations do not affect the continued duty of the responsible State to perform the obligation breached.⁹⁷

We have taken up a considerable amount of space in this study guide to explain environmental protection law, as it can be a great starting place to build on, even though it currently provides no protection to climate-displaced persons. The already existing obligations show a clear responsibility of States to protect the environment and prevent the consequences that are displacing people around the world, as well as legal precedent already existing for the attribution and causation of harm due to a failure to meet due diligence. How these concepts can be used in establishing a legal framework for the protection of displaced persons will be further elaborated on in the section explaining the current proposal by the presidency.

⁹⁶ Ibid.

⁹⁷ Ibid. paragraphs 444-455.

5.6. The legal gap

Taking all these different legal considerations into account, we can see that climate-displaced persons fall into a legal grey zone between Human rights and migrant law on one side and environmental law on the other side. Human rights law establishes good legal protections for refugees; however, it does not include climate-displaced persons under it, due to the persecution requirement, while other law regarding displaced persons does not include a non-refoulement obligation. As a result, this limits the grounds of refugee status, in turn begging the question whether the human rights of such persons are being protected. Environmental law, on the other hand, establishes a very strict climate protection regime that should, in theory, prevent climate displacement from occurring in most cases; however, its applications remain lacking on both the mitigation and adaptation side, forcing people to be uprooted. It is exactly this legal gap that our draft document, explained in the next chapter of this study guide, wishes to address.

5.7. Comment to the proposed draft

In the Annex to this study guide is the draft Protocol to the Convention relating to the Status of Refugees on the Rights of Climate-Displaced Persons, which will be the main focus of this committee's work. The draft has been prepared by the MUNLawS UNGA presidency; however, before it is accepted, you and the other States of the UNGA have the opportunity to amend it to better reflect your State's vision towards the problem. In this section, we will briefly explain the document and recommend that you open it side by side as you read it.

The Annex begins with a standard UNGA resolution proclaiming the Protocol, which is followed by the preambulatory clauses of the Protocol. The list of preambulatory clauses is already quite long, however there is always room for improvement.

Then as we move along, Article 1 explains the purpose of the Protocol, which could also be expanded if the remainder of the convention is significantly changed or expanded.

Article 2 of the Protocol is the most significant change, brought by the Protocol. Here the traditional definition of a refugee is expanded to also include people who had to leave their State due to the events of abrupt climate change or who have become stateless due to the disappearance of their State. This definition and the words used in it are of key importance, as they will shape what kind of events occurring because of climate change will constitute the grounds for the granting of a refugee status. Under this Article, other definitions could also be placed, defining more in detail the words used in the expanded Refugee definition, to avoid legal uncertainties in the future.

This is then followed by two articles defining the general obligations resulting from the Protocol and the general principles governing these obligations.

Article 5 establishes a new committee of experts under the auspices of the UN High Commissioner for Refugees, which will oversee the implementation of this committee and handle individual complaints to it, much in a similar way as already practiced by the Human Rights Committee established by the International Covenant on Civil and Political Rights. The wording here is important as it will define in what ways States shall empower this committee to oversee them and their implementation of this Protocol.

Article 11 follows a Conference of State Parties to consider urgent matters under the protocol, while the remaining 10 Articles deal with legal technicalities of the Protocol, common to most international human rights treaties.

In addition to what is also in this current draft, it is also worth mentioning what is not in it. Firstly, it is worth highlighting that the current proposal only creates a new legal framework for people having to leave their State and does not include any provisions relating to internally displaced persons. Secondly, due to the undefined term of abrupt climate changes, it could be feared that people who have lost their livelihoods due to more gradual changes would also not be included. Next is the question of how a person will need to prove whether they have been displaced due to climate change and if the burden of proof will fall on the person or the State.

Additionally, it is unclear if a person would have to invoke refugee status in the first State they enter after crossing the border. If so, this would often mean that people enter a new State, which is also likely to face severe consequences due to climate change and might not be historically responsible for the majority of historical emissions of GHG.

Some keen observers could also comment that the current proposed Protocol approaches the issue from the wrong angle - it treats the symptom, not the underlying cause for displacement. States not wishing to accept more refugees might advocate for a different approach, aimed at empowering States to tackle displaced people within their own borders through different forms of assistance.

There are certainly many more considerations worth discussing in regard to the proposed Protocol, so we encourage you to keep an open mind while reading the proposed draft and preparing for the conference.

5.8. Conclusion

As we have seen, the topic of climate-induced displacement is a very important topic, which is set to dominate political agendas for the foreseeable future. The situation addressed is a delicate one, with the potential of changing international balances and having great domestic political ramifications on one side, while tackling the very issue of human life and continued existence on the other.

With this, we conclude this study guide for the MUNLawS 2025 UNGA. As already stated at the beginning, this study guide is only meant as an introduction to the topic and is not enough by itself for delegates to be able to participate successfully in the committee. We greatly encourage you to do more research on your own volition, especially regarding your State's unique stance on the topic. We hope that you have learned much from it and can't wait to see each and every one of you discuss this in Ljubljana in November!

6. Questions a resolution should consider

- Which initiatives under the United Nations should States consider taking into account in order to decrease displacements due to climate change?
- In what ways could the United Nations or its Members under help developing States dealing with the growing crisis of displaced people due to climate change?
- Which new climate measures, agreements or implementations could be proposed to improve current insufficient climate measures?
- Should there be a new Protocol to ensure the protection of climate-displaced persons?
- How should climate-displaced persons be protected?
- Who should bear the costs for taking care of climate-displaced persons?
- What kind of rights should be granted to climate-displaced persons?
- Should climate-displaced persons have the same rights granted to refugees under the 1951 Convention or should they become a separate legal definition with their unique set of rights and obligations?
- What type of climate-induced consequences should be the lower threshold for displacement, for a person to qualify for the protections granted under this new convention? Should it be all consequences of climate change or only the abrupt onset of climate change?
- Who should have the authority to determine if a person falls under this new Protocol and how?
- Should there be a differentiation of what rights are granted to a displaced person depending on the type of climate-related reason that displaced them?
- What could be some alternative approaches to this Protocol?

7. Bibliography

- Al Jaazera. (2024, November 22). *Mapping the impact of climate change on global displacement* <https://www.aljazeera.com/news/2024/11/22/mapping-the-impact-of-climate-change-on-global-displacement>

- Britannica, T. Editors of Encyclopaedia. (n.d.). *United Nations General Assembly*. *Encyclopædia Britannica* <https://www.britannica.com/topic/United-Nations-General-Assembly>
- Convention relating to the status of refugees (1951). Adopted on July 28th 1951 in the UN General Assembly. <https://www.unhcr.org/1951-refugee-convention.html>
- Council on Foreign Relations. (2025, September 30). *What Is the UN General Assembly?* <https://www.cfr.org/background/un-general-assembly-unga-role>
- European Commission. (n.d.). Consequences of climate change. Retrieved October 2, 2025, from https://climate.ec.europa.eu/climate-change/consequences-climate-change_en
- Fong, C., & Maizland, L. (2025). Global Climate Agreements: Successes and Failures. Council on Foreign Relations. <https://www.cfr.org/background/paris-global-climate-change-agreements>
- Food and Agriculture Organization of the United Nations (UNFAO). (2024). *Flooding In The Sahel Countries: What Impact On Agriculture And Food Security?* <https://www.fao.org/africa/news-stories/news-detail/flooding-in-the-sahel-countries-what-impact-on-agriculture-and-food-security/en>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (1990). adopted on 18 December 1990 in the UN General Assembly. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>
- International Court of Justice (2025). Summary of Advisory Opinion on Obligations of States in respect of Climate Change from July 23rd 2025, No. 187. <https://www.icj-cij.org/case/187>
- International Institute for Environment and Development (IIED). (2016, September 13). *Does climate change cause conflicts in the Sahel?* <https://www.iied.org/does-climate-change-cause-conflicts-sahel>

- International Service for Human Rights. (n.d.). *UN General Assembly*
<https://ishr.ch/about-human-rights/who-protects-human-rights/the-united-nations/un-general-assembly/>
- IOM. (n.d.). Who is a Migrant? <https://weblog.iom.int/who-migrant>
- IPCC. (n.d.). Glossary Search - Climate change, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Extreme weather event, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Human Habitability, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Human Security, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Abrupt climate change, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Hazard, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Planned Reallocation, <https://apps.ipcc.ch/glossary/>
- IPCC. (n.d.). Glossary Search - Small Island Developing States, <https://apps.ipcc.ch/glossary/>
- NASA. (2022, June 15). Climate change through time—Evidence.
<https://science.nasa.gov/climate-change/evidence/>
- NASA. (n.d.). *Climate Change: Effects*. NASA Science <https://science.nasa.gov/climate-change/effects/>
- National Library of Medicine (NLM). (2021, November 17). *Climate change, health, and conflict in Africa's arc of instability*
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8649415/>
- National Library of Medicine (NLM). (2021, November 17). *Climate change, health, and conflict in Africa's arc of instability*
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8649415/>
- Omolere, M. P. (2025). What Is Climate Migration and How Is the World Addressing It? [Earth.Org]. <https://earth.org/climate-migration-a-multidimensional-challenge-requiring-global-action/>
- Organisation for Economic Co-operation and Development (OECD). (2024, November 7). *Progress in national climate policy efforts remains insufficient to achieve 2030 targets*

<https://www.oecd.org/en/about/news/press-releases/2024/11/progress-in-national-climate-policy-efforts-remains-insufficient-to-achieve-2030-targets.html>

- Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by Climate Change: Navigating Legal Framework for ‘Climate Refugees’ in International Environmental Law. *India Quarterly: A Journal of International Affairs*, 81(1), 9–24.
<https://doi.org/10.1177/09749284241307928>
- Science direct. (2025, May-June). *From drought to displacement: Assessing the impacts of climate change on conflict and forced migration in West Africa’s Sahel Region*
<https://www.sciencedirect.com/science/article/pii/S2667278225000318>
- ScienceDirect. (2024, December). *Mitigation of climate change. Risk and uncertainty research gaps in the specification of mitigation actions*
<https://www.sciencedirect.com/science/article/pii/S1462901124002466>
- ScienceDirect. (2024, June 15). *Global hotspots of climate-related disasters*
<https://www.sciencedirect.com/science/article/pii/S2212420924002504>
- Springer Nature (2020, October 22). *How a typical West African day in the future-climate compares with current-climate conditions in a convection-permitting and parameterised convection climate model* <https://doi.org/10.1007/s10584-020-02881-5>
- The World Bank. Groundswell. (2018). *Preparing for Internal Climate Migration*
<https://www.unccllearn.org/resources/library/groundswell-preparing-for-internal-climate-migration/>
- U.S. Department of State, Office of the Historian. (n.d.). *Milestones: The United Nations, 1937–1945* <https://history.state.gov/milestones/1937-1945/un>
- UN OHCHR. (n.d.). About internally displaced persons.
<https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>
- UN Treaty Collection. (n.d.). United Nations Treaty Collection. Retrieved October 3, 2025, from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4

- UNFCCC. (n.d.). The Kyoto Protocol. <https://unfccc.int/process-and-meetings/the-kyoto-protocol>
- UNFCCC. (n.d.). The Paris Agreement. <https://unfccc.int/process-and-meetings/the-paris-agreement>
- UNHCR. (2024). *Climate risk analysis and costing: Executive summary*. <https://www.unhcr.org/sites/default/files/2024-04/climate-risk-analysis-and-costing-executive-summary.pdf>
- UNHCR. (n.d.). About statelessness. <https://www.unhcr.org/what-we-do/protect-human-rights/ending-statelessness/about-statelessness>
- UNHCR. (n.d.). *How climate change impacts refugees and displaced communities* <https://www.unrefugees.org/news/how-climate-change-impacts-refugees-and-displaced-communities/>
- UNHCR. (n.d.). States parties, including reservations and declarations, to the 1951 Refugee Convention. <https://www.unhcr.org/media/states-parties-including-reservations-and-declarations-1951-refugee-convention>
- United Nations Chronicle. (2007). From Stockholm to Kyoto: A Brief History of Climate Change. United Nations. <https://www.un.org/en/chronicle/article/stockholm-kyoto-brief-history-climate-change>
- United Nations Environment Programme (UNEP). (2021, April 29). *Flood walls and forests help Djibouti adapt to climate change* <https://www.unep.org/news-and-stories/story/flood-walls-and-forests-help-djibouti-adapt-climate-change>
- United Nations Framework Convention on Climate Change (UNFCCC). (2022, October 26). *Climate Plans Remain Insufficient: More Ambition Actions Needed Now* <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>
- United Nations Framework Convention on Climate Change. (n.d.). Parties & observers. UNFCCC. Retrieved from <https://unfccc.int/parties-observers>

- United Nations High Commissioner for Refugees (UNHCR). (2020, November 30). *Climate change is the defining crisis of our time and it particularly impact the displaced* <https://www.unhcr.org/news/stories/climate-change-defining-crisis-our-time-and-it-particularly-impacts-displaced>
- United Nations High Commissioner for Refugees (UNHCR). (2021) *Representative Concentration Pathways: Climate Risk Profile For The Sahel Region* <https://www.unhcr.org/sites/default/files/legacy-pdf/61a49df44.pdf>
- United Nations. (2024, November 15). United Nations Framework Convention on Climate Change (UNFCCC). <https://www.un.org/climatesecuritymechanism/en/united-nations-framework-convention-climate-change-unfccc-and-climate-peace-and-security>
- United Nations. (2025, May 20). *As the world convulses in war...* UN News <https://news.un.org/en/story/2025/05/1163751>
- United Nations. (n.d.) *Membership of Principal UN Organs* <https://www.un.org/en/about-us/membership-of-principal-un-organs>
- United Nations. (n.d.). *80th Session of the UN General Assembly* <https://www.un.org/en/ga/80/>
- United Nations. (n.d.). *About UN Membership* <https://www.un.org/en/about-us/about-un-membership>
- United Nations. (n.d.). *Ask UN: What is the General Assembly?* <https://ask.un.org/faq/14344>
- United Nations. (n.d.). *Background of the General Assembly* <https://www.un.org/en/ga/about/background.shtml>
- United Nations. (n.d.). *Charter of the United Nations* <https://www.un.org/en/about-us/un-charter>
- United Nations. (n.d.). *General Assembly High-level Week 2025* <https://www.un.org/en/high-level-week-2025>
- United Nations. (n.d.). *General Assembly* <https://www.un.org/en/ga/>

- United Nations. (n.d.). *How decisions are made at the UN* <https://www.un.org/en/model-united-nations/how-decisions-are-made-un>
- United Nations. (n.d.). *Sixth Committee (Legal)* <https://www.un.org/en/ga/sixth/>
- United Nations. (n.d.). *What Is Climate Change? (chapter “Adapting to climate change”, subchapter “Climate adaptation”)* <https://www.un.org/en/climatechange/what-is-climate-change>
- USCRI. (2025, July 15). *The 1951 Refugee Convention: Displacement Caused by Climate Change*. USCRI. <https://refugees.org/the-1951-refugee-convention-displacement-caused-by-climate-change/>
- World Economic Forum. (2019, January 23). *The Sahel Is Engulfed By Violence. Climate Change, Food Insecurity And Extremists Are Largely To Blame* <https://www.weforum.org/stories/2019/01/all-the-warning-signs-are-showing-in-the-sahel-we-must-act-now/>
- World Meteorological Organization (WMO). (2024). *State of the Global Climate 2024* <https://library.wmo.int/idurl/4/69455>
- World Meteorological Organization (WMO). (2024, March 5). *Climate change impacts grip the globe in 2024* <https://wmo.int/media/news/climate-change-impacts-grip-globe-2024>
- WWF. (n.d.). *What is the sixth mass extinction and what can we do about it?* World Wildlife Fund. Retrieved October 2, 2025, from <https://www.worldwildlife.org/stories/what-is-the-sixth-mass-extinction-and-what-can-we-do-about-it>

8. Annex 1: The proposed UNGA resolution with the Draft Protocol



General Assembly

Distr.: General
30. November 2025

Eightieth session
Agenda item 1

Resolution adopted by the General Assembly on 30 November 2025

80/001. Protocol to the Convention relating to the Status of Refugees on the Rights of Climate-Displaced Persons

The General Assembly,

Recognising the urgent need to consider proposals for a comprehensive and integral international Protocol to promote and protect the rights and dignity of climate-displaced persons, based on a holistic approach in the work done in the fields of social development, human rights, and non-discrimination,

Welcoming the valuable contributions made by intergovernmental and non-governmental organizations and national human rights institutions to the drafting of this Protocol,

1. *Expresses its appreciation* to the work done by all involved parties in the drafting of this Protocol;

2. *Adopts* the Protocol to the Convention relating to the Status of Refugees on the Rights of Climate-Displaced Persons annexed to the present resolution, which shall be open for signature at United Nations Headquarters in New York as of 15 December 2025;

3. *Calls upon* States to consider signing and ratifying the Protocol as a matter of priority, and expresses the hope that they will enter into force at an early date;

4. *Requests* the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Conference of States Parties and the Committee under the Protocol after the entry into force of the Protocol, as well as for the dissemination of information on the Protocol;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to undertake efforts to disseminate information on the Protocol to promote their understanding;

6. *Requests* the Secretary-General to submit to the General Assembly at its eighty-first session a report on the status of the Protocol and the implementation of the present resolution, under a sub-item entitled “Protocol on the Climate-Displaced Persons”.

*80th plenary meeting 30
November 2025*

Annex I Second Protocol relating to the Status of Refugees

The States Parties to the present Optional Protocol,

- (a) *Recalling* the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice, and peace in the world,
- (b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- (c) *Reaffirming* the universality, indivisibility, interdependence, and interrelatedness of all human rights and fundamental freedoms,
- (d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Protocol on the Elimination of All Forms of Racial Discrimination, the Protocol on the Elimination of All Forms of Discrimination against Women, the Protocol on the Rights of the Child, and the International Protocol on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- (e) *Further Recalling* the United Nations Framework Protocol on Climate Change, the Kyoto Protocol, the Paris Agreement, and all other decisions taken at the different Conferences of Parties,
- (f) *Reaffirming* that the effects of climate change are not limited by political borders,
- (g) *Emphasizing* the importance of international cooperation in addressing the adverse effects of global warming,
- (h) *Recognizing* that the obligations of States towards addressing the adverse effects of climate change are obligations *erga omnes*,
- (i) *Recognizing further* the great strides of the international community in addressing these effects already taken, and *encouraging* additional measures to be implemented,
- (j) *Recognizing* the great progress already made by different States in,
- (k) *Concerned* that, despite these great strides, not enough has been done to guarantee a safe and sustainable life for all people,
- (l) *Concerned* that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this has and further will result in an additional warming of the Earth's surface and atmosphere and has and further may adversely affect natural ecosystems and humankind,
- (m) *Recognizing* the importance of international cooperation to prevent displacement, ensure safe living conditions, and provide new homes to communities disappearing due to climate change,
- (n) *Recognizing* that different States have different capabilities in accepting climate-displaced people,
- (o) *Further Recognizing* that many of the States facing the brunt of the adverse effects of climate change are those that have historically provided the least greenhouse gas emissions,

- (p) *Highlighting* the fact that most climate displaced persons live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on climate displaced persons,
- (q) *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of climate-displaced persons, during armed conflicts and foreign occupation,
- (r) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling climate-displaced to fully enjoy all human rights and fundamental freedoms,
- (s) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- (t) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that climate-displaced persons and their family members should receive the necessary protection together,
- (u) *Convinced* that a comprehensive and integral international Protocol to promote and protect the rights and dignity of climate-displaced persons will make a significant contribution to redressing the profound disadvantage of climate-displaced persons and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed States,

Have agreed as follows:

Article 1 Purpose

The purpose of the present Protocol is to address climate displacement and promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons displaced by climate change, and to promote respect for their inherent dignity.

Article 2 Definitions

For the purposes of the present Protocol:

- A. The term "refugee" shall, as defined by the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and amended by the Protocol relating to the Status of Refugees done at New York on 16 December 1966, shall hereby be expanded to also include the following text:

“A. For the purposes of the present Protocol, the term “refugee” shall apply to any person who:

/.../

- (3) As a result of events caused by abrupt climate change no longer be able to enjoy their fundamental human right to life, right to a home or right to a family, due to the inability of their State to provide them, finds themselves outside their State of residence and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that State.

- (4) Were inhabitants of a State whose land has disappeared because of climate change, and their government has not made any special agreements for the relocation of its people.”

Article 3 General principles

The principles of the present Protocol shall be:

- (a) Respect for inherent dignity, individual autonomy, including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of climate-displaced persons as part of human diversity and humanity;
- (e) Accessibility;
- (f) Equality between men and women;

Article 4 General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons displaced by the climate without discrimination of any kind, unless explicitly described in this Protocol. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Protocol;
- (b) To take into account the protection and promotion of the human rights of persons displaced by climate change in all policies and programmes;
- (c) To refrain from engaging in any act or practice that is inconsistent with the present Protocol and to ensure that public authorities and institutions act in conformity with the present Protocol;
- (d) To undertake or promote research and development of, and to promote the availability and use of new technologies, that will mitigate and help adapt to climate displacement, giving priority to technologies at an affordable cost;

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Protocol that are immediately applicable according to international law.

3. Nothing in the present Protocol shall affect any provisions which are more conducive to the realization of the rights of persons displaced by the climate, and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Protocol pursuant to law, Protocols, regulation or custom on the pretext that the present Protocol does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

4. The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 5 Committee on the Rights of Climate Displaced Persons

1. There shall be established a Committee on the Rights of Climate Displaced Persons (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Protocol, of seven experts. After an additional fifty ratifications or accessions to the Protocol, the membership of the Committee shall increase by four members, attaining a maximum number of eleven members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Protocol. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Protocol.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation, and participation of experts.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Protocol. At least four months before the date of each election, the High Commissioner for Refugees of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The the High Commissioner for Refugees shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Protocol.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Protocol and shall convene its initial meeting.
12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Protocol shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Protocol on the Privileges and Immunities of the United Nations.

Article 6 Reports to the committee

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
 - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - (b) Thereafter whenever the Committee so requests
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

Article 7 Individual complaints

1. A State Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.
2. Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.
3. The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Protocol.

Article 8 Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Protocol, including through international cooperation.

Article 9 Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Protocol and to encourage international cooperation in the field covered by the present Protocol:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Protocol as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Protocol in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Protocol in areas falling within the scope of their activities;
- (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 10 Report of the Committee

The Committee shall report every two years to the General Assembly, to the High Commissioner for Refugees, and to the Human Rights Council, on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 11 Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Protocol.
2. The Conference of the Parties shall be organised under the auspices of the High Commissioner for Refugees.
3. No later than six months after the entry into force of the present Protocol, the Conference of States Parties shall be convened by the Secretary-General and the High Commissioner for Refugees of the United Nations. The subsequent meetings shall be convened by the High Commissioner for Refugees biennially or upon the decision of the Conference of States Parties.

Article 12 Depositary

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

Article 13 Signature

The present Protocol shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 15 December 2025.

Article 14 Consent to be bound

The present Protocol shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Protocol.

Article 15 Regional integration organizations

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Protocol shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Protocol, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 16 Entry into force

1. The present Protocol shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Protocol after the deposit of the twentieth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 17 Reservations

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.
2. Reservations may be withdrawn at any time.

Article 18 Amendments

1. After adoption, any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall

communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Article 19 Denunciation

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 20 Accessible format

The text of the present Protocol shall be made available in accessible formats.

Article 21 Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present protocol shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.