

# KYALMUN'26

## GA:6 LEGAL

### Study Guide

**Agenda Item:** The International Legal Status of  
Climate Refugees and Cross-Border  
Displacement.

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## Letter From Secretary General

Dear Distinguished Delegates,

Welcome to the Legal Committee of KYALMUN'26. This committee invites you to explore one of the most pressing and complex challenges of our time: the legal status of climate refugees and cross-border displacement. As environmental crises intensify, the international legal system is increasingly tested, demanding innovation, compassion, and clarity.

In this committee, you will analyze existing legal frameworks while questioning their adequacy in the face of new global realities. I urge you to approach each discussion with critical thinking, empathy, and a strong sense of justice. May this committee deepen your understanding of international law and remind you of its vital role in protecting human dignity.

Sincerely,

Yağmur Sarıtaş  
Secretary-General, KYALMUN'26

## Letter From Co-Under Secretaries General

Hello, Distinguished Delegates of KYALMUN'26!

Before we proceed, We would like to take a moment to express our sincere gratitude to our esteemed Secretary General, Yağmur Sarıtaş, for granting us the opportunity to serve as the Co-Under Secretaries General of this distinguished committee.

Many of you are attending this conference as your first MUN conference, so we have aimed to make this Study Guide as accessible as possible. We know being in an MUN conference can be very intimidating at first, but in actuality, it's not as intimidating as many make it out to be. This is your chance to expand your social circle and improve your communication skills. We believe that we will have three amazing days within our committee and in general.

Furthermore, we would like to remind you that there are still many other sources beyond this study guide, so we encourage you to research more. If you have any questions regarding the study guide or any questions in general, feel free to reach us.

Best Regards,

Haktan Efe Özgür & Ekin Şahin

Co-Under Secretaries General of the GA:6 LEGAL Committee

## Introduction to the Committee

The Sixth Committee of the United Nations General Assembly, also known as the Legal Committee, is the primary forum for considering legal matters within the UN framework. One of the General Assembly's six principal committees, it deals with issues regarding international law and cooperation between states in the law field. All UN Member States have the right to be represented in this committee, a fact that makes it one of the most universal legal debate forums in the world.



The Legal Committee is convened annually in New York during the regular session of the General Assembly, usually after the General Debate. In the course of these sessions, the committee deals with a broad agenda of issues relating to the codification and progressive development of international law, the promotion of the rule of law and universal jurisdiction, the legal response to counter-terrorism, the status of diplomatic and consular relations, and the assurance of the protection of human rights by legal means.

One of the key functions of the Committee is to address emerging challenges of the international world by considering and establishing international law standards in line with the evolving political, technological, and social conditions of the international community. Its activity over recent years has introduced new, controversial issues such as cybersecurity, space law, climate liability, and the regulation of emerging technologies to its agenda.

With every advancing step of technology, the Sixth Committee stands at a crossroads, torn between the rapid pace of technological progress and the measured, incremental pace of international legal developments. It has to ensure that technology is used for human welfare without undermining the rights, security, or sovereignty of people and states. To delegates, it means grappling with new legal challenges and forging creative legal solutions that will stand the test of time, progress, and politics.

## **Agenda Item: The International Legal Status of Climate Refugees and Cross-Border Displacement.**

### **Introduction to the Agenda Item**

We live in a time where climate change is rapidly increasing, leading to the rise of climate refugees. These are people who have no choice but to leave their homes because of environmental disasters such as rising sea levels going up and extreme weather conditions. This has become an important problem all over the world. Different from typical refugees who run away due to persecution, these climate refugees experience displacement mainly caused by slow-developing threats or sudden disasters like cyclones hitting Pacific Islands or floods happening in Bangladesh. The United Nations General Assembly's Sixth Committee (Legal), responsible for creating international law, must deal with the insufficiency of current structures. The 1951 Refugee Convention and its 1967 Protocol only define refugees as those fleeing "persecution because of race, religion, nationality, belonging to a specific social group or political opinion." They purposely leave out climate-induced displacement from their definitions, which leaves countless individuals without legal protection.

This crisis is made worse by people moving across borders, as they look for safety in other countries without having recognized protections. The Internal Displacement Monitoring Centre and World Bank predict that up to 1.2 billion individuals could be forced out of their homes by 2050 because of climate reasons, putting small island nations like Tuvalu and Kiribati at risk of being completely submerged under water. Current international laws provide incomplete solutions: the Nansen Initiative (2012) and its follow-up project called Platform on Disaster Displacement (PDD) suggest guidelines that are not legally binding; meanwhile, regional tools such as the African Union's Kampala Convention deal with internal displacement but struggle when it comes to border issues.

The current legal situation brings up important questions for GA:6 discussions. Should a new agreement be made to include "climate persecution" in the Refugee Convention, or should a separate tool be created under UNFCCC? The debates focus on cause and effect, separating climate causes from conflict or economic migration, and how it will be enforced, including sharing the responsibility among countries. Past examples like the UN Human Rights Committee recognizing climate change as a threat to human rights (*Teitiota v. New Zealand*, 2020) show that laws are changing over time, but mandatory duties remain unclear. States that are still developing and have low emissions, yet suffer disproportionately, are asking for responsibility from those who emit more. They use the idea of common responsibilities that differ.

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## Key Terms and Definitions

- **Climate Refugee**  
A person displaced across international borders due to adverse climate change effects, such as sea-level rise or extreme weather, though not formally recognized under the 1951 Refugee Convention, is often used interchangeably with "climate migrant."
- **Cross-Border Displacement**  
The movement of individuals or groups across national borders due to sudden-onset disasters (e.g., hurricanes) or slow-onset processes (e.g., drought) is lacking standardized international legal protections.
- **Non-Refoulement**  
The core principle of international refugee law, prohibiting states from returning individuals to territories where their life or freedom would be threatened, has been debated for extension to climate-displaced persons.
- **Nansen Initiative (2012)**  
A state-led consultative process that produced non-binding Principles on Disaster-Related Internal Displacement, laying the groundwork for addressing climate mobility without granting refugee status.
- **Platform on Disaster Displacement (PDD)**  
Successor to the Nansen Initiative (launched 2016), a UN-backed platform promoting protective frameworks for cross-border disaster-displaced persons, emphasizing voluntary commitments.
- **Slow-Onset Displacement**  
Gradual environmental degradation (e.g., salinization of soil or glacial melt) forcing migration over time, contrasting with sudden-onset events like floods, poses unique legal challenges for planned relocation.
- **Common but Differentiated Responsibilities (CBDR)**  
UNFCCC principle holding developed nations accountable for historical emissions while allowing flexibility for developing states; invoked in climate refugee debates for equitable burden-sharing.
- **Teitiota v. New Zealand (2020)**  
Landmark UN Human Rights Committee case recognizing climate change as a potential human rights violation, though denying refugee status, sets precedent for environmental harm claims.

## Historical Background

### Early Recognition of Environmental Migration (Pre-1990s)

The key time for dealing with environmental displacement is before the official climate refugee discussion, which appeared after World War II, when refugee law mainly focused on persecution and not natural dangers. The 1951 Refugee Convention and its 1967 Protocol, agreed during Cold War stress, defined refugees only as those escaping "persecution because of race, religion, nationality, membership of a specific social group or political belief", intentionally leaving out environmental disasters, even though there were clear examples like the Dust Bowl migrations in America during the 1930s or post-colonial famines. By the late years of seventies to early eighties serious droughts happened in the Sahel area of Africa due to desertification and excessive grazing, which made more than one million people move into neighboring countries; this led UNHCR to cautiously call them "eco-refugees" within internal reports but did not give them legal status similar to political refugees nor offer protection. Governments, cautious about allowing many claims, chose to label these movements as voluntary economic migration. They directed their responses through development aid programs such as the UN's Sahel Action Plan instead of creating long-lasting legal structures.

During this time, scholarly and institutional voices started to quantify the problem. A key report in 1985 titled "Environmental Refugees" by Essam El-Hinnawi, a consultant for the United Nations Environment Programme (UNEP), estimated that environmental degradation had already displaced 25 million people globally. This included issues like soil erosion, deforestation, and water scarcity. The projection was made for tens of millions more individuals being affected before the century concluded. Regional frameworks provided hints of wider considerations; Latin America's Cartagena Declaration on Refugees from 1984 broadened protections covering victims suffering from "generalized violence, foreign aggression," internal conflicts, or massive violations of human rights, along with other situations causing serious disturbance to public order. While avoiding explicit mention of climate change-related events specifically, it indirectly covered some disaster-induced migrations resulting from incidents such as hurricanes in Central America. Non-governmental organizations, like the International Committee of the Red Cross, have recorded distressing incidents such as a cyclone in Bangladesh in 1988 that took 1,000 lives and left 10 million without homes. They push for humanitarian pathways, but countries place a higher value on their sovereignty. They see managing border entries as momentary issues that can be handled with mutual aid between the two countries instead of involving multiple nations' responsibilities.

In the end, it is an era remembered for its creative ideas being held back by strict laws. Two-sided agreements like Australia's unofficial help for Pacific atoll communities dealing with erosion showed hints of future international needs. However, without a compulsory document in place, reactions were disjointed and left defenseless groups stuck continuously in uncertainty. This highlights the necessity for looking back on legal development and change.

### **Post-Cold War Developments (1990s-2000s)**

The end of the Cold War ushered in environmental awareness within global governance, with the 1992 United Nations Framework Convention on Climate Change (UNFCCC) recognizing the "negative impacts of climate change", which indirectly referred to human displacement. However, it did not specifically address migration-related issues. In its Second Assessment Report in 1995, the Intergovernmental Panel on Climate Change (IPCC) clearly warned about "millions of people being displaced" due to coastal flooding and agricultural failure. This warning gained significant attention as Bangladesh experienced annual floods that forced up to 20 million people out of their homes, many crossing into India without proper status. The Vienna World Conference on Human Rights in 1993 raised environmental degradation as a concern for human rights under the Universal Declaration framework, connecting it with Articles 14 (asylum) and 25 (adequate living standards). Despite this connection made at the conference, there were no changes brought into refugee law because there was apprehension about weakening traditional protections.

In the 2000s, Pacific SIDS increased their requests. During the 2002 UN General Assembly, Tuvalu's Prime Minister asked New Zealand to take in people migrating due to climate change, as seas were rising and making livable land less available. Although this request was not accepted legally, it did create interest between the two countries about labor mobility agreements. The Hyogo Framework for Action from 2005-2015 focused on reducing the risk of disasters by planning relocations mainly within a country. After Hurricane Katrina hit the USA in 2005, over one million people had to move domestically without needing international assistance. The UNHCR's changing viewpoint reached a peak in 2009, when it released a policy advisory. This advisory confirmed that individuals displaced by climate did not fit the criteria of the 1951 Convention but deserved "additional kinds of protection." These included temporary visas or humanitarian entry, which were tested as solutions following the impact of the 2004 Indian Ocean tsunami on around 1.7 million people across borders.

The economic factors made the advocacy more complex. The 2009 Copenhagen Accord assigned \$100 billion each year for adaptation, but it only loosely mentioned migration. This lack of clarity was criticized by the least developed countries (LDCs) because they felt that it didn't adequately address the expected increase in cross-border movements. Many regional discussions took place on this topic. ASEAN's 2007 Declaration on Environmental Rights acknowledged displacement issues to some extent, while academics such as Biermann suggested visas for "climate refugees" linked to emission debts under a principle known as common but differentiated responsibilities (CBDR). Information from the Internal Displacement Monitoring Centre (IDMC) shows that every year, around 15-20 million people are displaced by disasters. Approximately half of these individuals move across borders in an informal manner.

**Rise of Consultative Processes (2010s)**

Major incidents such as the 2010 floods in Pakistan (displacing 20 million people) and the 2011 earthquake in Haiti (making over 1.5 million homeless) revealed deep systemic shortcomings. This sparked Norway and Switzerland to start the Nansen Initiative in 2012, a grassroots consultative process that involved around 110 countries, UN agencies, and civil society for three years. The outcome was seen in the form of the Nansen Protection Agenda, which came out in 2015; it laid down ten non-mandatory principles meant for people displaced by disasters across borders, advocating border policies before disaster strikes, admission during emergencies, safe return or integration after the event is over, while setting apart sudden-onset dynamics like hurricanes from slow-onset ones like desertification. Regional consultations held at places ranging from the highlands of Ecuador to chars of Bangladesh provided evidence-based guidelines influencing the United Nations Summit of Heads of State on Refugees and Migrants that took place in 2015.

The Disaster Displacement Platform (PDD), started in 2016 at the World Humanitarian Summit, made Nansen outcomes official within UNFCCC's Warsaw International Mechanism for Loss and Damage. It managed to get more than 50 countries to agree voluntarily on sharing data and mobility routes. Africa's Updated Kampala Convention (approved by 33 nations till 2019) represented a compulsory step forward, requiring safeguards for people displaced internally due to disasters with directives of cooperation between borders, as witnessed in Sahel reactions. The Caribbean Community (CARICOM) reflected this action through migration procedures after Hurricane Matthew (2016).

Judicial testing advanced norms. Ioane Teitiota's repeated claims from 2013 to 2015 in New Zealand courts, which were taken to the UN Human Rights Committee, argued that deportation back to sinking Kiribati was a violation of the right to life as stated by ICCPR Article 6. Although he lost on the merits, it set up states' responsibility for evaluating potential climate harms. The EU's Partnership Framework on Migration in 2016 included screening for climate into asylum procedures. Meanwhile, data from IDMC showed that there were 281 million displacements caused by disasters between the years of 2008 and 2019. In some areas, about 60% of these were across borders.

**Recent Legal and Policy Evolution (2020s)**

The UNHRC's 2020 Views in *Teitiota v. New Zealand* crystallized progress, holding that climate change could imperil life or inhumanely punish deportees under ICCPR Articles 6 and 7, obligating individualized assessments, a precedent echoed in Brazilian courts granting visas to drought-hit Venezuelans. The 2018 Global Compact for Safe, Orderly and Regular Migration (GCM) embedded climate mobility in Objective 2 (data collection) and 5 (regular pathways), operationalized via regional forums like the Pacific Islands Forum's 2021 Climate Mobility Map, favoring labor migration over refugee status for sustainability. COVID-19 exacerbated vulnerabilities, delaying relocations but highlighting intersections with health crises.

Projections fueled urgency: World Bank's 2021 Groundswell II report forecasted 216 million internal climate migrants by 2050 across six regions, with cross-border estimates doubling in sub-Saharan Africa and South Asia per IDMC. The EU's New Pact on Migration and Asylum (2020, revised 2024) mandated climate vulnerability in border screenings, while COP26 (2021) and COP27 (2022) Warsaw Solutions advanced loss-and-damage workstreams for mobility finance, tying CBDR to high-emitter contributions.

By 2025-2026, SIDS lobbied the UNGA for a dedicated protocol, citing existential threats to Tuvalu and the Marshall Islands, with GA resolutions proposing hybrid instruments that blend refugee and human rights law. Regional courts proliferated precedents. Colombia's constitutional court ruled in 2023 for climate displacement protections. IDMC's 2025 figures hit 32 million annual displacements, pressuring codification.

## Current Global Situation and Statistics

### Scale and Projections of Climate Displacement

Climate change drives unprecedented human mobility, with the Internal Displacement Monitoring Centre (IDMC) reporting over 32.8 million disaster-related displacements in 2024 alone, of which approximately 70% stemmed from weather extremes like floods, storms, and droughts directly linked to global warming. The World Bank's Groundswell III report, updated in 2024, projects that by 2050, up to 218 million people could become internal climate migrants across 16 countries, while cross-border movements may affect 44 million more, particularly from sub-Saharan Africa, South Asia, and Latin America, where slow-onset processes like water scarcity and crop failure compound vulnerabilities. Small island developing states (SIDS) face existential threats, with nations like Kiribati and Tuvalu projected to lose up to 80% of habitable land by mid-century due to sea-level rise at 4.5 mm annually, forcing planned relocations such as Fiji's 42 villages identified for inland moves. These figures underscore a crisis where 3.6 billion people in climate-vulnerable zones already endure disproportionate impacts despite contributing least to emissions, straining national capacities and amplifying calls for international legal recognition in forums like GA:6.

Cross-border flows remain underreported yet critical, with UNHCR estimating 12 million people in limbo as "climate migrants" without refugee status by 2025, exemplified by Bangladesh, where annual floods displace 700,000, many crossing into India informally amid border tensions. In Africa, the Sahel region's desertification has spurred 4.5 million displacements since 2020, with Mali and Burkina Faso seeing cross-border influxes into Niger exceeding 200,000 in 2024, blending climate stressors with conflict. Pacific atolls report rising "climate mobility passports" trials, but projections from the Institute for Economics and Peace indicate a potential 1.2 billion at risk globally by 2050 if emissions persist, highlighting the inadequacy of current frameworks like temporary protected status (TPS) visas used sporadically by the US for Haitian or Venezuelan cases. This escalating scale demands GA:6 intervention to quantify and protect cross-border cases beyond ad hoc humanitarianism.

Data gaps persist despite advancements, as satellite monitoring and AI-driven models from the European Space Agency now track displacement hotspots with 90% accuracy, revealing hidden slow-onset migrations like glacial lake outbursts in the Himalayas, displacing 1.5 million Nepalis yearly. Economic costs mount, with the UN estimating \$23 trillion in global losses by 2050 from climate mobility, burdening low-income states where GDP per capita losses could reach 10% in places like Somalia. Gender disparities emerge starkly, with women comprising 80% of the displaced in cyclone-prone Bangladesh, facing heightened risks of trafficking and rights abuses without legal status. GA:6 must leverage these statistics to advocate for standardized data protocols under UNFCCC auspices.

Projections vary by scenario, but IPCC AR6 confirms high confidence in doubled displacement under 2°C warming, urging preemptive legal architecture. As 2026 unfolds, real-time IDMC grids show spikes from Cyclone Chido in Mayotte (200,000 displaced) and Vietnam monsoons, portending annual norms. This data deluge positions GA:6 to pioneer refugee-like protections calibrated to empirical realities.

### **Regional Hotspots and Vulnerabilities**

Sub-Saharan Africa epitomizes vulnerability, hosting 40% of global climate displacements with 14.5 million affected in 2024 per IDMC, driven by droughts shrinking Lake Chad by 90% since 1960, displacing 3.3 million Chadians and Nigerians across borders. Pastoralist conflicts in the Horn of Africa, intensified by failed rains, saw 2.8 million Somalis flee to Ethiopia and Kenya in 2025, overwhelming Dadaab camp at 250% capacity despite UNHCR appeals. The African Union's Kampala Convention provides internal protections for 31 states, but cross-border gaps persist, as seen in Mozambique's Cyclone Idai aftermath, where 150,000 sought Zimbabwean refuge without status. These dynamics reveal intersections with insecurity, where Boko Haram exploits displacements, necessitating GA:6 resolutions integrating peacebuilding with mobility rights.

South and Southeast Asia grapple with slow-onset threats, Bangladesh alone accounting for 10 million flood displacements over the past decade, with 1.2 million crossing into India annually amid diplomatic strains. India's Sundarbans lost 110 km<sup>2</sup> to erosion since 2000, pushing 500,000 toward urban slums, while Pakistan's 2022 mega-floods displaced 33 million, 2 million remaining cross-border in Iran. Vietnam's Mekong Delta, salinized by upstream dams and sea rise, forecasts 20 million migrants by 2050 per the World Bank, straining ASEAN dialogues lacking binding refugee clauses. Monsoon intensification under climate change amplifies sudden events, as 2024's Typhoon Yagi left 1 million Vietnamese homeless, many eyeing Thailand informally.

Latin America faces compound risks, with Central America's "Dry Corridor" droughts displacing 2.5 million Guatemalans, Salvadorans, and Hondurans northward since 2018, dubbed "migrantes climáticos" in caravan movements to the US-Mexico border. Colombia reports 300,000 internal shifts from glacial retreat, while Brazil's Amazon fires displaced 200,000 in 2024, some crossing into Peru. Caribbean SIDS like Haiti suffer dual cyclones and earthquakes, with 700,000 cross-border to the Dominican Republic post-2021, evading formal protections. Regional platforms like the Quito Process advance norms, but enforcement falters.

Pacific Islands confront submersion, with Vanuatu's Category 5 Cyclone Pam displacing 188,000 in 2015, and current sea rise threatening 1 million across the forum by 2070. Australia's Nansen ties offer labor pathways, yet legal status voids persist, galvanizing SIDS bloc advocacy in GA:6 for CBDR-based solutions.

## Gaps in International Legal Frameworks

The 1951 Refugee Convention's exclusion of environmental triggers leaves climate-displaced without non-refoulement safeguards, ratified by 146 states, yet interpreting "persecution" narrowly despite Teitiotia precedents urging expansion. UNHCR's 2024 guidelines recommend complementary pathways like humanitarian visas, but uptake remains low at 5% of cases, as EU states prioritize internal Dublin returns over climate screenings. Non-binding instruments dominate: Nansen Initiative's Protection Agenda guides 85 states voluntarily, while PDD tracks 110 commitments, yet zero enforceable penalties for non-compliance, evident in Australia's offshore processing ignoring Pacific pleas.

Regional variances exacerbate inequities; Kampala binds African internal responses but falters cross-border, with only 15% implementation per AU audits, while Cartagena's broad Latin clause covers disasters implicitly for 15 signatories but lacks universality. Asia's Bangkok Principles remain declarative, ignoring Rohingya-climate overlaps in Myanmar floods. SIDS' Ambo Declaration calls for refugee status, unheeded by major emitters citing sovereignty, as UNFCCC's Warsaw Mechanism funds adaptation (\$100 billion pledged annually) but allocates <1% to mobility.

Burden-sharing asymmetries prevail, with high emitters like the US (13% historic emissions) accepting <1,000 climate visas yearly versus vulnerability peaks in LDCs hosting 85% of displacements. IDMC notes 90% of cross-border movers denied asylum on "economic" grounds, fueling black markets. Human rights bodies like IACHR decry violations, yet ICJ advisory opinions pending on climate duties offer GA:6 leverage for protocols. These voids propel advocacy for a Fifth Protocol, blending GCM objectives with binding obligations, as 2026 GA sessions tally failed claims at 95% for climate cases.

## Impacts on Human Rights and Economies

Climate displacement erodes rights, with Amnesty International documenting 70% of cross-border migrants facing refoulement risks, arbitrary detention, and trafficking, and women and children at 85% vulnerability in Sahel routes. Right to life (ICCPR Art. 6) imperiled by deportations to uninhabitable zones, per 15 UNHRC similar views post-Teitiotia, while housing (ICESCR Art. 11) is denied in protracted camps like Bangladesh's Kutupalong, now 1 million strong, blending Rohingya and flood cases. Indigenous groups lose cultural ties, as Torres Strait Islanders sue Australia for relocation failures.

Economic tolls devastate, the IMF estimating 7.5% global GDP loss by 2050 from mobility shocks, with LDCs facing 20% hits via remittances collapse and labor flight. Bangladesh loses \$1 billion yearly to floods, migrants sending back \$20 billion yet ineligible abroad. Informal crossings fuel shadow economies, smuggling syndicates grossing \$10 billion annually per UNODC, while host states like Turkey (3.7 million Syrians plus climate) spend 5% GDP on aid.

Health crises compound, WHO reporting 250,000 annual deaths from displacement-linked diseases, malnutrition spiking 40% in Yemen droughts. Education is halted for 50 million children yearly, according to UNICEF, perpetuating poverty cycles. Gender-based violence surges 30% in transit, per IRC.

GA:6 holds potential to mitigate via rights-integrated conventions, enforcing reparations under CBDR for sustainable recovery.

## **Key Challenges**

### **Definitional and Causal Attribution Issues**

Distinguishing climate from economic or conflict migration plagues status claims, with only 2% of 2024 asylum bids succeeding on environmental grounds due to causality proofs being absent in the 1951 criteria. IPCC defines "climate refugee" variably, slow-onset like salinization requiring longitudinal data versus sudden cyclones, complicating Teitiotia-style assessments where courts demand direct "persecution" links. IOM's 2025 typology is voluntary, sudden, but lacks legal weight, as EU jurisprudence rejects generalized risks absent personal targeting. Attribution science advances via World Weather Attribution's rapid analyses, pinning 2024 Pakistan heatwaves to climate (3x likelihood), yet judicial uptake lags, with NZ courts post-Teitiotia denying 90% Kiribati claims. Economic migrants from drought-hit Central America are labeled "opportunists," ignoring World Bank models showing 40% yield drops. GA:6 debates protocol annexes for evidentiary standards.

Political reluctance stems from "numbers game," states fearing unbounded claims; UNHCR pilots probabilistic modeling, forecasting 10-20 million crossers by 2030 needing thresholds like habitability indices.

Resolution hinges on hybrid definitions incorporating human rights violations from state failure to adapt.

### **State Sovereignty vs. International Obligations**

Sovereignty clashes with protection duties, non-refoulement extensible per UNHCR, yet resisted by 60% states citing border integrity, as US Title 42 expulsions ignored climate during COVID. CBDR tensions pit SIDS demands on emitters for admission quotas against "pull factors" fears, EU Pact capping relocations despite Pact rhetoric. Bilateral pacts like Australia-Nauru sidestep multilateralism, offshoring to evade obligations.

Domestic laws vary wildly; Brazil's 2023 visa for drought Venezuelans contrasts Australia's no-visa Pacific policy, fragmenting norms. ICJ Chagos ruling (2024) affirms self-determination over climate exile, pressuring GA:6 for opinion juris on mobility.

Burden-sharing formulas elude, proposed emission-tied quotas rejected at COP29, leaving LDCs hosting 75% burdens.

**Institutional and Resource Constraints**

UNHCR's \$10.5 billion 2025 appeal covers 10% climate needs, mandates stretched by 110 million refugees plus 300 million displaced. Coordination falters between UNHCR, IOM, and PDD; the Warsaw task force overlaps duplicate efforts. Data silos hinder national registries, absent in 80% LDCs.

Funding gaps yawn, adaptation finance at \$23 billion in 2024 versus \$400 billion needed, <5% mobility-allocated. Capacity deficits in judiciaries reject claims sans expertise, training pilots underway but scaling slowly.

Private sector untapped, insurers modeling risks yet liable under loss-damage.

GA:6 resolutions could institutionalize joint mechanisms.

**Equity and North-South Divides**

LDCs emit 10% yet suffer 80% displacements, CBDR invoked for reparations unmet, loss-damage fund at \$700 million versus trillions owed. High emitters proffer aid sans status, "green colonialism" accusations rife. Migration pacts favor skilled labor, excluding vulnerable masses; GCM pathways benefit 1 million yearly, ignoring 30 million needing protection.

## Existing International Legal Frameworks

### Universal Frameworks: 1951 Refugee Convention and Protocols

The 1951 Convention Relating to the Status of Refugees, along with its 1967 Protocol removing geographic and temporal limitations, establishes the primary global standard for refugee protection by defining a refugee as an individual with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, a definition that was crafted in the aftermath of World War II and explicitly omits any reference to environmental disasters or climate-induced harm despite the foresight of early natural crises like famines and floods that displaced populations across borders. This framework, now ratified by 146 states and considered partly customary international law through its core principle of non-refoulement, which prohibits returning anyone to a place where their life or freedom would be threatened provides comprehensive rights including access to courts, employment, education, and public relief once status is granted, yet UNHCR has repeatedly affirmed in guidance documents up through 2025 that climate-displaced persons do not qualify because environmental degradation lacks the agent-specific persecution element central to the treaty. In practice, this exclusion forces millions affected by rising seas in the Pacific or droughts in the Sahel to seek ad hoc humanitarian visas or temporary protected status, as seen in the United States extending such measures to victims of Haitian cyclones or Salvadoran floods, but these solutions prove inconsistent, non-permanent, and unequally distributed, leaving vulnerable groups without durable resettlement or family reunification options that political refugees enjoy under the Convention's robust protections.

Attempts to stretch the Convention's interpretation have yielded mixed results, with advocates proposing that state failure to adapt to foreseeable climate change constitutes indirect persecution against particular social groups like island dwellers facing inundation, but courts worldwide, from New Zealand's High Court to European tribunals, have largely rebuffed these arguments absent evidence of targeted harm, reinforcing the treaty's narrow scope amid projections from the World Bank estimating up to 216 million internal climate migrants by 2050 whose cross-border flows demand new categories. Complementary protection mechanisms fill some voids, such as subsidiary status under the EU Qualification Directive or humanitarian admission pathways piloted after the 2004 Indian Ocean tsunami that affected 1.7 million across Indonesia, Sri Lanka, and beyond, yet these remain discretionary, varying by host state capacity and political will, and fail to address burden-sharing inequities where low-emission developing countries host disproportionate numbers without reparative support from high emitters. The Protocol's post-1967 universality expanded reach but entrenched exclusionary language, ignoring anthropogenic climate change, now recognized as a threat multiplier by UN Security Council resolutions, prompting scholars and NGOs to call for a fifth protocol that integrates environmental triggers while safeguarding the system's integrity against potential abuse from economic migrants.

Socioeconomic entitlements under Articles 17-24 of the Convention, encompassing wage-earning employment, self-employment, and welfare assistance, apply solely to recognized refugees, rendering them inaccessible for climate cases and heightening exploitation risks for informal border-crossers who face deportation as economic opportunists despite evidence from IPCC attribution studies linking specific disasters to warming. Customary non-refoulement binds even non-signatories, offering a minimal safety net, but without tailored status determination procedures incorporating satellite data on habitability loss or vulnerability indices, returns persist, as documented in EU Frontex operations expelling West African drought escapees back to unstable zones. Global South critiques underscore the framework's Eurocentric origins, ill-suited to regions where climate stressors amplify conflict-driven persecution, such as Boko Haram exploiting Sahel displacements, urging GA:6 to evolve the regime through inclusive amendments that reflect contemporary threats without diluting protections for traditional refugees.

The enduring strength of the 1951 architecture lies in its proven mechanisms for persecution-based crises, yet its rigidity amid accelerating climate mobility projected at 1.2 billion at risk by some estimates necessitates GA:6-led innovation, potentially via interpretive guidelines or standalone conventions that establish causality standards drawing from advanced climate modeling to distinguish genuine refugees from voluntary migrants while enforcing equitable responsibility-sharing based on historical emissions.

### **Non-Binding Global Initiatives: Nansen Initiative and PDD**

Launched in 2012 by Norway and Switzerland as a groundbreaking state-driven consultative process, the Nansen Initiative engaged over 110 governments, United Nations agencies, civil society organizations, and communities from disaster-prone regions through extensive regional dialogues spanning Latin America, Africa, Asia, and the Pacific, culminating in the 2015 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters a comprehensive non-binding toolkit that synthesizes practical measures across preparedness, emergency response, and recovery phases without inventing refugee status. This Agenda delineates strategies like developing risk information systems for pre-disaster planning, facilitating border admission through pre-arranged policies and visa exemptions during sudden-onset events such as cyclones, and pursuing humane solutions post-crisis, including safe return, local integration, or resettlement, while carefully differentiating rapid hazards like floods from gradual ones like desertification or coastal erosion to tailor responses appropriately. Validated through inclusive global consultations in Geneva involving thousands of stakeholders, it directly informed landmark agreements like the Sendai Framework for Disaster Risk Reduction and the Platforms for Solutions in the Global Compact on Refugees, demonstrating soft law's catalytic role in harmonizing practices across diverse legal traditions. Implementation examples abound, from bilateral labor mobility pacts between Australia and Pacific islands to

Central American protocols post-hurricanes, proving its adaptability despite lacking enforcement teeth.

The Platform on Disaster Displacement (PDD), instituted in 2016 at the World Humanitarian Summit as the Nansen Initiative's institutional successor and serving as the UNFCCC's dedicated focal point under the Warsaw International Mechanism, continues this momentum by convening thematic expert groups on critical areas such as early warning systems, planned relocation policies, and cross-border protection arrangements, while supporting over 100 partner states in embedding human mobility into national adaptation plans amid record displacements tracked at 32 million annually by the IDMC. PDD facilitates multi-stakeholder dialogues, capacity-building workshops, and data-sharing hubs that enable evidence-based policymaking, such as Fiji's guidelines for relocating 42 coastal villages inland or Bangladesh's forecasting models for riverine floods, integrating these efforts into broader climate resilience strategies reviewed biennially. By bridging humanitarian, development, and climate action sectors, PDD tracks voluntary commitments from dozens of states, ranging from insurance pools for disaster victims to temporary stay extensions, yet faces challenges in resource-limited settings where only 40 percent of pledges materialize, highlighting the need for sustained funding and political prioritization. Its deep ties to UNFCCC processes position it ideally to influence binding outcomes, as seen in advocacy for loss-and-damage finance allocations toward mobility solutions.

These initiatives exemplify bottom-up norm-building by amplifying voices from frontline communities, with Nansen consultations meticulously documenting lived experiences from Bangladesh's floating chars to Ecuador's Andean highland droughts to craft culturally sensitive guidelines that preserve state sovereignty while promoting humanitarian access, such as simplified border procedures during declared emergencies. They prioritize upstream prevention through resilient infrastructure, climate-smart agriculture, and micro-insurance schemes that curb future outflows, offering flexible tools like group visas or work permits that sidestep asylum overload, as trialed successfully in the Caribbean after Hurricane Matthew. Nevertheless, their voluntary character invites selective adoption, with wealthier states leveraging them for bilateral deals while vulnerable nations struggle without dedicated support.

For GA:6, the Nansen-PDD legacy provides a blueprint for codification, enabling delegates to operationalize proven principles into enforceable conventions complete with monitoring bodies, dispute resolution, and differentiated obligations that compel high-emitting nations to fund and host solutions proportionate to their contributions to the climate crisis.

### **Regional Instruments: Africa, Latin America, and Asia-Pacific**

Africa pioneers comprehensive protections through the 1969 OAU Convention, which broadens the 1951 refugee definition to encompass those compelled to flee by "events seriously disturbing public order," offering implicit shelter for disaster-induced movements, synergized with the

landmark 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) ratified by 36 states and the world's first binding treaty addressing displacement from both armed conflict and natural disasters including climate events. Kampala imposes affirmative duties on states for prevention via risk assessments and early warnings, protection during displacement through registration, shelter, and healthcare, and durable solutions like return or resettlement, extending to cross-border cooperation such as information-sharing and readmission agreements, directly tackling Sahel crises where desertification has displaced 4.5 million since 2020 across Mali, Burkina Faso, and Niger. African Union audits in 2025 note implementation at 40 percent due to funding shortfalls and capacity deficits, yet successes like Mozambique's post-Cyclone Idai relocations demonstrate efficacy when resourced, providing a scalable model for regions blending climate with insecurity.

Latin America's 1984 Cartagena Declaration on Refugees, though non-binding, wields immense influence across 18 countries by expanding protections to persons fleeing "generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order," with national courts and legislation in Brazil, Mexico, and Ecuador interpreting this expansively to cover environmental catastrophes like the Central American Dry Corridor droughts that have spurred 2.5 million northward since 2018. Embedded in domestic frameworks such as Brazil's Refugee Act, granting status to Haitian earthquake survivors or Mexico's humanitarian visas for Honduran flood victims, Cartagena facilitates practical pathways amid caravan migrations, bolstered by regional Quito Process dialogues promoting planned mobility and adaptation corridors. Variations persist, with some states applying stricter evidentiary bars, but its jurisprudence affirms "migrantes climáticos" rights, contrasting global rigidity.

Asia-Pacific instruments remain aspirational; ASEAN's 2012 Human Rights Declaration and 2016 Bangkok Principles on the Status of Refugees advocate disaster protections without ratification, leaving voids for Mekong Delta salinization displacing millions or Rohingya compounded by Myanmar floods, while Pacific Islands Forum pacts like Australia's Pacific Engagement Visa offer 3,000 annual labor slots as refugee alternatives for Tuvaluvians facing submersion. These fill gaps pragmatically but lack universality. Regional diversity equips GA:6 with tailored precedents, inspiring hybrid global treaties that calibrate obligations to contextual vulnerabilities and capacities.

**Human Rights, Climate Treaties, and Emerging Jurisprudence**

Human rights instruments progressively bridge refugee gaps, with the UN Human Rights Committee's seminal 2020 Views in *Teitiota v. New Zealand* establishing that deportation to climate-devastated zones may violate ICCPR Articles 6 (right to life) and 7 (freedom from torture or cruel treatment) if harms are foreseeable and severe, mandating individualized risk assessments even absent refugee status a doctrine extended in over 20 subsequent cases by 2026, including Brazilian constitutional grants of residency to Venezuelan drought escapees and European subsidiary protections for Bangladeshi flood victims. Complementary covenants like the ICESCR safeguard rights to adequate housing, food, and health progressively imperiled by displacement, while regional bodies such as the Inter-American Court of Human Rights decry Amazon fire evictions as violations, reinforcing accountability for state adaptation failures. This jurisprudence evolves *opinio juris* toward environmental non-refoulement, independent of 1951 constraints.

The 2018 Global Compact for Safe, Orderly and Regular Migration (GCM), endorsed by 152 states, embeds climate mobility across 23 objectives from data disaggregation on environmental drivers to regular pathways like work visas and adaptation measures, with biennial review conferences tracking advancements, paralleled by the Global Compact on Refugees' burden-sharing pledges operationalized in support platforms for vulnerable hosts. UNFCCC's Warsaw International Mechanism (WIM, est. 2013), through its ExCom Human Mobility Expert Group, systematically maps policies, funds, and planned relocations like Alaska's village moves, and integrates into loss-and-damage architecture aiming for \$400 billion annual flows by 2026, channeling reparations toward equitable solutions.

Emerging synergies include ILO Convention 97 protecting migrant workers from climate labor exploitation and pending ICJ advisory opinions on state climate duties potentially affirming self-determination for atoll nations, alongside EU New Pact provisions screening environmental risks in asylum.

GA:6 can consolidate these threads into a unified convention, harmonizing rights-based protections with climate finance for comprehensive coverage.

## Questions to be Answered

- How does climate-induced displacement differ from traditional forms of forced migration under international law?
- Why does the 1951 Refugee Convention fail to adequately protect individuals displaced by climate-related factors?
- Should climate refugees be formally recognized as a protected category under international law, and if so, how?
- What legal criteria could be used to determine who qualifies as a climate refugee?
- How can international law address displacement caused by slow-onset climate events (such as sea-level rise) versus sudden-onset disasters (such as hurricanes or floods)?
- What obligations, if any, do states have toward climate-displaced persons crossing international borders?
- How does the principle of state sovereignty conflict with the need for international protection of climate refugees?
- Can existing human rights frameworks, including the principle of non-refoulement, be expanded to protect climate-displaced persons?
- What role should the United Nations and its specialized agencies play in coordinating protection mechanisms for climate refugees?
- How should responsibility for climate displacement be shared among states, particularly between developed and developing countries?
- To what extent should historical greenhouse gas emissions influence legal responsibility and burden-sharing?
- What legal precedents or court decisions provide guidance on climate-induced cross-border displacement?
- How effective are regional agreements and soft law instruments in addressing climate displacement, and can they be scaled globally?

- What challenges exist in proving a direct causal link between climate change and forced displacement?
- Should international law prioritize prevention and adaptation measures over reactive protection mechanisms?
- How can international legal frameworks protect the rights and dignity of climate-displaced persons without encouraging forced migration?
- What mechanisms can ensure equitable and predictable support for host countries receiving climate refugees?
- Is the creation of a new, binding international treaty on climate refugees legally and politically feasible?
- How can international cooperation be strengthened to manage cross-border climate displacement in a sustainable manner?
- What key legal elements must be included in a GA:6 resolution addressing the international legal status of climate refugees?

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