

The protection of displaced persons across international borders in the context of climate change and natural disasters

حماية الأشخاص النازحين عبر الحدود الدولية في سياق تغير المناخ والكوارث

الطبيعية



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Abstract:

The purpose of this study is to highlight the protection of displaced persons across international borders in the context of climate change and natural disasters.

International reports assessments warned about the gravity of the situation from the continued flood of these displaced persons. The victims of this challenge are excluded from any form of protection under international law, compared with other displaced persons owing to other factors for displacement.

Otherwise a general protection is afforded to this category of persons by human rights law, environmental law, humanitarian law, in addition many mechanisms adopted in this area. It has been proved that neither the general protection afforded by the different branches of law cited above, nor the mechanisms of protection adopted are susceptible to fill the protection gap in international law.

Key Words: Displaced persons; Climate change; Natural disasters, Human rights; International protection; United Nations.

ملخص:

يعتبر النزوح في سياق تغير المناخ والكوارث الطبيعية من أهم التحديات الإنسانية في القرن الحادي والعشرين، فقد حذرت تقارير دولية من خطورة الوضع بسبب استمرار تدفق النازحين عبر الحدود الدولية. تهدف هذه الدراسة إلى تسليط الضوء على حماية الأشخاص النازحين عبر الحدود الدولية في سياق تغير المناخ والكوارث الطبيعية، لاسيما أنهم لا يتمتعون بنظام قانوني خاص بهم يحميهم على المستوى الدولي على غرار فئات أخرى للنازحين بسبب عوامل أخرى للنزوح، بينما يوفر لهم القانون الدولي حماية عامة بموجب أحكام القانون الدولي لحقوق الإنسان، القانون الدولي للبيئة والقانون الدولي الإنساني، بالإضافة إلى العديد من الآليات المعتمدة في هذا المجال، غير أن هذه الحماية لا يمكنها سد فجوة الحماية في القانون الدولي.

الكلمات المفتاحية: الأشخاص النازحين، تغير المناخ، والكوارث الطبيعية، حقوق الإنسان، الحماية الدولية، الأمم المتحدة.

Introduction:

Climate change and climate degradation have a big impact on the displaced persons across international borders, they are considered as the biggest challenge in the twenty one century.

According to international assessments reports there is one displaced person every second because of the climate change since 2009.

The United Nations High Commissioner of Refugees (UNCHR) has estimated in one of its reports that the degradation climate led to the displacement of 200 hundred million persons from their traditional habits.

Many experts and international agencies unanimously confirmed about the future flood of displaced persons across international borders in the context of climate changes and natural disasters and their number is likely to surpass all known refugee crises and can reach one million persons by 2500 year if the situation remained unaddressed.

Although climate change and natural disasters are not the only factors for displacement, they play substantial role in human displacement.

Despite the gravity of the situation, persons victims of this challenge are deprived of any particular protection under international law, such the one afforded to other categories of displacement because of different causes.

However displaced people across international borders in the context of climate changes and natural disasters are covered by the general protection afforded by international human rights law, international environmental law, and international humanitarian law as “human beings” and “civilians”.

In addition big efforts have been deployed to ensure their protection by adopted mechanisms, such as temporarily protection, the Nansen initiative, and platform on disaster displacements.

The protection gap in international law in relation to the displaced persons across international borders in the context of climate change and natural disasters still exist before the different forgoing cited forms of protection stated as insufficient and temporarily.

Before starting our discussion about the protection of displaced persons across international borders in the context of climate change and natural disasters it is important to consider the notion of those persons with an attempt to distinguish them from other categories of displaced persons owing to different factors in one point; and examination of their legal framework in the other point.

Chapter I: The conceptual context

This chapter deals with the definition displaced persons across international borders in the context of climate change and natural disasters (Section I) and their deference from other categories of displaced persons (Section II).

Section I: Definition of displaced persons across international borders in the context of climate change and natural disasters:

Many factors contribute to the non reaching consensus on a unique definition about the displaced persons across international borders in the context of climate change and natural borders. The principal factor resides in the difficulty to dissociate the factors of climate changes and natural disasters from other factors which lead to displacement.

International law contains no agreed definition on the climate cross-border persons, they are variously categorised, as environmental migrant, climate refugees, migrants, refugees, ecological refugees.

Nonetheless the terminology environmental refugees gained acceptance and is increasingly used in modern academic discourses and diplomatic vocabulary which can have a positive bearing on their protection¹.

Concerning the definition of the climate displaced persons many definitions have been given:

In a general sense: a climate displaced person has been defined by the United Nations University's Institute for environmental and Human Security (UNU- GHS) as: "a person who has leave his place of normal residence owing to environmental causes notably land loss and degradation and natural disaster"².

One of the most quoted definitions using the terminology environmental refugee was provided by Hassan El Hinawi in 1985, when working for the united environmental program (UNEP) in the aftermath of the displacement caused by the gas leak in Bhopal in India and the Nuclear Catastrophe in Chernobyl in Ukrania.

He defined them in a broad definition: "as those people who have been forced to leave their traditional habit, temporary or permanently because of a marked

1 - According to the New York declaration for refugees and migrants, people may move to escape armed conflicts, poverty, flood insecurity, prosecution; terrorism, human rights violations and abuses, the adverse of climate change, natural disasters and other environmental factors or a combination of these reasons: The New York Declaration for Refugees and Migrants(2016): <https://www.ohchr.org>, 11/12/2020, 10:12

2 - Vikram Odedra Kolmannskog, Future floods of refugees, A comment on climate change conflicts and forced migration: https://www.researchgate.net/publication/44838871_Future_floods_of_refugees_A_comment_on_c_limate_change_conflict_and_forced_migration, 11/12/2020, 10:32

environmental disruption (natural or provoked by people) that jeopardized their existence and seriously affected their quality of life”³.

According to the international organisation for Migration the climate displaced persons are: “those persons or group of persons who for reason of sudden or progressive change in the environment that adversely affected their life or living conditions, are obliged to leave their habitual homes, or choose to do so either temporarily or permanently and who move either within their country or abroad”⁴.

Avoiding the term refugee, the United Nations High Commissioner of Refugees (UNHCR) has cautiously, moved towards a definition of environmentally displaced persons as those: “who are displaced from or who feel obliged to leave their usual place of residence; because their live livelihoods and welfare and have been placed at serious risks as a result of adverse environmental ecological or climatic processes and events”⁵.

Section II: The distinction between displaced persons across international borders in the context of climate change and natural disasters and other categories of displaced persons:

Discussion about the notion of displaced persons across international borders in the context of climate change and natural disasters requests their distinction from others categories of migrants and refugees such as political refugees, asylum seekers...

1- Displaced persons across international borders in the context of climate change and natural disasters and political refugees:

From the forgoing proposed definitions: Climate displaced persons can be defined as:

“Those persons who have been forced or obliged to leave their habitual residence temporarily or permanently for reasons of marked environmental disruption suddenly or progressively, that jeopardized their life or affected their quality of life”.

Political refugee: is that “person or those persons who have fled their country of nationality or habitual residence owing a well founded fear or persecution because of his or her race, religion, nationality, membership in a particular social group or political opinion”⁶.

3- Essam EL-Hinnawi, Environmental Refugee, UNEP, Nairobi, 1985: <https://digitallibrary.un.org/06/01/2021, 20 :25>

4 - International migration report, 2009: A global assessment, Economic and social affairs, United Nations, December, 2011:
<https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2009.pdf> 06/01/2021, 20:44.

5 - Ibid.

6 - Article 1 alenea 2 of 1951 Convention relating to status of Refugees.

The difference between the two categories of climate displaced persons and refugees is despite the former encounters and experiences similar difficulties, climate displaced persons are excluded from any singular protection unlike the political refugees who are covered by a particular protection under international law⁷.

2- The displaced persons across international borders in the context of climate change and natural disasters and asylum seekers:

An asylum seeker is a person seeking for asylum has not received decision on his claim for refugee. It seems that this category of seekers is in the same situation as the displaced persons since he enjoys no particular protection⁸.

3- Displaced persons across international borders in the context of climate change and natural disasters and migrants:

A migrant is a person who leaves his country of origin for purely economic reasons, seeking materials. The key difference between migrants and climate displaced persons is that migrants in addition of their home protection enjoy a large international law protection⁹.

4-The displaced persons across international borders in the context of climate change and natural disasters and Stateless persons:

Stateless persons are those persons who are not considered to be nationals by any state. Unlike the climate displaced persons, this category of persons is provided large protection under international law.

The proceeding analysis demonstrates that despite climate displaced persons face identical risks and difficulties as those by other categories of migrants and refugees in vulnerable situations; they are deprived of any form of protection under international law¹⁰.

7 - The political refugees are protected by the 1951 Convention relating to status of Refugees and its additional protocol of 1967.

- Regional conventions: - Convention Governing the Specific aspects of Refugees problems in Africa (1969).

- Cartagena declaration on refugees, in addition to the protection of the High commissioner of refugees mandated by the United Nations for purpose.

8 - UNHCR Global Appeal 2013 Update, p.18: <https://www.unhcr.org/50a9f81ca.pdf>, 06/08/2021 13:18

9 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

10 - 1961 Convention on the Reduction of Statelessness parties.

- They are also protected by an additional mandate by the "UNHCR".

-This protection is extended to cover the two above cited conventions.

Chapter II: The international legal framework for the protection Displaced persons across international borders in the context of climate change and natural disasters

This chapter deals with international legal instruments of protection (Section I), and mechanisms of protection (Section II).

Section I: The international legal instruments of protection:

After the attempt to identify displaced persons across international borders in the context of climate change and natural disasters, an examination of their protection is considered.

Disaster displacement including across- borders persons is identified in many parts of the world and likely to increase or occur¹¹. Unfortunately they continue to lack international protection.

International law contains no instruments as regards the protection of the displaced persons across international borders in the context of climate change and natural disasters, there are no international norms which deal specifically with those people and no humanitarian agency is mandated to protect and help them and find solutions to their plight.

However the framework that may be relevant to those cross-border persons is this pertaining the International Refugee law, International Human rights law, international Environmental law, and international humanitarian law:

1- International Refugee Law:

International refugee law is based on an individualised displacement, affording rights and protection determined by defined criteria which appears inappropriate to the situation of climate displaced persons¹².

-The 1951 convention relating to status of refugees often cited in the context of environmental displacement does not apply to those displaced persons across

11- Richard ALLEY, Frontiers of Knowledge Laureate: Climate Change, 7th Edition: <https://www.frontiersofknowledgeawardsfbbva.es/galardonados/richard-alley-2/07/01/2021>, 1:03.

12 - Jane, McAdam, Climate change, displacement and international law: Complementary protection standards, Legal and protection policy research series, May 2011, PP. 12-14, UNHCR: <https://www.unhcr.org/4dff16e99.pdf> , 07/01/2021, 11:12

international borders forced to leave their countries of origin as a result of effects of climate.

According to article 1 (2) of the cited convention, persecution is requisite evidencing a claim to refugee status and environmental factors do not and cannot readily apply to persecute someone¹³.

A refugee is defined as someone who “ Owing to a 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 return in it”¹⁴.

This means that “climate refugees” do not fall within the definition of “refugee” under the 1951 refugee convention. Therefore this category of persons is not covered by this definition¹⁵.

There are a number of cases which illustrate difficulties and unsuccessful attempts by citizens to claim refugee status under international law refugee from climate change¹⁶.

On regional level the African¹⁷ and the Cartagena declaration¹⁸ on refugee notable examples of regional instruments have adopted broader definitions of the

13 - The definition contains in article 1 alinea 2 of the Convention relating to status of Refugees (1951) has distinctive legal requirements.

1- There must be a well – founded fear or persecution.

2- Reasons of persecution are race, religion, nationality a membership of a particular social group or political opinion.

3- Victims are enabling to return home.

14 - Convention relating to status of Refugees(1951) act 1.

15 - Daniel Bodansky, Jutta Brune, Lavanya Rajaman, International Climate Change Law. Oxford University press, 1st edition, 2017: <https://www.schulthess.com>, 07/01/2021, 11:03

16 - Cases of kiribati(2013) and Tuvalu(2014): (Appeal N° 72 189/ 2000, New Zealand), Australia Refugee Review Tribunal (case N° 090 7346/ Australia), and Loane Trinidad V innovation and employment (supreme court of New Zealand) 2013-2014: https://www.refworld.org/cases,NZ_IPT,585151694.html07/01/2021, 11:22.

17 - See the African convention governing the specific aspects of refugee problems in Africa (1969).

18 - See Cartagena declaration on refugee (1984).

term refugees but have never been specifically applied to those affected by climate environmentally induced displacement¹⁹.

International and regional instruments fail to provide protection to climate cross-border persons.

A General protection falls in the international human rights law, with an indivisible interface with environmental law operating in the basis of similar code of conduct.

2- International Human Rights Law:

This general protection can be deduced from declarations, and instruments relating to displaced persons across international borders in the context of climate change and natural disasters as “human beings”.

International Human rights are agreed international standards that recognise and protect the dignity and integrity of every individual without distinction²⁰.

In the context of displaced persons across international borders owing to climate change and natural disasters the International Human rights offers the most comprehensive and flexible framework²¹.

Under Human rights law, displaced persons across international borders in the context of climate change and natural disasters are entitled to fundamental rights which induce the rights of life of health, food, movement these rights are equally to every human being²².

19 - Jane Mcadam, Climate change, Forced migration and environmental law, Oxford University press, 2012, pp.48-49.

20 - The most prominent legal documents of human rights are: The Universal Declaration of Human Rights (1948) which have been framed in norms and conventions, International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966): Jane Mcadam, Ibid, pp. 25-26.

21 - Report of the united Nations High Commissioner for Human Rights on its thirty-eight session, Organizational and procedural matters, Agenda items 2 and 3, 18 June to 6 July 2018 A/ HR/ 38/21- April 2018:

<https://www.ohchr.org/Documents/Publications/OHCHRreport2018.pdf>11/12/2020, 10:25

22 - Rafik Islam, Climate refugee and international law: An introduction to international law, Martinus Nijhoff publishers, Leiden- Boston pp.223-233: <https://brill.com/view/book/edcol>

Even, International Human Rights law offers the most effective protection to displaced persons across international borders in the context of climate change and natural disasters it is not asserted that its rules are automatically applied and its protection ceases with the entrance to foreign countries confronted to the state sovereignty.

3- International Environmental Law:

International environmental law plays an important role in the protection of human rights, particularly of displaced persons across international borders in the context of climate change and natural disasters, as far as climate change and disasters are considered as environmental problems. The concern of the conservation and management of the healthy environment began with the Stockholm declaration in 1972 and continued by conventions, labour programs under the United Nations supervision.

The Rio declaration outlines the fundamental principles of international environment law and these principles are reflected in binding agreements²³.

The interaction between the international Human Rights and the international environmental law has been stated by the international court of justice as regards the rights of life: the protection of the environment is a vital point of contemporary human rights doctrine and indispensable for numerous human rights such as the right of health and the right of life itself²⁴.

4- International Humanitarian Law:

The convergence of climate risks and conflict further worsens the situation of the international protection of displaced persons across international borders in the context of climate change and natural disasters; this category is considered in international humanitarian law as civilian's population²⁵.

23 - The international environmental rights are reflected in the United Nations Framework convention on climate change (1992), the United Nations Convention to Combat Desertification 1995, The Paris Agreement (2015): See Report of the United Nations High commission for Human Rights, op, cit, pp.8-9.

24 - Case concerning the Gabcikovo- Nagymaros project (Hungary V. Slovakia), 1997 ICJ Report 92 (Hungary v Slovakia) 1997, ICG report 92, (Juge Weeramanty), Paragraph. A (b): <https://www.icj-cij.org/en/case/92>

25 - Conflict and climate <https://www.icrc.org/en/what-we-do/climate-change-conflict>, 17/07/2021, 11:40.

International Humanitarian Law adopts a comprehensive approach aimed at preserving the lives of the civilian population. The four Geneva Conventions of 1949 and the two Additional Protocols of 1977 constitute a framework for protecting the civilian population against displacement²⁶.

The fourth Geneva Conventions of 1949 obliges parties to an international armed conflict not to deport or forcibly transfer the civilian population. In Occupied territory unless it is required by the security of civilians or for compelling military reasons and the prohibition of the deportation of civilians or the transfer of any code of righteousness that states that it is no longer permissible For ordinary citizens to be moved by force to remote areas and this meaning²⁷.

The first additional Protocol to the Geneva Conventions of 1977, referred to the prohibition of forcible transfer of populations²⁸.

The second additional Protocol to the Geneva Conventions of 1977 stated that:
"1-Deportation may not be ordered the civilian population, for reasons related to the conflict, unless the security of the civilian persons concerned or imperative military reasons, and if the circumstances warrant such action deportation, must be taken as spyware actions possible to receive the civilian population in satisfactory conditions in terms of shelter and sanitary conditions Preventive, curative, safety and nutrition;

2- Civilians may not be compelled to leave their lands for reasons related to the dispute²⁹.

The ICRC and Red Crescent Movement respond adequately to the needs of communities facing the cumulative impact of armed conflict, climate risks and environmental degradation³⁰.

Even the different forgoing cited branches of law offer an effective protection to the displaced persons across international borders in the context of climate change and natural disasters as “human being” and “civilians”, their application is not automatically since, it is not specific.

26 - Ibid.

27 - Article 49 of the fourth Geneva Conventions (1949).

28 - Articles72-73 of the first additional Protocol to the fourth Geneva Conventions (1977).

29 - Article 17 of the second additional Protocol to the fourth Geneva Conventions (1977).

30 - Conflict and climate, Op, cit.

Section II: Mechanisms of protection

Because of the normative gap in the present international protection regime concerning the displaced persons across international borders in the context of climate change and natural disasters, big efforts have been employed to ensure their protection. Many attempts have been taken, and mechanisms adopted.

1- The temporarily protection:

It is seen as a pragmatic way to provide habits to the displaced persons across international borders in the context of climate change and natural disasters.

The UNCHR defined the temporarily protection as "An immediate response when huge numbers of massive people arrive often fleeing from armed conflicts and other forms of persecution"³¹.

The UNCHR extended its potential scope to offer temporarily protection to displaced persons across international borders in the context of climate change and natural disasters despite its mandate is to pursue protection; assistance and resolutions for refugees with additional mandate concerning the issues of stateless persons.

Its action has centered around three areas:

- Laws and Policies, provide advice, guidance and legal support to the international community in developing improved protection frameworks for refugees and other displaced persons in the context of disasters and climate change, and stimulate international dialogue on their rights.

- Operations to mitigate environmental degradation in the context of displacement and enhancing the preparedness and capacity of refugees, IDPs and their host communities for the consequences of climate change. Proactive preparedness is an essential aspect of disaster preparedness and response confronting the root causes of displacement to mitigate the drivers of displacement in the first place.

- UNHCR's Carbon Footprint, enhancing UNHCR's environmental sustainability by mitigating greenhouse gas emissions and reducing negative impact the environment³².

31 - RSC Report, op. cit, p.22.

Following The UNCHR which calls for humanitarian visas, states offered humanitarian visas of non refolement and suspended the visas obligations temporarily as in the case of the Haiti earthquake; the persons displaced have afforded visas for ten years.

The UNHCR has compiled good practices from countries in Latin America that may apply in disasters context³³.

The initiatives have been taken by Brazil and by many states in America states is Canada, and United States of America have afforded visas of residence like in New Zealand.

For Bangladesh, the partition of India in 1947, the war of independence in 1971 and the severe famine in 1974 provide a legacy of forced displacement framed by political, social and cultural trauma. These historical experiences have inhibited adoption of policies or instruments dealing with cross-border and internal displacement. Against this backcloth, Bangladeshis have always had to cope with temporary or permanent displacement due to environmental hazards because of its low-lying topography³⁴.

In Vietnam, state-managed internal population relocation and migration constitute a distinctive politico-historical context. They remain prominent policy concerns given the cyclone- and flood-prone nature of the country. These factors have a marked impact on the development programs of the country³⁵.

Even the temporarily protection may offer some scope to resolve certain protection gaps for a significant group not covered by others norms does not regulate the situation of climate displaced persons. It is subject to the will of the states and to their discretionary power.

Nevertheless these initiatives of protection could be strengthened by codification; an increasing number of states are codifying forms of temporarily protection including those in European Union³⁶, Canada, USA, New Zealand and Australia.

32 - Displacement caused by climate change and disaster: <https://www.unhcr.org/en/>

33 - [http : //www..acnuer.org](http://www.acnuer.org), 22/02/2021, 14:11

34 - Displacement caused by climate change and disaster, op, cit.

35 - Ibid.

36 -The initiative of Nansen, Disasters induced cross-borders, displacement, Agenda for a protection of cross- border displacement borders in the context of disasters and climate change,

2- The Nansen initiative:

The Nansen initiative is state-led multi-stakeholder consultative process specifically addressed to cross borders displacement in the context of disasters and climate change. The Nansen initiative which was launched by both government of Switzerland and Norway in October 2012, it is a state led which reflects the increasing political attention that states have taken to protect gaps and challenges relating to those cross-border displaced persons in disaster context including the effects of climate change³⁷.

And within the conclusion developed during each regional consultation a number of global themes emerged identifying specific priorities to respond to their unique challenge.

Considered the non existence of guarantees of the protection of displaced persons across international borders in the context of climate change and natural disasters the initiative addressed a large program of guiding principles for this protection, this program consisted in :

- To offer visas of non refolement (visa of residence).
- To provide places of habits for the forced persons who left there habitual habits countries.
- To accelerate the procedure of migration and offer authorisation of work³⁸.

Following the initiative program more than fifty states using their discretionary power adopted in there national law their acceptance and reception of displaced persons across international borders in the context of climate change and natural disasters; Sweet-Zealand for example afforded protection to person susceptible to displacement on environmental, social and economical grounds.

volume II: https://disasterdisplacements.org/pc/content/up/loadys/2014/08/EM_protection_Agenda-Volume1-law-res.pdf

37-“ De l’initiative Nansen à la plateforme sur les déplacements liés aux catastrophes”, Département fédéral des affaires étrangères (DFAE), Confédération Suisse, 2016: 14/07/2016): http://www.eda-admin.ch/eda/dfae/politique-exterieure/droits-homme-securite-humaine/humanitaire-politkderschweig/nansen_initiative.html.

38- Walter Kaelin, The Nansen Initiative: Building consensus on displacement in context disaster context:

https://www.fmreview.org/ar/climatechange-disasters-contents_06/08/2021, 11:58.

The initiative insisted to review the possibility to apply international and regional convention which deal with the displacement and to take into consideration the temporarily protection and authorisation of entrance without residence as solution in absence of adequate convention³⁹.

The initiative regional consultation in Africa continent in July 2014 called the African states to adopt the temporarily protection procedures in relation to the displacement persons across international borders in the context of climate change and natural disasters who are not subject to internal displaced persons protection convention in Africa (Kampala convention 2009), and who need international help⁴⁰.

Despite the importance of the Nansen initiative concerning the protection of displaced across international borders in the context of climate change and natural disasters it still insufficient to solve the problem in front of its gravity; especially it has not obligatory character⁴¹.

3- The initiative protection:

The initiative protection was launched by the world of humanitarian summit in October 2015 endorsed by 109 states to follow up the work of the Nansen initiative to implement the recommendations of such initiative⁴².

4- The platform on displacement disaster (PDD):

The platform on displacement disaster (PDD) was launched to ensure the implementation of the Nansen's agenda stated working in July 2016 governed by Germany⁴³.

39 - Hocine Zeghib, Les réfugiés environnementaux : Une catégorie juridique en devenir, Homme et migration, Revue Française de référence sur les dynamiques migratoires, N° 1300, 2012, pp 132-142 : <https://journals.openedition.org/hommesmigrations/939> , 22/01/2021, 14 :23

40- The initiative of Nansen, Op, cit.

41 - 110 Etats adoptent un Agenda pour la protection des déplacés environnementaux, Le Monde: https://www.lemonde.fr/cop21/article/2015/10/13/110-etats-adoptent-un-agenda-pour-la-protection-des-deplacés-environnementaux_4788603_4527432.html

42 -De l'initiative Nansen à la plateforme sur les déplacements liés aux catastrophes, Département fédéral des affaires étrangères, Suisse, 2016: <http://www.eda-admin.ch/eda/dfae/politique-exterieure/droits-homme-sécurité-humaine/humanitaire-politkderschweig/nansen-initiative.html>

43- Platform on Disaster Displacement (PDD), Strategy 2019-2022: <https://disasterdisplacement.org/wp-content/uploads/2019/06/26062019-PDD-Strategy-2019-2022-FINAL-to-post-on-website.pdf>

Despite the importance of the above mentioned initiatives and their contribution in the protection of those cross-border persons, it still not sufficient to offer special protection to them which is owed to the international law

CONCLUSION:

It may be concluded from the above study that there is a considerable legal gap concerning the protection of climate displaced persons across international borders to be addressed.

In addition to the lack of international instruments and norms dealing specifically with the climate displaced persons protection, the absence of a consensus on a unique terminology and particular definition to describe those persons make difficult to predict their number and develop appropriate instruments to enhance their protection.

Before the numerous unaddressed legal issues cited above, many initiatives and policies processes have been adopted, such temporarily protection, the Nansen initiative.

However climate displaced persons continue to lack protection, the problem should be solved on international level.

One of the steadily proposed solutions is a new agreed international convention specific to cross-border persons should be concluded including all the elements missing for their protection, according to international law and international Human rights law.

-To promote the development of adequate and appropriate protection instruments and arrangements to safeguard the rights, need and human capacity of environmentally displaced persons.

-To develop a comprehensive, accepted and concrete definition of environmental displaced persons but without risk to any erosion of current international law refugee.

-To recognise that sustainable adaptation measure must be locally and regionally place-specific: there are no one size- fits all solutions that will contribute to both vulnerability reduction and poverty reduction.

-To develop principles and practice for environment proofing development policies, projects as programs and rescue donors and developments agencies urgently to adopt them.

-To promote the development of appropriate funding regimes to support protection and assistance mechanisms.

-To ensure respect, fulfillment, promotion and protection of all Human rights for persons crossing borders in the context of climate change.

Bibliography List:

1- Legal text:

- Convention relating to status of Refugees (1951): <https://www.unhcr.org>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990): <https://www.ohchr.org>
- Convention Governing the Specific aspects of Refugees problems in Africa (1969): <https://www.unhcr.org>
- The fourth Geneva Conventions (1949): <https://www.icrc.org>
- The first additional Protocol to the Geneva Conventions (1977): <https://www.icrc.org>
- The first additional Protocol to the Geneva Conventions (1977): <https://www.icrc.org>
- The second additional Protocol to the Geneva Conventions (1977): <https://www.icrc.org>
- Cartagena declaration on refugees (1984): <https://www.oas.org>
- The United Nations Framework convention on climate change (1992): <https://naei.beis.gov.uk>
- The United Nations Convention to Combat Desertification (1995): <https://www.unwomen.org>
- The Paris Agreement (2015): <https://unfccc.int>
- New York Declaration for Refugees and Migrants (2016): <https://www.unhcr.org>