

**International obligations under the climate change agreement and their
impact on environmental asylum**

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Abstract:

This article explores the interaction between international climate change agreements, exemplified by the Paris Agreement, and the emerging concept of environmental asylum. It investigates the influence of climate commitments on the protection and treatment of individuals displaced due to environmental factors. By analyzing the goals and strategies of these agreements, the study highlights their impact on global responsibilities. It also examines the legal complexities surrounding the recognition of environmental asylum within existing frameworks. The article further assesses the potential benefits of climate agreements in raising awareness and promoting collaboration, while also considering possible barriers to entry for environmental asylum seekers. Through ethical deliberations and real-world cases, the article underscores the moral imperative to address this evolving challenge. In conclusion, the study suggests innovative legal approaches and international cooperation to effectively address the interface between climate action and the safeguarding of those displaced by environmental circumstances, contributing to a more comprehensive understanding of this complex issue.

Keywords: Environmental Asylum, Climate Change, Environmental Goals, International Protection.

1. INTRODUCTION

The global issue of climate change has garnered significant attention in recent decades due to its far-reaching ecological, social, and economic implications. As nations grapple with the complex and interconnected challenges posed by changing climatic conditions, international cooperation has become essential to address the crisis effectively. One of the pivotal outcomes of this cooperation is the establishment of climate change agreements, such as the Paris Agreement, which outline commitments and obligations for countries to mitigate greenhouse gas emissions and adapt to the adverse effects of climate change.

While the primary focus of these agreements is on environmental preservation and sustainable development, their repercussions extend beyond the realms of science and policy. An often overlooked consequence of climate change is its impact on human displacement, which has led to the emergence of the concept of "environmental asylum." Environmental asylum refers to the situation where individuals are forced to leave their homes due to the deteriorating environmental conditions in their place of origin, which are exacerbated by the effects of climate change. This novel category of displacement intersects with existing frameworks for asylum and refugee protection, raising intricate questions about legal, ethical, and practical considerations.

This paper delves into the nexus between international obligations under climate change agreements and their implications for environmental asylum seekers. It examines how the commitments made by states to combat climate change influence the treatment and protection of individuals seeking refuge on environmental grounds. By analyzing the intricate interplay between environmental factors and migration patterns, the paper aims to shed light on the evolving landscape of environmental asylum. Moreover, it will explore the potential challenges and opportunities that arise as countries navigate the intersection of climate action and refugee protection. As the effects of climate change continue to unfold, understanding the complex relationship between international environmental commitments and asylum becomes crucial for shaping comprehensive and compassionate policies that address the needs of those displaced by environmental degradation.

1.1 2 International Climate Change Agreements: Commitments and Obligations:

1.1.1 2.1 Introduction

Climate change is one of the most pressing challenges facing the world today. The scientific consensus is clear: human activities are causing the planet to warm, and this warming is already having a significant impact on the environment and human society.

In response to this challenge, a number of international agreements have been negotiated to reduce greenhouse gas emissions and mitigate the effects of

climate change. These agreements are important because they provide a framework for international cooperation and action. [1]

2 2.2 The United Nations Framework Convention on Climate Change (UNFCCC)

The first major international climate change agreement was the United Nations Framework Convention on Climate Change (UNFCCC), which was adopted in 1992. The UNFCCC is a non-binding treaty that sets out the goals of the international community to address climate change. These goals include:

Stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Taking precautionary measures to anticipate, prevent, mitigate, and adapt to the adverse effects of climate change.

Promoting sustainable development that minimizes greenhouse gas emissions.

The UNFCCC has been ratified by 197 countries, including the United States. However, it is not a legally binding treaty, which means that countries are not legally required to meet their commitments under the agreement. [2]

3 2.3 The Kyoto Protocol

The Kyoto Protocol is a legally binding international treaty that was adopted in 1997. The Kyoto Protocol sets binding emission reduction targets for developed countries. These targets are to be met in the period 2008-2012.

The Kyoto Protocol has been ratified by 192 countries, but the United States has withdrawn from the agreement. The European Union has met its Kyoto targets, but other developed countries have not.

4 2.4 The Paris Agreement

The Paris Agreement is a landmark international agreement that was adopted in 2015. The Paris Agreement is a legally binding treaty that sets out a global framework for action to address climate change [3].

The Paris Agreement's goals are to:

- Limit the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.
- Adapt to the adverse impacts of climate change and make efforts to reduce the loss and damage associated with climate change impacts.
- Provide financial resources to support developing countries in adapting to and mitigating climate change.

The Paris Agreement has been ratified by 196 countries, including the United States.

5 2.5 The Obligations and Commitments of Nations

The obligations and commitments of nations under international climate change agreements vary depending on the agreement. However, all agreements require nations to take action to mitigate climate change and adapt to its effects.

Mitigation refers to the actions taken to reduce greenhouse gas emissions. Adaptation refers to the actions taken to reduce the vulnerability of people and ecosystems to the impacts of climate change.

The specific mitigation and adaptation measures that nations undertake will vary depending on their circumstances. However, all nations are required to take action in accordance with their common but differentiated responsibilities and respective capabilities [4].

This means that developed countries have a greater responsibility to take action to mitigate climate change, while developing countries have a greater responsibility to adapt to its effects.

6 2.6 The Global Nature of Climate Change

Climate change is a global problem that requires a global solution. No single country can address climate change on its own.

International climate change agreements are important because they provide a framework for international cooperation and action. These agreements help to ensure that all countries are working together to address climate change.

The Need for Collective Action

Climate change is a serious threat to the planet and its people. It is important that all countries take action to address climate change.

International climate change agreements are an important tool for addressing climate change. However, these agreements are only as effective as the countries that participate in them.

It is therefore essential that all countries work together to implement the commitments of these agreements. Only by working together can we hope to address climate change and protect the planet for future generations [5].

7 2.7 Conclusion

International climate change agreements are an important tool for addressing climate change. These agreements provide a framework for international cooperation and action, and they help to ensure that all countries are working together to address this global problem.

It is essential that all countries participate in and implement the commitments of these agreements. Only by working together can we hope to address climate change and protect the planet for future generations.

7.1 3 The Nexus Between Climate Change and Displacement:

8 3.1 Introduction

Climate change is one of the most pressing challenges facing the world today. The scientific consensus is clear: human activities are causing the planet to warm, and this warming is already having a significant impact on the environment and human society.

One of the most serious impacts of climate change is displacement. Climate change is making extreme weather events more frequent and severe, and it is also leading to environmental degradation and resource scarcity. These factors are forcing people to leave their homes and communities in search of safety and a better life [6].

9 3.2 How climate change contributes to displacement

Climate change can contribute to displacement in a number of ways. These include:

1. **Environmental degradation:** Climate change can lead to environmental degradation, such as desertification, soil erosion, and deforestation. This can make land uninhabitable and force people to move.
2. **Natural disasters:** Climate change is making extreme weather events, such as floods, droughts, and storms, more frequent and severe. These events can displace people from their homes and communities.
3. **Resource scarcity:** Climate change is also leading to resource scarcity, such as water shortages and food insecurity. This can force people to move in search of food and water [7].

10 3.3 Case studies and statistics

There are many case studies that illustrate the link between climate change and displacement. One example is the drought in Somalia in 2011-2012. The drought was caused by a combination of factors, including climate change and overgrazing. The drought displaced an estimated 2.5 million people, and it is estimated that 250,000 people died as a result of the drought [8].

Another example is the Syrian civil war. The war was triggered by a number of factors, including climate change. The drought in Syria in 2006-2010 led to widespread crop failures and displacement. This created a fertile ground for the rise of extremism and conflict.

The IPCC has estimated that climate change could displace up to 200 million people by 2050. This displacement will be felt most acutely in developing countries, which are already struggling to cope with the effects of climate change [9].

11 3.4 Vulnerable communities

The most vulnerable communities to environmental displacement are those that are already marginalized and have limited resources. These include:

Indigenous peoples: Indigenous peoples are often disproportionately affected by climate change because they live in remote areas that are sensitive to environmental change [10].

Women: Women are more likely to be displaced by climate change than men. This is because they are often responsible for gathering food and water, which can become more difficult in the face of climate change.

Children: Children are also disproportionately affected by climate change displacement. This is because they are more vulnerable to the effects of climate change, such as extreme weather events and food insecurity [11].

12 3.5 Conclusion

The nexus between climate change and displacement is a complex issue. However, it is clear that climate change is a major driver of human displacement.

It is important to address climate change in order to mitigate the risk of displacement and protect the most vulnerable communities.

Here are some additional statistics that illustrate the link between climate change and migration patterns:

- The number of people displaced by climate change-related disasters has increased fivefold since the 1970s.
- An estimated 21.5 million people were displaced by climate change-related disasters in 2020.
- The majority of climate-related displacement is internal, within countries. However, there is also an increasing trend of cross-border climate migration.
- The most vulnerable to climate-related displacement are people living in low-income countries and small island developing states.

The issue of climate-related displacement is a complex one, and there is no easy solution. However, it is important to raise awareness of this issue and to take steps to address it. We need to reduce greenhouse gas emissions and mitigate the effects of climate change in order to protect people from displacement. We also need to develop better policies and programs to support those who have been displaced by climate change.

Here are some specific actions that can be taken to address the nexus between climate change and displacement:

- Reduce greenhouse gas emissions and mitigate the effects of climate change.
- Develop better early warning systems for extreme weather events.
- Invest in adaptation measures, such as seawalls and flood defenses.
- Provide financial assistance to those who have been displaced by climate change.
- Promote sustainable development that reduces the vulnerability

12.14 Environmental Asylum: Definition and Legal Framework:

13 4.1 Introduction

Environmental asylum is a legal status that may be granted to people who have been displaced from their homes due to environmental factors, such as climate change, natural disasters, or environmental degradation.

Environmental asylum is a relatively new concept, and there is no single definition that is universally accepted. However, it is generally understood to refer to the protection that is afforded to people who have been forced to flee their homes due to environmental factors that are beyond their control [12].

Environmental asylum is often distinguished from traditional forms of asylum and refugee protection, such as those provided under the 1951 Refugee Convention. Traditional forms of asylum are typically granted to people who have been persecuted or who fear persecution on the basis of their race, religion, nationality, political opinion, or membership in a particular social group.

14 4.2 Environmental asylum

Environmental asylum is based on the principle that people should not be forced to remain in a situation where their lives or livelihoods are threatened by environmental factors. It is also based on the principle that countries have a responsibility to protect those who have been displaced by environmental factors.

There are a number of challenges to the recognition of environmental asylum. One challenge is that it is difficult to define what constitutes an "environmental factor" that is severe enough to warrant asylum. Another challenge is that it is difficult to prove that a person's displacement was actually caused by environmental factors, as opposed to other factors, such as poverty or conflict.

15 4.3 International legal frameworks

There are a number of international legal frameworks that could potentially be used to support the recognition of environmental asylum. One such framework is the 1951 Refugee Convention. The Refugee Convention defines a refugee as a person who is outside their country of nationality or habitual residence "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."

The Refugee Convention does not explicitly mention environmental factors. However, some argue that environmental factors can be considered a form of persecution, and that people who have been displaced due to environmental factors should therefore be eligible for refugee status under the Refugee Convention.

Another international legal framework that could potentially be used to support the recognition of environmental asylum is the 1969 Convention on the Status of Refugees in Africa. The African Refugee Convention defines a refugee as a person who is outside their country of nationality or habitual residence "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality."

The African Refugee Convention explicitly mentions environmental factors as a potential cause of displacement. However, it is not clear whether the African Refugee Convention would actually provide protection to people who have been displaced due to environmental factors [13].

16 4.4 Challenges in categorizing environmental displacement

One of the biggest challenges in categorizing environmental displacement within legal definitions is that environmental factors often overlap with other factors, such as poverty, conflict, and climate change. This can make it difficult to determine whether a person's displacement was actually caused by environmental factors, or whether it was caused by other factors.

Another challenge is that environmental displacement is often gradual and cumulative. This can make it difficult to identify the point at which a person's displacement becomes severe enough to warrant asylum.

17 4.5 Conclusion

Environmental asylum is a complex and challenging issue. There is no single definition of environmental asylum, and there is no clear consensus on whether or not it is a legal right. However, there is growing recognition that environmental factors can cause displacement, and that people who have been displaced due to environmental factors may need protection.

It is important to continue to develop and refine the legal framework for environmental asylum. This will help to ensure that people who have been displaced due to environmental factors are able to access the protection that they need [14].

17.15 Impacts of Climate Change Agreements on Environmental Asylum:

18 5.1 Introduction

Climate change is a major driver of displacement, and it is estimated that millions of people could be displaced by climate change by 2050. This displacement could have a significant impact on international law, including the law of asylum.

The law of asylum is the body of law that governs the protection of people who have fled their home countries due to persecution or other threats. There is no explicit provision in the law of asylum for environmental asylum seekers, but there are a number of ways in which climate change agreements could influence the treatment of environmental asylum seekers.

19 5.2 Positive impacts of climate change agreements

There are a number of potential positive impacts of climate change agreements on environmental asylum. First, climate change agreements can raise awareness of the issue of environmental displacement. This can help to put pressure on states to develop more comprehensive policies to address environmental displacement, including the provision of asylum to environmental asylum seekers [15].

Second, climate change agreements can provide funding for adaptation measures that can help to reduce the risk of displacement. This can help to prevent people from being displaced in the first place, and it can also make it easier for people who have been displaced to return home.

Third, climate change agreements can create new legal frameworks for the protection of environmental asylum seekers. For example, the Paris Agreement includes a provision on loss and damage, which could be interpreted to include the protection of environmental asylum seekers.

20 5.3 Negative impacts of climate change agreements

There are also a number of potential negative impacts of climate change agreements on environmental asylum. First, climate change agreements could

lead to increased competition for resources, which could make it more difficult for environmental asylum seekers to find a safe haven.

Second, climate change agreements could lead to increased border controls, which could make it more difficult for environmental asylum seekers to enter countries.

Third, climate change agreements could lead to the development of new technologies that could be used to exploit environmental asylum seekers. For example, new technologies could be used to track environmental asylum seekers or to prevent them from entering countries [16].

21 5.4 Conclusion

The impacts of climate change agreements on environmental asylum are complex and uncertain. There are both potential positive and negative impacts. It is important to carefully consider these impacts when developing and implementing climate change agreements.

It is also important to remember that climate change is not the only factor that drives displacement. Other factors, such as poverty, conflict, and natural disasters, also play a role. It is important to address all of these factors in order to prevent displacement and protect those who have been displaced.

21.16 Challenges and Opportunities:

22 6.1 Introduction

the challenges and opportunities of incorporating environmental asylum into legal and policy frameworks, discussing opportunities for collaboration between climate change and refugee protection regimes, and exploring innovative approaches and best practices for addressing environmental asylum. It also delves into the ethical dilemmas surrounding environmental asylum, including questions of responsibility and fairness, and discusses the moral imperatives of providing protection and assistance to environmental refugees [17].

23 6.2 Challenges

There are a number of challenges that states face in incorporating environmental asylum into their legal and policy frameworks. These include:

The lack of a clear definition of environmental asylum. There is no universally accepted definition of environmental asylum, and this makes it difficult for states to develop clear and consistent policies.

The difficulty of proving that environmental factors were the primary cause of displacement. It can be difficult to prove that environmental factors were the primary cause of displacement, as opposed to other factors, such as poverty or conflict.

The potential for abuse. There is a risk that environmental asylum could be abused by people who are not actually displaced by environmental factors.

The cost of providing protection and assistance to environmental asylum seekers. Providing protection and assistance to environmental asylum seekers can be expensive, and this may be a disincentive for states to provide such protection [18].

24 **6.3 Opportunities**

Despite the challenges, there are also a number of opportunities for states to incorporate environmental asylum into their legal and policy frameworks. These include:

The development of new legal frameworks. There are a number of new legal frameworks that could be used to support the recognition of environmental asylum, such as the Paris Agreement.

The development of innovative approaches. There are a number of innovative approaches that could be used to address environmental asylum, such as the use of regional protection mechanisms.

The promotion of cooperation between states. States can cooperate to address environmental asylum by sharing information and resources [19].

25 **6.4 Collaboration between climate change and refugee protection regimes**

There are a number of opportunities for collaboration between climate change and refugee protection regimes. These include:

The use of climate change adaptation measures to prevent displacement. Adaptation measures, such as seawalls and flood defenses, can help to prevent people from being displaced by climate change.

The provision of financial assistance to countries that are hosting environmental asylum seekers. Financial assistance can help countries to meet the needs of environmental asylum seekers [20].

The development of joint policies and procedures for the protection of environmental asylum seekers. Joint policies and procedures can help to ensure that environmental asylum seekers are treated fairly and consistently [].

26 **6.5 Innovative approaches and best practices**

There are a number of innovative approaches and best practices for addressing environmental asylum. These include:

The use of regional protection mechanisms. Regional protection mechanisms can be used to provide protection to environmental asylum seekers from multiple countries.

The use of temporary protection measures. Temporary protection measures can be used to provide protection to environmental asylum seekers until they can return home safely.

The use of development assistance to reduce the risk of displacement. Development assistance can be used to help countries to adapt to climate change and to reduce the risk of displacement [21].

27 **6.6 Ethical and moral considerations**

There are a number of ethical and moral considerations that arise in the context of environmental asylum. These include:

The question of responsibility. Who is responsible for providing protection to environmental asylum seekers? Is it the countries that are causing climate change, or the countries that are hosting environmental asylum seekers?

The question of fairness. Is it fair to provide protection to environmental asylum seekers when other people who are displaced by other factors, such as conflict or poverty, are not provided with protection?

The question of the moral imperative. Do we have a moral imperative to provide protection to environmental asylum seekers?

There is no easy answer to these questions. However, it is important to consider these ethical and moral considerations when developing policies and practices for addressing environmental asylum [22].

28 6.7 Conclusion

The challenges and opportunities of incorporating environmental asylum into legal and policy frameworks are complex and multifaceted. There is no single solution that will work in all cases. However, by understanding the challenges and opportunities, states can develop more effective policies to address this emerging issue.

It is also important to consider the ethical and moral considerations that arise in the context of environmental asylum. These considerations can help to guide the development of policies and practices that are fair and just.

28.17 General Conclusion

29 7.1 Main findings

The main findings of this article are as follows:

- There is no universally accepted definition of environmental asylum.
- It can be difficult to prove that environmental factors were the primary cause of displacement.
- There is a risk that environmental asylum could be abused by people who are not actually displaced by environmental factors.
- Providing protection and assistance to environmental asylum seekers can be expensive.
- There are a number of opportunities for states to incorporate environmental asylum into their legal and policy frameworks.
- There are a number of opportunities for collaboration between climate change and refugee protection regimes.
- There are a number of innovative approaches and best practices for addressing environmental asylum.
- There are a number of ethical and moral considerations that arise in the context of environmental asylum.

30 7.2 Importance of recognizing and addressing environmental asylum

The recognition and addressing of environmental asylum is important for a number of reasons. First, it is a matter of justice. People who have been displaced by environmental factors are often the most vulnerable and marginalized members of society. They deserve protection from the international community.

Second, the recognition and addressing of environmental asylum can help to prevent conflict. When people are displaced from their homes, they often become refugees or internally displaced persons. This can create instability and

lead to conflict. By providing protection to environmental asylum seekers, we can help to prevent conflict and promote peace.

Third, the recognition and addressing of environmental asylum can help to reduce the risk of future displacement. By taking steps to address the root causes of environmental displacement, such as climate change, we can help to prevent people from being displaced in the first place.

31 7.3 Call to action

The international community must take action to address the challenges of environmental asylum. This includes:

- Developing a clear definition of environmental asylum.
- Developing clear and consistent policies for the protection of environmental asylum seekers.
- Providing financial assistance to countries that are hosting environmental asylum seekers.
- Promoting cooperation between states to address environmental asylum.
- Developing innovative approaches and best practices for addressing environmental asylum.
- Considering the ethical and moral considerations that arise in the context of environmental asylum.

We must also take steps to reduce the risk of future displacement. This includes:

- Addressing climate change.
- Investing in sustainable development.
- Building resilience to climate change.

The international community must act now to address the challenges of environmental asylum. By doing so, we can help to protect the most vulnerable members of society and build a more just and sustainable future.

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