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# CLIMATE CHANGE AND MIGRATION: THE STATE OF INTERNATIONAL REFUGEE AND HUMAN RIGHTS LAW

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## EXECUTIVE SUMMARY

The intensifying effects of climate change and the increasing frequency of extreme weather events are adversely affecting populations around the world. According to some forecasts, climate change could displace 1.2 billion people by 2050. In 2022, the number of persons displaced internally following a climate-related disaster reached a record 32.6 million. In this respect, the international community increasingly recognizes the need to take action to mitigate the effects of climate change and adapt to them in order to protect populations.

The current body of international refugee law acts as a barrier to persons displaced because of climate change-related effects. In fact, persons seeking refugee protection following an event related to climate change are generally not considered refugees under the very specific definition of “refugee” set out in the *1951 Convention Relating to the Status of Refugees*.

In 2020, however, the United Nations High Commissioner for Refugees pointed out that claims for refugee protection should not be examined narrowly, and that people displaced by the effects of climate change may have valid reasons for claiming refugee status. An important legal decision also recognized that persons displaced by the effects of climate change could potentially show a fear of persecution if the State’s response to a climate disaster fails to protect needs that are essential to the lives of people.

In 2023, the United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change declared that there was an urgent need to create a legal regime to protect persons displaced outside their country of origin because of climate change. Various States have implemented national policies and agreed to multilateral agreements to prevent and address this kind of displacement. Some of those initiatives aim to have migration recognized as a climate change adaptation strategy. Generally, the purpose of such action is to instate uniform protections that uphold the human rights of displaced persons.

# CLIMATE CHANGE AND MIGRATION: THE STATE OF INTERNATIONAL REFUGEE AND HUMAN RIGHTS LAW

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## 1 INTRODUCTION

With the increasing frequency and intensity of environmental disasters around the world,<sup>1</sup> climate change-related migration has become a major issue for governments.<sup>2</sup> In 2021, the Intergovernmental Panel on Climate Change (IPCC)<sup>3</sup> reported that irreversible climate change was evident in every region of the world.<sup>4</sup> Moreover, the IPCC has been predicting since 1990 that one of the most profound effects of climate change would be human migration.<sup>5</sup>

Displacement due to climate change can result from sudden extreme weather events like hurricanes, floods or tsunamis, or from slow onset events like rising sea levels or droughts.<sup>6</sup> The mitigation efforts States make to limit their greenhouse gas emissions can influence the severity of the effects of climate change, including extreme weather events and their impact on migration. According to the IPCC, a scenario of global warming by 1.5°C over pre-industrial levels will pose serious risks to many regions of the world, even with the climate change adaptation initiatives currently in place, and these risks would worsen with a global warming of 2°C.<sup>7</sup>

Furthermore, it is difficult to determine the precise scope of climate change-related displacement, since other factors are also at play.<sup>8</sup> Population displacement is linked to interacting economic, social and political factors magnified by the effects of climate change. According to forecasts published in 2020 by the Institute for Economics and Peace, 1.2 billion people could be displaced by 2050 as a result of the effects of climate change and natural disasters.<sup>9</sup> In 2021, the World Bank and the World Economic Forum predicted that these factors could cause the displacement of approximately 200 million people by 2050.<sup>10</sup> The unclear picture of climate migration poses challenges for States and makes it more difficult to develop an international response.<sup>11</sup>

This picture is further blurred, as existing data shows that, presently, climate change-related migration generally occurs within a country's borders.<sup>12</sup> Since 2008, an average of 25.3 million people have been forcibly displaced internally each year by sudden climate events.<sup>13</sup>

This HillStudy focuses on climate change-related displacement and obstacles that displaced persons encounter when they apply for refugee protection under international refugee law. It also discusses policies implemented by States to protect their citizens and manage displacement in the event of climate disasters. These policies seek to reduce international displacement through appropriate responses to

extreme weather phenomena and mitigate the effects of internal displacement. Lastly, it examines mechanisms implemented by States to facilitate human mobility in case of extreme weather phenomena.

## 2 CURRENT STATE OF INTERNATIONAL REFUGEE LAW WITH RESPECT TO PERSONS DISPLACED BY CLIMATE CHANGE

### 2.1 INTERNATIONAL REFUGEE LAW

The *1951 Convention Relating to the Status of Refugees* (the Refugee Convention) protects people who are forced to flee their homes because they have a well-founded fear of persecution.<sup>14</sup> People seeking asylum due to natural disasters are thus not usually considered refugees under the current international regime.<sup>15</sup>

In 2020, a legal analysis by the Office of the United Nations High Commissioner for Refugees (UNHCR) determined that refugee claims should not be assessed from a narrow perspective, and that the effects of climate change and disasters may well constitute valid reasons for claiming refugee status.<sup>16</sup> In this document, various legal considerations are presented to explain how the criteria related to the definition of “refugee” set out in article 1A(2) of the Refugee Convention can be met in cases of climate change-related displacement.<sup>17</sup> At present, however, it is difficult for persons displaced by the effects of climate change to prove that their fears of persecution are well-founded, as required in the Refugee Convention.<sup>18</sup> In fact, no State has yet granted refugee protection to persons displaced by climate change in their country of origin.

In April 2023, the United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change said, “[t]here is an urgent need to provide a legal regime to protect the rights of persons displaced across international borders due to climate change” and that “it would seem logical to establish a new protocol under the Convention to give protection to persons displaced.”<sup>19</sup> The special rapporteur also recommended that this protocol be administered by the UNHCR. However, some experts consider it unlikely that States will agree to renegotiate the Refugee Convention to include the effects of climate change as a ground to fear harm, a solution that the UNHCR does not support either.<sup>20</sup> In 2018, Filippo Grandi, United Nations High Commissioner for Refugees, stated the following:

[T]he issue of climate change and so-called climate-related refugees or forcibly displaced persons is a very complex one. We have been asked to be part of the debate on people moving for climate-related reasons, and we have also participated in responses to natural disasters . . . . Admittedly, one of the biggest challenges today is that of mixed

flows. ... It is important to maintain the distinction between refugees and migrants. ... It is important to be clear that refugees are outside their countries and are unable to return for very specific reasons related to conflict and persecution. Migrants may also have problems, but they are different in nature. It is important to maintain this distinction while recognizing that movements, especially if they happen in parallel, have many common features which need to be addressed comprehensively, and not just by category.<sup>21</sup>

Nonetheless, regional instruments in Africa and Latin America<sup>22</sup> have expanded the definition of “refugee” to include persons displaced by climate disasters. These instruments interact with the existing international regime since they are based on the definition of “refugee” set out in the Refugee Convention,<sup>23</sup> but also broaden the scope of the term.<sup>24</sup> Filippo Grandi also hailed the emergence of these regional instruments as a welcome addition to the Refugee Convention’s overall vision, and helpful in adapting the UNHCR’s response to new challenges.<sup>25</sup> Section 4.2 contains more information about these regional instruments.

In November 2024, the UNHCR officially launched the Refugees for Climate Action network, an initiative seeking to place the voices of refugees and displaced communities at the centre of climate action and international discussions leading to climate solutions. This network “will serve as a consultative body on climate issues, contribute to key global and local climate events, and work to ensure that the voices and perspectives of refugees and displaced people are integrated into UNHCR’s work and international climate discussions.”<sup>26</sup>

## 2.2 THE TEITIOTA CASE: POTENTIAL EVOLUTION IN INTERNATIONAL LAW

In 2015, Ioane Teitiota, a Kiribatian national, claimed asylum in New Zealand on the ground that rising sea levels in his country of origin were endangering his life. Kiribati is a country comprising 33 atolls in the equatorial Pacific, most of which sit at low altitudes and are vulnerable to rising sea levels.<sup>27</sup> The government of New Zealand denied the asylum claim.<sup>28</sup> Ioane Teitiota then filed an appeal, arguing that the New Zealand government violated his right to life by expelling him to Kiribati.<sup>29</sup>

While recognizing that climate change is responsible for eroding the shorelines of Kiribati, heightening the possibility of environmental disasters, rendering resources essential to life scarce and creating social instability in the area, the New Zealand courts held that the risk to Ioane Teitiota was not sufficient to trigger its non-refoulement obligations set out in the Refugee Convention. The courts also ruled that the evidence did not show that the Kiribati government was incapable of protecting its citizens from the effects of environmental degradation. However, the Supreme Court of New Zealand noted that this decision did not dismiss the

possibility of granting asylum in similar cases in the future.<sup>30</sup> Furthermore, the lower court emphasized that, if a State's response to a climate disaster fails to protect the basic needs essential to the lives of marginalized groups for political reasons, the persons affected could potentially demonstrate a fear of persecution.<sup>31</sup>

Ioane Teitiota subsequently filed a complaint with the United Nations Human Rights Committee (the committee) in 2020.<sup>32</sup> In its decision, the committee stated that asylum seekers should not bear the onus of demonstrating immediate harm resulting from climate change.<sup>33</sup> In the committee's opinion, however, Kiribati's possible submersion in the next 10 to 15 years and the present socio-economic consequences did not pose a sufficiently imminent risk to life.

Although the complaint was rejected, the case set new standards that could increase the chance of success of future climate change-related asylum claims. In its decision, the committee indicated that returning a person to a country where climate change could constitute a threat to life could lead to a violation of that person's rights. The committee also determined that States have a positive obligation to protect their citizens against the risks associated with the effects of climate change and natural disasters.<sup>34</sup>

The committee's decision also mentioned that the international community should come to the aid of countries that are disproportionately affected by climate change.<sup>35</sup> Already, some countries, like Australia, have taken steps to help countries that will eventually become submerged by rising sea levels. On 10 November 2023, Australia entered into an agreement with the government of Tuvalu to provide climate asylum to residents of Tuvalu through a special human mobility pathway. The agreement, the first of its kind to address climate mobility, allows the citizens of Tuvalu to take refuge in Australia.<sup>36</sup> Australia's prime minister said that Australia was open to entering into similar agreements with other Pacific Islands.<sup>37</sup>

### 2.3 CLIMATE CHANGE-RELATED DISPLACEMENT AND CANADA'S RESPONSE

Some countries, like Canada, have welcomed persons displaced by natural disasters, in some cases by refraining from sending them back to their country of origin. After the earthquakes in Haiti in 2010 and in Nepal in 2015, Canada admitted some of the people affected and temporarily allowed others already in Canada to remain in the country.<sup>38</sup>

The *Immigration and Refugee Protection Act* incorporates by reference the definition of "refugee" as it is used in the Refugee Convention. Therefore, it does not recognize persons displaced by climate change as refugees, since they are not considered



victims of persecution.<sup>39</sup> In 1994, the Supreme Court of Canada ruled as follows in *Canada (Attorney General) v. Ward*:

The need for “persecution” in order to warrant international protection, for example, results in the exclusion of such pleas as those of economic migrants, i.e., individuals in search of better living conditions, and those of victims of natural disasters, even when the home state is unable to provide assistance.<sup>40</sup>

Although Canadian legislation does not allow the admission of persons displaced for reasons directly related to a natural disaster or to climate change, the Government of Canada said in 2019 that it will decide on a “case-by-case” basis whether to relocate people potentially affected by climate change.<sup>41</sup> For the moment, it is unclear whether the Immigration and Refugee Board of Canada has exercised its discretionary authority to that end.

Following the committee’s decision in the Teitiota case, the UNHCR office in Canada commented in 2020 that Canada could be violating its obligations under the *International Covenant on Civil and Political Rights* by forcibly returning a person to a country where climate change may constitute a threat to life.<sup>42</sup>

Interestingly, in December 2023, the Government of Canada announced its support for Mexico to carry out a study on the link between climate change and migration, including the development of an “innovative methodology” for collecting data used to inform “potential policy actions” by governments.<sup>43</sup> This study reflects an emerging awareness among States that climate change is increasingly causing internal and international displacement.

### **3 POLICIES IMPLEMENTED BY STATES TO PROTECT THEIR CITIZENS FROM THE GROWING THREAT OF CLIMATE CHANGE**

#### **3.1 DISPLACEMENT AND RISKS FOR THE MOST VULNERABLE PERSONS**

As mentioned earlier, an average of 25.3 million people have been forcibly displaced every year since 2008 by sudden-onset disasters. Between 2021 and 2022, disaster-related internal displacement increased by 45%. In 2022, this figure climbed to a record 32.6 million people displaced inside their own country’s borders.<sup>44</sup> In 2023, it totalled 26.4 million, the third-highest figure recorded in the past decade. The decrease seen between 2022 and 2023 is partly explained by the end of La Niña and the beginning of El Niño.<sup>45</sup> According to the UNHCR, 58% of people forcibly displaced in 2022 owing to persecution, conflict, violence, human rights violations and serious disturbances to public order were displaced within their own country. According to existing data, most climate change-related displacements occur inside a

country's borders, and in 2022, 90% of persons forcibly displaced for a variety of reasons were living in low- and middle-income countries.<sup>46</sup>

In this context, States are trying to more effectively study and limit the movement of persons displaced inside their own country.<sup>47</sup> States have put in place different measures to manage internal displacement, such as offering financial assistance, humanitarian aid, anticipatory and risk reduction measures to strengthen the resilience of communities and others.<sup>48</sup> Although most States are developing political and legal instruments to reduce climate change-related displacement, some are also developing tools to protect persons experiencing internal or cross-border displacement caused by extreme weather events.<sup>49</sup>

Notably, this process aims to protect the most vulnerable populations who are disproportionately affected, considering that climate change is a risk multiplier.<sup>50</sup> Accordingly, among displaced persons, some groups – including women, children, persons with disabilities and Indigenous Peoples – are more vulnerable to violence, discrimination and exploitation.<sup>51</sup> More specifically, climate change and the resulting displacement are a gendered phenomenon that consolidates pre-existing structural gender inequalities.<sup>52</sup> It is important to note that some populations affected by climate change are unable to move owing to geographic, physical, economic and financial barriers. A number of experts and organizations therefore recommend that climate change adaptation and migration programs and policies take into account the varying needs of groups and communities, offer equitable benefits for everyone and reduce the vulnerability of all persons.<sup>53</sup>

### 3.2 INTERNATIONAL INITIATIVES TO PROTECT PERSONS FROM THE EFFECTS OF CLIMATE CHANGE

To respond more effectively to the growing impact of natural disasters and extreme weather conditions, the international community is taking action to put in place various initiatives designed to protect populations.

The *Sendai Framework for Disaster Risk Reduction 2015–2030* (Sendai Framework) aims to reduce the number of people affected by disaster globally.<sup>54</sup> This non-binding framework, adopted at the third UN World Conference on Disaster Risk Reduction, recognizes that States have primary responsibility for reducing disaster risks and, to that end, are called upon to work closely with the private sector and civil society.<sup>55</sup> The Sendai Framework follows the Hyogo Framework for Action adopted in 2005, but puts greater emphasis on disaster risk prevention, management and reduction.<sup>56</sup> The United Nations Office for Disaster Prevention is responsible for supporting the Sendai Framework's implementation, monitoring and review.<sup>57</sup> The Office has noted that, although the framework has helped improve quality standards for disaster data collection and analysis, efforts made by member States to achieve the framework's objectives and expected outcomes are, for the moment, insufficient.<sup>58</sup>

The *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (the Agenda), endorsed in 2015 by 109 States including Canada, acknowledges that cross-border displacement is less likely to occur if people displaced internally receive adequate protection following a disaster. The Agenda therefore suggests a series of best practices that States can employ to reduce international displacement.<sup>59</sup>

These instruments acknowledge that reducing displacement is closely related to disaster risk reduction and actions taken to respond to the effects of these disasters. They also encourage States to adopt practices based on the principles of international human rights law.<sup>60</sup> Although most of these obligations are non-binding, both the Inter-American Court of Human Rights and the United Nations Human Rights Committee have ruled that States have an obligation to protect human rights and establish contingency plans to protect the right to life in the context of natural disasters.<sup>61</sup>

At present, the only international legal instrument that contains a binding and positive obligation for States to offer protection to internally displaced persons in the event of natural disasters is the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, which came into force in 2012, and was ratified by members of the African Union.<sup>62</sup>

## 4 INTERNAL DISPLACEMENT AND MEASURES TAKEN BY CANADA TO ADAPT TO THE EFFECTS OF CLIMATE CHANGE

### 4.1 EXTREME WEATHER EVENTS IN CANADA

The frequency and intensity of climate disasters in Canada are forcibly displacing communities at a high economic, human and environmental cost. According to the Insurance Bureau of Canada, 2022 and 2023 were, respectively, the third and the fourth-worst years on record for extreme weather-related disasters, causing losses amounting to \$3.4 and \$3.1 billion.<sup>63</sup> Some studies predict that the evacuation rates associated with natural disasters in Canada will triple by 2030.<sup>64</sup>

In fact, frequent forest fires, hurricanes, rising sea levels and thawing permafrost which can lead to landslides, among other factors, are affecting communities across the country and jeopardizing their health.<sup>65</sup> In the summer of 2021, British Columbia experienced a heat dome that broke multiple high temperature records, such as that of 49.6°C recorded in Lytton on 29 June 2021, along with numerous forest fires, including the one that destroyed approximately 90% of Lytton.<sup>66</sup> In 2023, Canada faced its most destructive forest fire season ever, forcing the evacuation of approximately 200,000 people.<sup>67</sup> In addition to these forest fires, Canada also grapples with frequent floods and hurricanes. The Kashechewan First Nation,

evacuated every year due to flooding, signed an agreement with the federal and Ontario governments in 2019 to relocate the community within the next eight to ten years.<sup>68</sup> In September 2022, hurricane Fiona hit the Atlantic provinces, causing major floods, destroying homes and eroding shorelines. Hurricane Fiona is the costliest storm on record in Atlantic Canada.<sup>69</sup>

First Nations, Métis and Inuit and their territories are disproportionately affected by climate change. Extreme weather events are exacerbating “existing environmental, health and socioeconomic challenges.”<sup>70</sup> Furthermore, climate change poses a direct threat to the close ties Indigenous Peoples have with the environment and natural resources, and to their ways of life, traditions and knowledge.<sup>71</sup> Indigenous systems of knowledge that are considered essential to improving the adaptation and resilience capacities of communities in Canada, for example through the development of nature-based solutions, are themselves endangered by the effects of climate change.

#### 4.2 ADAPTATION INITIATIVES IN CANADA

To address the rising number of extreme weather events and internal displacements, Canada has implemented several measures and strategies meant to reduce the risk of disasters. Some of these measures are described below.

In 2007, Canada adopted an emergency management framework, which was updated in 2017. This framework guides emergency management collaboration between the federal government and the provinces and territories. It acknowledges that a federal-provincial/territorial collaboration and with Indigenous Peoples, municipalities and communities is necessary to ensure the effectiveness of risk and disaster management measures put in place by governments, for example, through mutual aid agreements.<sup>72</sup> The Emergency Management Strategy for Canada, published in 2019, is based on the principles set out in the emergency management framework and the Sendai Framework. Through collaboration among the different levels of government, the strategy aims to strengthen Canada’s efforts aiming to prevent and mitigate the impacts of disasters and to enhance its preparedness and response capacities in extreme weather events.<sup>73</sup>

In 2021, the Government of Canada created the position of Minister of Emergency Preparedness with a mandate focused on strengthening emergency management in Canada, including extreme weather events caused by the effects of climate change, through prevention and mitigation efforts.<sup>74</sup>

Canada’s National Adaptation Strategy was officially launched in June 2023. It lays out a framework for reducing risks related to climate and extreme weather events, and for improving the resilience of Canada’s infrastructures.<sup>75</sup>

## 5 INTERNATIONAL MIGRATION AS A TYPE OF ADAPTATION

### 5.1 THE LIMITS OF CLIMATE CHANGE-RELATED RISK MITIGATION

Currently, the scope of protection given to internally displaced persons depends on the goodwill of each State. At present, State efforts focus more on mitigating the risks associated with the effects of climate change than on implementing instruments that facilitate human mobility.<sup>76</sup> Many researchers believe that international organizations and States should consider the humanitarian and social aspects of climate change-related displacement when they develop policies.<sup>77</sup>

In the opinion of these experts, migration must be seen not only as the consequence of climate change, but also as a way for populations to adapt to climate change and to become more resilient.<sup>78</sup> For example, the Food and Agriculture Organization of the United Nations has said that “income uncertainties and food insecurity risks may induce farm households to seek migration as a coping strategy.”<sup>79</sup> Although more and more States are developing migration policies and legislation, some organizations are calling for greater coordination between States’ actions and their policies to develop better adaptation measures to climate change, and establish uniform protections for displaced persons.<sup>80</sup>

### 5.2 INTERNATIONAL INITIATIVES THAT ENCOURAGE LEGAL PATHWAYS FOR CLIMATE CHANGE-RELATED DISPLACEMENT

Many international organizations believe that population displacement and relocation can be effective strategies for adapting to climate change, especially through legal and regular immigration pathways.

In 2010, the 16<sup>th</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (COP16)<sup>81</sup> acknowledged, for the first time, the importance for States to adapt to climate change and to address the displacement issue through an approach that is respectful of international human rights.<sup>82</sup> It led to the creation of the Advisory Group on Climate Change and Human Mobility, a group of experts comprising representatives from a host of international and humanitarian organizations, which aims to offer technical assistance to States in matters of displacement, migration and planned relocation.<sup>83</sup>

The definitions of these three types of human movement differ in the context of climate change. Displacement is generally forced movement, migration refers primarily to voluntary movement while planned relocation describes a process in which individuals or groups are relocated permanently in a new place, whether by force or voluntarily. Voluntary movement does not mean the decision was made freely, but rather, a decision taken when a choice between realistic options is possible. On the contrary, forced movement indicates that there are no realistic

options left to choose from.<sup>84</sup> At the 21<sup>st</sup> Session of the COP in 2015 (COP21), a Task Force on Displacement was created under the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts. The task force is responsible for formulating recommendations on integrated approaches to prevent, minimize and address displacements related to the effects of climate change.<sup>85</sup>

In 2015, the UNHCR published its *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation* to provide guidance to States in need of creating relocation plans to reduce disaster risks.<sup>86</sup> Planned relocation is an adaptation strategy that involves displacing communities in high-risk areas to make them more resilient to climate change. Although the guiding principles contained in this guidance are non-binding, they are rooted in international human rights instruments. Furthermore, the Agenda, also adopted in 2015, recommends that States offer temporary legal protection to displaced persons, or refrain from turning back displaced persons fleeing their country due to a climate disaster.<sup>87</sup>

In December 2018, the United Nations General Assembly adopted the *Global Compact on Refugees*, a non-binding framework which recognizes that “climate, environmental degradation and natural disasters increasingly interact with the drivers of refugee movements.”<sup>88</sup> In the same month, the United Nations General Assembly also adopted the *Global Compact for Safe, Orderly and Regular Migration*, which underscores the need to “[m]inimize the adverse drivers and structural factors that compel people to leave their country of origin” and to “[e]nhance availability and flexibility of pathways for regular migration.”<sup>89</sup> The compact recognizes adaptation as a priority strategy that must guide the actions of States. More specifically, the compact suggests the adoption of mechanisms for humanitarian visas and temporary work permits for persons forced to leave their country of origin because of sudden-onset natural disasters. It also suggests adopting planned relocation measures and adapting visa requirements to assist and integrate persons displaced by slow-onset natural disasters and the adverse effects of climate change.

Argentina is one example of a country that has taken up this approach: since May 2022, citizens of 23 countries not eligible for residency can obtain humanitarian visas if they have been displaced by environmental events.<sup>90</sup>

In addition to these adaptation measures, the International Organization for Migration (IOM) also encourages States to allow freedom of movement in anticipation of climate change-related adverse effects and to create opportunities for regular migration, particularly through freedom of movement protocols.<sup>91</sup> For example, the protocol on free movement of persons in the Intergovernmental Authority on Development region<sup>92</sup> in East Africa, and the protocol of the Economic Community of West African States<sup>93</sup> expand the range of opportunities “for legal stay and access to rights” available to persons fleeing disasters or in

anticipation of climate change-related adverse events.<sup>94</sup> Again with respect to Africa, the *Kampala Ministerial Declaration on Migration, Environment and Climate Change* is an important initiative that uses environmental and economic policies to strengthen continental cooperation and support the freedom of movement of persons affected by the climate crisis.<sup>95</sup>

In October 2022, the IOM recommended addressing the funding allocation issue at COP27, “so that a greater share of actions addressing impacts of climate change, currently predominantly focused on mitigation, would be dedicated to long-term adaptation of affected communities and building their resilience in the face of future crises.”<sup>96</sup> In fact, the *Adaptation Gap Report 2023*, published by the United Nations Environment Programme, emphasizes that funding needs for adaptation in developing countries are 10 to 18 times greater than the international public financing available.<sup>97</sup>

The idea of a compensation fund to address the loss and damage caused by the effects of climate change for vulnerable countries was developed at COP27 in 2022. The fund was officially launched on 30 November 2023, at the opening of COP28, which ran from 30 November 2023 to 12 December 2023.<sup>98</sup> In this context, Canada announced a \$16-million contribution to provide vital resources to vulnerable countries.<sup>99</sup> During COP29, held from 11 to 22 November 2024, Canada announced the GAIA finance platform aimed at increasing funding to address climate change in vulnerable regions. More specifically, investments will finance projects to meet adaptation and mitigation needs; 70% of the funds will support adaptation projects, while 30% will be allocated to mitigation measures, with 25% of the financing set aside for small island developing states and least developed countries.<sup>100</sup> COP29 concluded with an agreement on financial aid for developing countries, which will provide at least US\$300 billion in annual funding by 2035 to help developing countries adapt to the effects of climate change. This new finance goal, which triples the current commitment of US\$100 billion annually, has been however criticized by developing countries and island States who consider this amount insufficient.<sup>101</sup>

## 6 CONCLUSION

In recent years, climate change has led to a gradual increase in internal and international displacement. Actions have been taken to mitigate the impacts of climate change, primarily to protect the most vulnerable communities. Some of these initiatives are grounded in human rights and refugee rights. States like Canada have committed to cooperating with their partners to gain a better understanding of how populations affected by climate change can adapt, including through access to temporary and permanent migration pathways.

NOTES

1. The Internal Displacement Monitoring Centre defines “disaster” as follows:

A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.

See Internal Displacement Monitoring Centre, [Global Report on Internal Displacement 2019](#), May 2019, p. 105. For the purposes of this study, the terms “environmental disaster,” “natural disaster,” “extreme weather phenomenon/event” and “climate phenomenon” are used interchangeably.
2. Hans-O. Pörtner et al., eds., “[Summary for Policymakers](#),” *Climate Change 2022: Impacts, Adaptation and Vulnerability*, contribution of Working Group II to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report, 2022.
3. The IPCC was created in 1988 by the United Nations Environment Programme and the World Meteorological Organization. See IPCC, [IPCC Factsheet – What is the IPCC](#), 30 August 2013.
4. Filippo Grandi, United Nations High Commissioner for Refugees (UNHCR), [Climate change is an emergency for everyone, everywhere](#), 9 November 2021.
5. IPCC, “[Policymaker Summary of Working Group II \(Potential Impacts of Climate Change\)](#),” *Climate Change: The IPCC 1990 and 1992 Assessments*, contribution of Working Group II to the supplementary report of the IPCC, 1992, p. 103; and Elizabeth Ferris, “Governance and Climate Change-Induced Mobility: International and Regional Frameworks,” in Dimitra Manou et al., eds., *Climate Change, Migration and Human Rights: Law and Policy Perspectives*, 2017, p. 11.
6. United Nations Office for Disaster Risk Reduction, “[Disaster](#),” *Disaster Risk Reduction Terminology*; and International Organization for Migration (IOM), [Sea Level Rise in the Pacific](#), video.
7. IPCC, “[Chapter 3: Impacts of 1.5°C global warming on natural and human systems](#),” *Special Report: Global Warming of 1.5°C*; and IPCC, [Worlds Apart: A story of three possible warmer worlds](#).
8. Jane McAdam, “[Displacement in the Context of Climate Change and Disasters](#),” in Cathryn Costello, Michelle Foster and Jane McAdam, eds., *The Oxford Handbook of International Refugee Law*, 2021 [SUBSCRIPTION REQUIRED].
9. Institute for Economics and Peace, [Ecological Threat Register 2020: Understanding Ecological Threats, Resilience and Peace](#).
10. World Economic Forum, [The Global Risks Report 2022](#), 17<sup>th</sup> ed., p. 57; and World Bank Group, [Groundswell: Acting on Internal Climate Migration – Part 2](#), 2021.
11. Ingrid Boas et al., “[Climate migration myths](#),” *Nature Climate Change*, no. 9, 26 November 2019 [SUBSCRIPTION REQUIRED].
12. Ibid.
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