



Climate Change-Induced Environmental Displacement: A Legal Challenge to the Effectiveness of Humanitarian Assistance in Armed Conflicts

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Abstract

This study aims to clarify the implications of the failure to establish a legal status for 'environmentally displaced persons' under the rules of international humanitarian law. This is primarily in relation to the effectiveness of humanitarian assistance directed towards them, given that they are victims of the combined effects of both climate change and the threat of ongoing armed conflicts, such as those in Yemen and Gaza.

The study concluded that this lack of recognition has resulted in a deterioration of the humanitarian situation of environmentally displaced persons within conflict zones, increased pressure on humanitarian organizations, and a shortage of humanitarian assistance funding, thereby posing a legal challenge to the effectiveness of humanitarian assistance directed towards them during armed conflicts.

Keywords: environmentally displaced persons, climate change, international humanitarian law, legal status, humanitarian assistance, armed conflicts.

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I. Introduction

Climate change, with its various natural and persistent climatic phenomena such as floods, droughts and cyclones, is one of the greatest current challenges facing the international community. This is because its effects are not limited to the environmental sphere alone, but extend to causing serious humanitarian effects, leading to the emergence of new patterns of forced displacement, whether short- or long-term, particularly in countries already suffering from international and non-international armed conflicts. Consequently, displacement is not only linked to fleeing violence but also to dangerous environmental phenomena, as people seek a standard of living that meets their compounding needs; this has led to the emergence of a category of environmentally displaced persons during armed conflicts.

In this context, emergency humanitarian assistance is essential to meet these heightened humanitarian needs, such as food, water, health and education. This has been highlighted by numerous studies, which have emphasised that the crisis of environmentally displaced persons will surpass all current humanitarian crises in terms of the number of people affected, thereby increasing the demand for humanitarian assistance. This creates a gap between humanitarian assistance and the established humanitarian response for environmentally displaced persons during armed conflicts. This overlap raises several questions regarding how to address these developments within the current legal framework, and consequently presents a dual challenge from both legal and humanitarian perspectives.

To examine this topic, the following hypotheses have been formulated:

- The absence of legal provisions regarding the protection and assistance of environmentally displaced persons, particularly within the framework of international humanitarian law.
- The lack of a legal status for environmentally displaced persons directly affects the nature of the protection and humanitarian assistance provided to them during armed conflicts.
- **The objectives of the study are as follows:**
- To clarify the humanitarian situation of environmentally displaced persons as a result of their dual exposure to climate change and ongoing armed conflicts.
- To examine the impact of the lack of a legal definition of environmentally displaced persons on their inclusion within the special protection and humanitarian assistance provided to traditional categories under international humanitarian law in particular.
- To identify the implications of the lack of a legal status for environmentally displaced persons on the effectiveness of humanitarian assistance, in terms of the legal framework governing the work of humanitarian organizations and humanitarian assistance funding during both types of armed conflict.

To conclude this research paper, we aim to address the following question:

How does the legal status of environmentally displaced persons affected by climate change affect the effectiveness of humanitarian assistance directed towards them during armed conflicts?

We propose the following framework for studying this topic:

- **First:** The concept of environmentally displaced persons and their humanitarian situation during armed conflicts.
- **Second:** The implications of the legal status of environmentally displaced persons due to climate change for the effectiveness of humanitarian assistance during armed conflicts.

1. The concept of environmentally displaced persons and their humanitarian situation during armed conflicts

Defining the concept of environmentally displaced persons is of paramount importance, as it reveals the legal characteristics of such individuals. This helps, at a later stage, to identify the legal framework applicable to this group, ensuring the highest levels of legal protection for them on the one hand, and determining their humanitarian situation through their humanitarian needs on the other. We shall therefore address the concept of environmentally displaced persons due to climate change and, subsequently, their humanitarian situation during armed conflicts.

1.1 The concept of climate change-induced environmental displacement

We divide this section into two subsections: the lack of a legal definition for environmentally displaced persons, and the challenge of distinguishing environmentally displaced persons from other similar concepts), as follows:

1.1.1 The Lack of a Legal Definition of Environmentally Displaced Persons

The issue of environmental displacement is a relatively recent one that has not yet been given a binding legal definition within the framework of international law. In the face of this legal vacuum, it was only in the 1980s that attention began to be paid to the concept of ‘environmentally displaced persons’. Consequently, attempts have been made to formulate a definition of this concept within international legal scholarship. This coincides with the growing debate regarding the impact of the climate change crisis on population movements, whether within or outside their country of origin.

The following are the most significant attempts to define ‘environmentally displaced persons’ within international legal scholarship and international humanitarian organizations, including:

a. The definition of an ‘environmentally displaced person’ in international legal scholarship

The term ‘environmentally displaced person’ is defined by the researcher Essam El-Hanawy in the United Nations Environment Programme report published in 1985 as: **“people who have been forced to leave their traditional homes, either temporarily or permanently, due to a clear disturbance of the environment, whether natural or caused by human intervention, which has endangered their existence or seriously affected their standard of living.”**¹

This is considered the first academic definition of the term ‘environmentally displaced person’, clarifying the characteristics of such individuals in comparison with other categories of displacement; Consequently, all subsequent legal definitions are similar to it and it is widely used by researchers in the fields of climate change and the forced displacement of people. Nevertheless, legal definitions as a whole remain of a legal and inferential nature, falling short of the level of a binding legal norm.

b. The definition of an environmentally displaced person within the framework of international organisations

International humanitarian organisations have also contributed to attempts to define the ‘environmentally displaced person’, the most significant of which is:

The International Organization for Migration’s definition of the environmentally displaced person distinguishes them from many similar movements. It defines the environmentally displaced person as “any person or group of persons who are forced to leave their usual places of residence, temporarily or permanently, due to sudden or gradual climatic changes that have adversely affected their lives or livelihoods, whether these changes are natural, due to climate change, or man-made, and whether the displacement is internal or across the borders of their country of origin.”²

It should be noted that international organisations prefer to use the term “environmentally displaced persons”, considering it the most accurate description of internally displaced persons in the context of the severe climate change crisis³.

The Office of the High Commissioner for Human Rights attributes the lack of agreement on a unified definition, particularly within the framework of relevant international humanitarian organizations, to the following conclusion: if a definition linking forced displacement to the phenomenon of climate change were adopted internationally, this would impose legal responsibilities under binding international conventions. It would thereby compel certain major states contributing to climate change to provide protection and assistance comparable to that granted to other traditional categories, such as political refugees change⁴.

It is clear from the definitions provided by the relevant organisations that their position is not to adopt a legal definition of the term ‘environmentally displaced person’, but rather to highlight natural phenomena, including climate change, as causes of internal displacement or internal migration resulting from climate change.

¹ United Nations Environment Programme, Essam El-Hinnawi, Environmental Refugees Document symbol: UNEP (02)/E52.E.pdf. Nairobi, 1985, p. 4.

² International Organization for Migration, Environmental Migrants and Global Governance: Facts, Policies and Practices, Migration research series No. 43, Geneva, 2017, p. 1, available at: https://publications.iom.int/system/files/pdf/environmental_migrants.pdf

³ Natalie Delia. Etal, Displacement and Resettlement: Understanding the Role of Climate Change in Contemporary Migration, springer, International Publishing, Cham, Switzerland, 2019, pp. 237-258, pp. 238-240, available at:

http://link.springer.com/chapter/10.1007/978-3-319-72026-5_10

⁴ Intergovernmental Panel on Climate Change, Climate Change 2014: Impacts, Adaptation, and Vulnerability, Working Group II, Chapter 12: Human Security, Settlements, Industry and Infrastructure, Cambridge University Press, 2014. PP. 763-765, available at:

https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-Chap12_FINAL.pdf

1.1.2 The Problem of Distinguishing ‘Environmentally Displaced Persons’ from Other Similar Concepts

In addition to the problem of defining ‘environmentally displaced persons’, the concept raises another issue: the proliferation of similar terms and the resulting lack of conceptual stability, which makes it difficult to define its legal scope with precision. This was confirmed by the 2018 report of the UN High Commissioner for Human Rights, which stated that there is no universal definition or agreed terminology to describe individuals moving within groups of forcibly displaced people in the context of climate change.

Consequently, the concept of ‘environmentally displaced persons’ encompasses a range of related terms, within a framework that reflects the overlap of concepts, such as: environmental refugees, personally internally displaced by armed conflict, and other concepts¹

a. Environmentally Displaced Persons and Environmental Refugees

The term “environmental refugee” refers to victims of the adverse effects of climate change who have been forced to move from their original homes to other areas outside their country’s borders. Consequently, the concept of an environmental refugee differs from the legal concept of other forms of asylum², as defined by the 1951 Convention relating to the Status of Refugees and its two Protocols, such as religious, political and humanitarian refugees.

Thus, the 1951 Convention relating to the Status of Refugees, through its legal definition, does not include forcibly displaced persons who are victims of environmental damage resulting from the climate change crisis³, such as environmental refugees and environmentally displaced persons, despite there being a fundamental difference in their legal status⁴.

The distinction between an environmental refugee and an environmentally displaced person is therefore based on a fundamental criterion, namely the crossing of international borders, which results in a significant difference in the legal status of each.

An environmental refugee is a person who leaves their country of origin for another state as a result of severe environmental pressures, such as desertification. By contrast, an environmentally displaced person refers to individuals who remain within the state’s borders despite being exposed to the same environmental conditions, which drive them to seek improved living conditions⁵.

It is thus clear that the difference in the spatial and legal status between the two groups leads to a marked disparity in the level of protection and response, despite their shared environmental cause leading to asylum and displacement.

b. Environmentally Displaced Persons and Persons Internally Displaced by Armed Conflict

There is no international treaty that defines internally displaced persons or regulates their status, whether they are citizens or other residents within the borders of their countries of origin.

¹ United Nations, Migration in the Context of Climate- Change and Human Rights, Report of the United Nations High Commissioner for Human Rights Office, A/HRC/21, Geneva, 2018, p. 33.

² Piotr, Krajewski, Environmental Refugees, Suggested Solutions of the Problem in the Framework of International Law, *Problemy Ekorozwoju*, vol, 17, no, 2, pp. 133-139, 2022, p.134.

³ United Nations High Commissioner for Refugees, Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters, Geneva, 2020, p. 2, available at:

<https://www.onlinelibrary.ihl.org/wp-content/uploads/2025/02/2020-UNHCR-Legal-considerations-regarding-claims-for-international-protection-made-in-the-context-of-the-adverse-effects-of-climate-change-and-disasters.pdf>

⁴ Convention relating to the Status of Refugees, 28 July 1951.

⁵ International Organization for Migration, International Migration Law No. 34: Glossary on Migration, Geneva: International Organization for Migration, ISSN 1813-2278, 2019, pp. 8-55, available at:

However, the definition of “internally displaced persons” adopted by most reports and studies is set out in the United Nations “Guiding Principles on Internal Displacement” of 1998, which defines them as: “**persons or groups of persons who have been forced or compelled to flee or to leave their homes or places of habitual residence, in particular as a result of or in an attempt to escape the effects of armed conflict, situations of generalised violence, human rights violations, natural disasters or human-made disasters, and who have not crossed an internationally recognised State border**”¹.

Given the significant overlap between them in terms of the nature and circumstances of their movement, both groups share the characteristic that displacement occurs within the state, often in the context of coercive circumstances that drive individuals to leave their places of residence in search of safety or livelihood stability². Furthermore, humanitarian organizations operating on the ground within their countries of origin have emphasised that there is a clear overlap between the causes, as factors related to climate change, such as drought or natural disasters, may coincide with armed conflicts—which are the main cause of internal displacement—making it difficult to identify the primary cause of displacement³.

From the above, we note that the term ‘environmentally displaced person’ is a descriptive term used solely to explain the phenomenon of environmental displacement in academic and political circles. However, at the legal level, there is as yet no unified, globally agreed legal definition codified within the framework of traditional and current rules of international law for all persons who are forcibly displaced due to the adverse effects of climate change in general; Consequently, the concept of ‘environmentally displaced persons’ and similar concepts, such as ‘environmental refugees’, remain vague.

This has a negative impact on attempts to include them among the protected categories under international conventions, such as human rights conventions or the 1951 Refugee Convention, despite the fact that they constitute the most vulnerable groups from a social and humanitarian perspective.

1.2 The Humanitarian situation of Environmentally Displaced Persons During Armed Conflicts

The combination of environmental degradation caused by climate change and armed conflicts exacerbates the heightened humanitarian needs of environmentally displaced persons. This is evident in the deterioration of their humanitarian conditions during armed conflicts and the weakness of humanitarian services. The armed conflict in Yemen is one of the worst cases suffering from the combined adverse effects of climate change and armed conflicts.

1.2.1 Aspects of the humanitarian situation of environmentally displaced persons during armed conflicts

The aspects of the humanitarian situation of environmentally displaced persons during armed conflicts are reflected in the deterioration of their humanitarian conditions during such conflicts and the weakness of the humanitarian services provided to them. These are as follows:

a. The deterioration of the humanitarian conditions of environmentally displaced persons during armed conflicts

The approximate figures documented in international reports issued by relief organisations reflect the scale of humanitarian needs caused by international and non-international armed conflicts, particularly recurring ones. Through their fieldwork, these organisations also monitor the scale of humanitarian needs resulting from climatic phenomena, which have further contributed to an increase in humanitarian needs.

¹ Guiding Principles on Internal Displacement, 11 February 1998.

² Farouk, Hamouda, the International protection of internally displaced persons, Arab Studies center for Publishing and Distribution, Cairo, Egypt, 2016, p. 9.

³ Internal Displacement Monitoring Centre, Global Report on Internal Displacement 2023, Geneva, 2023, p. 2, available at:

file:///E:/IDMC_GRID_2023_Global_Report_on_Internal_Displacement_LR.pdf

This is based on the findings of certain international reports. For example, the number of people requiring emergency humanitarian assistance on a permanent basis reached more than 170 million in 2018. These people needed support to cope with the adverse effects of this phenomenon, compounded by armed conflicts¹.

Consequently, environmentally displaced persons during armed conflicts face a complex humanitarian situation, resulting from the intersection of the adverse effects of climate change and armed conflict, which renders their situation more vulnerable compared to other humanitarian groups. As the combined humanitarian effects—such as the loss of livelihoods linked to natural resources and ongoing forced displacement—reduce opportunities for survival and the stability of local communities².

In this context, and according to a United Nations report on food crises for 2020, climate change is one of the main factors behind the recent rise in global hunger and food insecurity, with 34 million people suffering from acute food insecurity caused by weather conditions in 2019, an increase of 17% compared to previous years³.

b. Weak humanitarian services

Humanitarian actors aim to provide humanitarian assistance to environmentally displaced persons, particularly those in camps and settlements, whilst those living outside camps struggle to access similar humanitarian services. This is due to the inability of humanitarian agencies to reach them because of insecurity and climate fluctuations.

We note that the continued lack of access to essential services, sometimes throughout all stages of their displacement, whether temporary or permanent, seriously undermines internally displaced persons' rights to health, water, sanitation and education, and hinders local communities' efforts to adapt to these dual humanitarian effects. Furthermore, host communities may exhaust their resources whilst accommodating new arrivals, particularly in Africa, where displaced persons reside with relatives or in host communities⁴.

1.2.2 The Humanitarian Situation of Vulnerable Groups Among Environmentally Displaced Persons

a. Vulnerable Groups

Vulnerable groups of environmentally displaced people, particularly children, women and people with disabilities, suffer the greatest consequences of climate change through increased susceptibility to food insecurity, shortages of food and water, poverty, disease and difficulty accessing essential services; and armed conflict, in both its forms, exacerbates these adverse effects of climate change⁵.

For example, women and girls are disproportionately affected by climate change; social norms often assign women tasks such as gathering food, water and fuel, responsibilities that have become more difficult due to climate change. This increased vulnerability not only affects their physical safety but also heightens their risk of gender-based violence, as they are forced to traverse unsafe areas due to armed conflict to obtain

¹ United Nation Office for the Coordination of Humanitarian Affairs, Global humanitarian overview 2018: A consolidated appeal to support people affected by disaster and conflict, Geneva, EN/AR/ES/FR/ZH, 2018, p. 19.

² Internal Displacement Monitoring Centre, Global Report on Internal Displacement 2023, op.cit, p 37.

³ Food Security Information Network (FSIN) and Global Network Against Food Crises (Publishing Organizations), Global Report on Food Crises 2020, Rome, 2020, p. 15, available at: https://www.fsinplatform.org/sites/default/files/resources/files/GRFC2020_Full_Report.pdf

⁴ Internal Displacement Monitoring Centre, Internal Displacement in Africa: A Development Challenge: Exploring Development Initiatives to Alleviate Internal Displacement Caused by Conflict, Violence and Natural Disasters, Geneva: Norwegian Refugee Council, 2011, p.10, available at:

<https://documents.worldbank.org/curated/en/919751467998514493/pdf/95981-WP-PUBLIC-Box391432B-Internal-displacement-in-Africa-A-development-challenge-PUBLIC.pdf>

⁵ Ibid, p. 11.

essential water or firewood. Furthermore, situations of forced displacement often fail to meet the needs of persons with special needs¹.

b. Yemen as a case study of the humanitarian situation of environmentally displaced persons during armed conflicts

Yemen has been suffering from an ongoing armed conflict, particularly since 2015. By 2021, the armed conflict had led to the displacement of approximately 4 million people, a figure exceeding 10 per cent of the population. In addition to the effects of the ongoing armed conflict, violent attacks between the parties to the conflict have prevented those affected from enjoying a decent standard of living within their local communities.

The displacement of people from their original places of residence within Yemen's borders is a recurring phenomenon; most cases of displacement involve second, third or subsequent waves of displacement, compounded by the effects of climate change in all its forms, particularly floods, which exacerbate the suffering of those affected by the armed conflict.

For example, in recent years, Yemen has been hit by successive and severe floods from 2019 to 2021, leading to an increase in displacement and compounding their suffering. This has led to a decline in the standard of living and has impacted their ability to enjoy their rights, particularly their fundamental rights, which include, for example, a lack of shelter, security and livelihood options, food insecurity, and limited access to healthcare, education and water².

The humanitarian situation is becoming increasingly difficult and severe for certain groups of environmentally displaced persons, who are considered the most vulnerable groups within this community. Consequently, the majority of these groups, comprising women and children, face the risk of human trafficking, as well as a lack of protection due to their displacement, in addition to forced and early marriage during their displacement³.

The demographic composition of the internally displaced population within Yemen is diverse: a large proportion of the environmentally displaced persons are temporarily settled in makeshift settlements, whilst more than a third reside in shelters that are at risk. While others live permanently or temporarily in areas where their relatives reside; however, only a small proportion are able to settle in official camps, where the standard of living is slightly better than in other situations, which exacerbates their suffering⁴.

Accordingly, many people living in situations of armed conflict are often exposed to the effects of climate change and the severe consequences that disrupt their livelihoods, as they are frequently unable to cope with these dual risks and the resulting heightened humanitarian needs, due to their state's inability or refusal to assist them. Yemen serves as a real-world example of the consequences of the intersection of climate change and armed conflict, which has caused the largest humanitarian crisis on a global scale.

2. The implications of the legal status of environmentally displaced persons due to climate change for the effectiveness of humanitarian assistance during armed conflicts

The difficult humanitarian conditions faced by civilian populations who are victims of the convergence of 'climate change' and armed conflicts of both types necessitate the provision of emergency humanitarian

¹ United Nations Economic and Social Commission for Western Asia, Migration and Climate Change in the Arab Region, Beirut: United Nations, E/ESCWA/CL2.GPID/2023/TP.17, 2024, p. 10.

² International Committee of the Red Cross, Norwegian Red Cross, Making Adaptation Work: Addressing the Compounding Impacts of Climate Change, Environmental Degradation and Conflict in the Near and Middle East, Geneva, 2023, p. 39, available at:

https://www.rodekors.no/globalassets/_rapporter/klima/report-making-adaptation-work_uu.pdf

³ United Nations Children's Fund, Climate Landscape Analysis for Children in Yemen, 2024, p. 10-15, available at:

<https://www.unicef.org/yemen/media/9661/file/CLAC%20Report%20-%20Full%20Version.pdf>

⁴ Internal Displacement Monitoring Centre, Global Report on Internal Displacement, 2023, op.cit, p. 20.

assistance to address the far-reaching humanitarian effects at all levels, particularly the economic and social levels. However, addressing these situations remains linked to determining the legal status of the affected groups, which is particularly evident in the case of environmentally displaced persons during armed conflicts.

Accordingly, this paper will address the legal status of environmentally displaced persons during armed conflicts, and then clarify the implications of this legal status for the effectiveness of humanitarian assistance during armed conflicts.

2.1 The Legal Status of Environmentally Displaced Persons During Armed Conflicts

To ascertain the extent to which international law, including international humanitarian law, safeguards their situation during armed conflicts, in addition to other relevant documents, we shall examine the legal status of environmentally displaced persons within the framework of international humanitarian law.

This will be followed by the legal status of environmentally displaced persons under relevant regional and specific conventions and guidelines.

2.1.1 The Legal Status of Environmentally Displaced Persons under International Humanitarian Law

a. Under the 1949 Geneva Conventions and their 1977 Protocols

Ongoing international and non-international armed conflicts result in an increasing number of civilian victims and the persistence of dangerous conditions. Their suffering persists, which, in most cases, drives them to leave their homes for other areas within their countries of origin.

This is an attempt to alter their vulnerable humanitarian situation, which stems from the destruction of their property and the deterioration of their standard of living caused by the conflicts¹.

In this difficult humanitarian situation, international humanitarian law provides a comprehensive legal framework aimed at ensuring that civilians who are victims of international and non-international armed conflicts enjoy emergency protection. This protection applies generally to all categories of internally displaced persons, particularly environmentally displaced persons, as it contains legal rules designed to prevent the forced displacement of civilians; should such displacement occur, this protection serves to mitigate its humanitarian effects².

It is enshrined in the 1949 Geneva Conventions, particularly the Fourth Geneva Convention, as well as the 1977 Additional Protocols, and the established customary rules of international humanitarian law. States are also obliged to take the necessary measures to implement these rules by incorporating them into their national legislation and ensuring their application, as well as ensuring respect for the principle of equality with other groups affected by armed conflicts. States are further obliged to take these into account when enacting national legislation, the most important of which are:

The prohibition on subjecting civilians to forced displacement applies in both international and non-international armed conflicts. Internally displaced persons are considered among the victims of armed conflicts. Therefore, they must not be subjected to forced³ or repeated displacement, as this imposes an additional burden on them and leads to further suffering, particularly among children and women.

¹ Houria, Ait Qassi, Legal Protection for Environmentally Displaced Persons: Between International Law Gaps and Human Rights Approaches, *Revue Critique de Droit et Science Politique*, Vol. 9, No. 2, pp. 57–94, 2014, p. 33.

² United Nations Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2018*, op.cit, p 9.

³ Articles 45-47, Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 85(4)(a), Additional Protocol I relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, Article 17, Additional Protocol II, relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, and Rule 129, Customary International Humanitarian Law, Jean-

Conversely, once the serious causes that forced them to flee—such as insecurity—have ceased, they have a legal right to return to their former places of residence within their usual local communities¹.

Internally displaced persons, as a result of ongoing armed conflicts, are entitled to the provisions of international humanitarian law concerning the right to emergency humanitarian assistance, which are based on universally established principles. Through these provisions, the law guarantees a set of rights, including, primarily, “the right to emergency humanitarian assistance”. The state of origin of the environmentally displaced persons is therefore obliged to ensure its implementation² or to urge the international community, in all its components, to provide relief support that helps meet the needs of groups of internally displaced persons at all stages of their internal displacement.

This includes access to essential services and the improvement of their living conditions, particularly with regard to their right to health, nutrition, and education. It also includes their access to documentation enabling humanitarian organizations and bodies to include them in cases requiring assistance³.

At the same time, the law prohibits discrimination among members of this group while they receive humanitarian assistance, regardless of the basis for such discrimination, whether related to gender or any other criterion constituting a form of unjustified discrimination⁴.

b. Environmental protection under international humanitarian law

The damage caused by international and non-international armed conflicts is not limited to people alone; it extends to the natural environment as a result of the use of certain means of warfare, particularly modern ones such as nuclear and biological weapons, which are considered means of warfare with a lasting and dangerous environmental impact. The provisions of international humanitarian law seek to protect the affected natural environment by restricting the use by the warring parties of means of warfare that take into account the requirements of protecting the natural environment. Furthermore, the law stipulates, as a preventive measure, the prohibition and avoidance of causing damage to ‘civilian objects’, including the natural environment. whereas in the event of damage to the environment, the warring parties must take measures to minimise the effects⁵.

In comparison with international environmental law, it is noted that international humanitarian law and international environmental law are consistent in their failure to refer to victims of climate change who are subjected to forced displacement, including ‘environmentally displaced persons’.

For example, neither the 1992 Climate Change Convention nor the 1997 Kyoto Protocol refers to the term ‘environmentally displaced person’, as is the case with international humanitarian law. Furthermore, these joint texts also contain no reference to assistance or protection from the direct effects of climate change⁶.

It is clear from the above that international humanitarian law and customary international law do not provide special protection for the environmentally displaced person. This is because, to date, the effects of climate change on the movement of local communities, which continue to occur within countries suffering

Marie Henckaerts, Louise Doswald-Beck, Customary International Humanitarian Law, Volume I: Rules, Cambridge University Press, 2005.

¹ Article 49, Geneva Convention (IV), 12 August 1949, and Rule 132, Customary International Humanitarian Law
² Article 3 common to the Geneva Conventions of 1949, Article 55 of the Fourth Geneva Convention of 1949, and Article 69 of Additional Protocol I of 1977.

³ Article 3 common to the Geneva Conventions of 1949, and Article 59, Geneva Convention (IV) 1949, and Article 18, Additional Protocol II 1977.

⁴ Articles 3-13-27, Geneva Convention (IV) 1949, and Article 75, Additional Protocol I 1977, and Articles 2(1) and 4(1) Additional Protocol II 1949, and Rules 87-88, Customary International Humanitarian Law.

⁵ International Committee of the Red Cross, “Climate Change and Conflicts: A Volatile Mix Foreshadowing Humanitarian Crises”, Geneva, 2019, p 14, available at: https://www.icrc.org/en/law-and-policy/climate-and-conflict?utm_source=chatgpt.com

⁶ Intergovernmental Panel on Climate Change, Climate Change 2022: Impacts, Adaptation and Vulnerability (Sixth Assessment Report – Working Group II), 2022, available at: https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FullReport.pdf

from armed conflict, are not classified. However, they are considered an additional factor contributing to the exacerbation of the damage caused by contemporary armed conflicts, particularly those that limit the provision of adequate living conditions for those affected.

This stands in contrast to other traditional categories to which international humanitarian law has granted full protection. By way of comparison, the legal protection for ‘minorities’ has been structured in such a way as to constitute a comprehensive and complete systematic framework, both in terms of guaranteeing their rights and in terms of coordination and support amongst the various relevant humanitarian bodies¹.

Consequently, this protection serves as a benchmark against which to measure the weakness of the protection and humanitarian assistance provided to environmentally displaced persons in the context of current climate change and contemporary armed conflicts.

2.1.2 Relevant regional and specific agreements and guidelines

In this section, we shall examine the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009), the 1951 Convention Relating to the Status of Refugees, and the 1996 United Nations Guiding Principles on Internal Displacement.

a. The African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009)

At the regional level, the African Union adopted the ‘African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa’ in 2009².

This Convention, known as the Kampala Convention, is the world’s first regional instrument to impose detailed legal obligations on states and their authorities to respect, protect, and fulfil the economic, social, cultural, civil, and political rights of internally displaced persons.

The Convention goes beyond the rules of international humanitarian law in some respects; for example, the issue of internally environmentally displaced persons (IDPs), for whom it has dedicated specific provisions regarding their access to special assistance and special protection.

However, in reality, most armed conflicts accompanied by climate change are concentrated within African countries. This is particularly the case in the African Sahel, where countries suffer from the dual impact of these catastrophic consequences.

Consequently, these states have been unable to remedy the shared humanitarian effects on the daily lives of environmentally displaced persons or to address the continuous increase in their numbers. This, in turn, results in difficulty and inability to meet the humanitarian needs of these communities³.

b. The 1951 Convention Relating to the Status of Refugees

With regard to the 1951 Convention Relating to the Status of Refugees mentioned above, there is no reference therein to those forcibly displaced by the ‘climate change’ crisis in all its manifestations; it is not considered a valid ground for granting them legal protection. This is because the criteria listed exhaustively within this definition— race, nationality, religion, membership of a particular social group or political opinion, do not apply to victims of climate change, such as ‘environmentally displaced persons’⁴.

Furthermore, for a person to be considered a refugee under the terms of this Convention, they must have crossed the borders of their country of origin; unlike an environmentally displaced person, who is subjected

¹ Radia. Meziane, Humanitarian International Intervention for the Protection of Minorities Between Traditional and Contemporary International Law, *Revue des Sciences Humaines*, Vol. 28, No. 3, pp. 173–187, 2017, p. 183.

² African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted on 23 October 2009 in Kampala, Uganda, and entered into force on 6 December 2012.

³ United Nations Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2018*, op.cit, p. 12.

⁴ Andrea Caligiuri, *Invisible in Law: Environmental and Climate Migrants and the Gap in International Protection*, *Questions of International Law*, (QIL), Zoom-in 111, 2025, p. 2.

to forced displacement within their own country, and therefore remains the responsibility of the State in which they reside¹.

c. The 1998 United Nations Guidelines on internally displaced persons

The 1998 United Nations Guiding Principles on Internally Displaced Persons, comprising thirty principles, were adopted at the 1998 session of the United Nations Commission on Human Rights. They reflect the rules of international humanitarian law, and the Guiding Principles cover the majority of cases of internal displacement, including situations of armed conflict of both types, situations related to climate change in its various manifestations, including natural disasters. In terms of their legal nature, the ‘Guidelines’ are a non-legally binding instrument for those concerned with their application. Nevertheless, this document remains of significant guidance value to States and other members of the international community, by consolidating and restating international obligations under both international human rights law and international humanitarian law. This importance has been emphasised by the United Nations Inter-Agency Standing Committee through its recommendations on the application of these principles².

It is clear from the foregoing that, whether at the level of international law, regional and specific conventions, or guiding principles, we note that they do not contain legal provisions that explicitly recognise the legal status of environmentally displaced persons, guaranteeing them special protection and assistance during armed conflicts. This has resulted in an inability to address this phenomenon, despite the few attempts made at the African level, for example.

2.2. The implications of the legal status of environmentally displaced persons for the effectiveness of humanitarian assistance during armed conflicts

Humanitarian assistance, in all its forms—both material and moral—aims to alleviate the suffering of the victims of armed conflicts or those affected by climate change. However, the failure to establish a clear legal status for environmentally displaced persons during armed conflicts poses a legal challenge to the effectiveness of humanitarian assistance provided to them.

2.2.1 The Impact of the Legal Status of Environmentally Displaced Persons on the Work of Humanitarian Organizations During Armed Conflicts

a. The Lack of a Legal Basis for the Work of Humanitarian Organizations

The provisions of international humanitarian law guarantee victims of armed conflicts, in both international and non-international armed conflicts, access to humanitarian assistance, in order to mitigate the effects of serious human rights violations. The State concerned bears the primary responsibility for providing and delivering humanitarian assistance to those affected, and if it is unable or refuses to do so, it must allow other actors to provide and distribute aid without hindrance³.

Other actors involved in humanitarian interventions of various kinds, in addition to other entities such as states, may intervene in the provision of humanitarian assistance to victims of armed conflicts, within the framework of non-legally binding humanitarian support provided in accordance with the principles of humanitarian action⁴.

Conversely, the right to humanitarian assistance for victims of climate change during armed conflicts, despite the number of people currently suffering from the adverse effects of this phenomenon globally, is

¹ United Nations Convention Relating to the Status of Refugees, 1951.

² United Nations Guiding Principles on Internal Displacement, 1998

³ Article 55, Geneva Convention (IV) 1949.

⁴ International Organization for Migration, Glossary on migration, International Migration Law, No. 34, op.cit, p. 12.

a right that is not recognised under public international law in general, and international humanitarian law in particular¹.

Referring primarily to the rules of international humanitarian law, it is noted that its provisions make no specific reference to humanitarian actors. This applies both to their provision of humanitarian assistance and to their coordination among themselves. Such coordination is particularly relevant in the context of providing support to states whose local communities suffer from forced displacement as victims of the dangerous manifestations of climate change, in addition to armed conflicts and the significant humanitarian needs they generate.

Consequently, environmentally displaced persons receive emergency humanitarian assistance solely on the basis that they are persons internally displaced by armed conflict, despite the fact that their heightened humanitarian needs are compounded by climate change as well.

b. The impact of the lack of a legal status for environmentally displaced persons during armed conflicts on the practical work of humanitarian organizations

To identify humanitarian needs, humanitarian organizations at the national level conduct comprehensive studies involving analytical research to assess the conditions of those affected, through continuous coordination with all parties, particularly those working on the ground in countries suffering from both climate change and armed conflict.

However, it is noted that there is no legal document at the international, regional or national level through which any humanitarian organisation has been established to provide humanitarian assistance specifically to the category of internally displaced persons by armed conflict, and in particular to environmentally displaced persons, or to expand the mandate of existing relevant humanitarian organisations ².

However, some of these organisations work to prevent or mitigate the effects of climate change on environmentally displaced persons during armed conflicts; we would particularly mention the humanitarian assistance provided by the International Committee of the Red Cross³ to environmentally displaced persons on the basis that they are internally displaced persons due to armed conflict, This is due to the lack of a defined legal status for them under international humanitarian law in particular⁴.

As a result of these legal loopholes, humanitarian organizations face, for example, in the Gaza Strip, northern Mozambique and eastern Niger, severe limitations on their current capacity to provide humanitarian responses to cases of environmentally displaced persons during armed conflicts.

Consequently, the legal impact of the lack of a legal status for environmentally displaced persons is not limited to the absence of a legal framework that forms the basis for the work of humanitarian organizations.

This relates to their provision of humanitarian assistance to environmentally displaced persons during armed conflicts. Rather, it extends to disrupting the field operations of humanitarian organizations, thereby limiting their ability to deliver humanitarian relief to them, despite the clear humanitarian needs of this group.

¹ Walter Kälin and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches*, UNHCR Legal and Protection Policy Research Series, Geneva, 2012, p. 31, available at: <https://www.unhcr.org/uk/sites/uk/files/legacy-pdf/4f33f1729.pdf>

² Office of the United Nations High Commissioner for Refugees, *An Introduction to International Protection: Protecting Persons of Concern to UNHCR*, Self-Study Module 1, Geneva, 2005, available at: <https://www.unhcr.org/sites/default/files/legacy-pdf/3ae6bd5a0.pdf>

³ United Nations Office for the Coordination of Humanitarian Affairs, *Overview of global humanitarian action 2018*, op.cit, p. 21.

⁴ United Nations, Secretary-General, *The Secretary-General's Action Agenda on Internal Displacement: Follow-up to the Report of the UN Secretary-General's High-Level Panel on Internal Displacement*, A/76/320, New York, June 2022, pp. 16-17.

2.2.2 The challenge of humanitarian assistance funding for environmentally displaced persons during armed conflicts

To meet the growing needs of environmentally displaced persons during armed conflicts, humanitarian organizations require humanitarian assistance funding; however, the lack of a legal status for environmentally displaced persons means that the funding process faces several challenges, particularly in the Gaza Strip at present.

a. Challenges in humanitarian assistance funding for environmentally displaced persons during armed conflicts

The lack of a standardised definition of an environmentally displaced person has led to a lack of recognition and, consequently, an inability to count the number of people displaced for environmental reasons without linking this to armed conflicts. In this regard, a representative of the Chair of the Platform on Disaster-Induced Displacement in Geneva stated **'We now have a good general understanding of the scale of the problem in terms of the number of people forced to leave their homes due to sudden disasters, but we do not know their actual numbers'**¹.

However, despite the scarcity of reports from accredited bodies—which do not accurately specify the numbers of victims of climate change who are forcibly displaced at the level of each country suffering from armed conflicts—their humanitarian needs remain clear and very high, although they vary from country to country. Consequently, this group requires a higher level of support to strengthen climate action within their context; however, the funding process is restricted exclusively to victims of armed conflicts². This is due to several reasons, including:

- Countries affected by both types of armed conflict must meet the conditions for accessing climate finance; however, these countries lack the institutions required to access and manage such funding. Even where funding is available, the smallest proportion is allocated to the states facing the most severe impacts³. Furthermore, even if these countries do secure funding, they will find it difficult to deliver and distribute it to environmentally displaced persons, due to the absence or scarcity of relevant bodies and the impact of insecurity caused by armed conflicts⁴.
- Humanitarian organizations working to provide humanitarian assistance to environmentally displaced persons face difficulties in accessing climate finance due to the lack of a legal framework underpinning their work. Consequently, they often receive less funding, which negatively impacts the effective response to the growing numbers of environmentally displaced persons within countries suffering from both types of armed conflict⁵.
- The refusal of major states to recognise the category of environmentally displaced persons, as accepting this concept would implicitly confirm that current climate change is attributable to their

¹ Katie Peters and Leigh Mayhew, *Double Vulnerability: The Humanitarian Implications of Intersecting Climate and Conflict Risk*, Working Paper, 2019, available at:

<https://media.odi.org/documents/12647.pdf>

² Organization for Economic Co-operation and Development, *Addressing Forced Displacement in Climate Change Adaptation: No Longer a Blind Spot*, OECD Development Policy Papers, No. 46, OECD Publishing, Paris, 2023, p. 17, available at:

https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/10/addressing-forced-displacement-in-climate-change-adaptation_fb566da6/891ced36-en.pdf

³ Katie Peters and Leigh Mayhew, *Double Vulnerability: The Humanitarian Implications of Intersecting Climate and Conflict Risk*, op.cit.

⁴ International Committee of the Red Cross, *When Rains Turns to Dust: Understanding and Responding to the combined Impact of Armed Conflict and the Climate and Environmental Crisis on Peoples Lives*, Geneva, 2020, p. 47.

⁵ United Nations, Secretary-General, *The Secretary-General's Action Agenda on Internal Displacement: Follow-up to the Report of the UN Secretary-General's High-Level Panel on Internal Displacement*, op. cit, p. 17.

contribution to the dangerous climatic phenomena, and consequently they bear full responsibility for addressing it, including supporting the environmentally displaced¹.

b. The reality of humanitarian assistance funding for environmentally displaced persons in the context of contemporary armed conflicts (Gaza as a case study)

Like its neighbouring countries, the Gaza Strip is suffering from the effects of climate change; it is expected that Gaza will see a decline in rainfall of up to 20 per cent compared to current levels, On the other hand, temperatures are expected to continue rising, reaching high levels by 2055, accompanied by an increase in droughts and heatwaves.

The current protracted armed conflict affecting the Gaza Strip and the blockade imposed on it for over 15 years have limited the ability of those affected to adapt to climate change².

This is due to the inability of institutions to provide all essential services to victims of the armed conflict, which, in turn, affects the effectiveness of the humanitarian response by relevant humanitarian organizations, particularly the International Committee of the Red Cross (ICRC), which operates within camps for people displaced by the climate.

These efforts, which take the form of emergency humanitarian assistance in the Gaza Strip, through international humanitarian organisations working on the ground to deliver humanitarian assistance in the Gaza Strip, aim to support the local population's ability to mitigate the adverse effects of climate change and armed conflict³.

Despite these few efforts, climate finance provided to the Strip has remained limited conflict, which has had a negative impact on the current humanitarian response. A significant gap has emerged between the limited humanitarian assistance the ICRC is attempting to provide to affected civilians and their clear and immense humanitarian needs⁴.

It is clear that of the limited humanitarian assistance directed towards the Gaza Strip, only a small portion is allocated to the category of environmentally displaced persons, which does not contribute to meeting their many long-term needs, due to the resurgence of armed conflict that has undermined the rights of the environmentally displaced.

Conclusion:

The study concluded that the overlap between extreme climate change phenomena and the risks of ongoing armed conflicts has contributed to the emergence of the phenomenon of 'environmental displacement', due to a country's inability to cope with climate change as a result of the damage caused by protracted armed conflicts, particularly the social and economic risks. This has left 'environmentally displaced persons' face

¹ United Nations Framework Convention on Climate Change, Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, FCCC/SB/2016/3, 14 October 2016, pp. 13-17, available at: <https://unfccc.int/resource/docs/2016/sb/eng/03.pdf>

² International Committee of the Red Cross, Weathering the Storm: Reducing the Impact of Climate Risks and Environmental Degradation on People Enduring Armed Conflicts, Publication Ref. 4742, Geneva: ICRC, November 2023, p. 09, available at: <https://shop.icrc.org/weathering-the-storm-reducing-the-impact-of-climate-risks-and-environmental-degradation-on-people-enduring-armed-conflicts-pdf-en-1.html>

³Ibid, p. 21.

⁴ International Committee of the Red Cross, Gaza's Humanitarian Crisis: The ICRC's Efforts to Provide Lifesaving Support amid Conflict and Scarcity, 12 November 2024, available at: <https://www.icrc.org/en/article/gaza-humanitarian-crisis-icrc-efforts-provide-lifesaving-support>

compound and complex humanitarian conditions; despite this, there is as yet no legal recognition of this category, so their unrecognised legal status—both under international humanitarian law in particular and under general international law in its various other branches—constitutes a legal challenge that hinders the effectiveness of humanitarian assistance provided to them.

Among the most important findings of this study are the following:

- Climate change acts as a compounding factor in the deterioration of the humanitarian conditions of environmentally displaced persons who are victims of international and non-international armed conflicts.
- There is no globally unified legal concept for the category of environmentally displaced persons due to climate change, despite the prevalence of this phenomenon and the continuous rise in their numbers; this is due to the fact that cases of environmental displacement are linked to the risks of armed conflict.
- The inadequacy of international humanitarian law, in particular the rules relating to the protection of civilians and provision of assistance—including internally displaced persons by armed conflict—as specific rules defining the legal framework for the work of humanitarian organizations assisting environmentally displaced persons.
- The lack of a legal status for environmentally displaced persons poses a legal challenge to the effectiveness of humanitarian assistance, preventing them from being clearly and specifically included among the traditional categories of affected persons and beneficiaries of humanitarian assistance.

In this context, we propose the following recommendations:

- The need to establish a legal definition for the category of environmentally displaced persons by formulating a precise and comprehensive definition of an environmentally displaced person due to climate change.
- The drafting of an international convention on the status of environmentally displaced persons due to climate change, guaranteeing them protection and humanitarian assistance, particularly in situations of armed conflict.
- The establishment of a humanitarian organization, particularly at the United Nations level, dedicated to meeting the humanitarian needs of environmentally displaced persons during armed conflicts.
- The creation of legal mechanisms to support and channel humanitarian funding, in order to ensure an immediate response commensurate with the complex humanitarian situation of environmentally displaced persons.
- Work to address the causes of climate change and bring armed conflicts to an end through peaceful means.

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