

# Environmental Refugee Protection in African Union Law

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Received: 29-08-2025

Accepted: 10-10-2025

Published: 01-12-2025

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## Abstract:

African Union (AU) Law offers some protections for environmentally displaced people, though a specific 'environmental refugee' category is not explicitly defined. The AU's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, while not explicitly mentioning environmental factors, includes those displaced by 'events seriously disturbing public order'. This broad definition could be interpreted to include individuals displaced by climate change or natural disasters. The Kampala Convention, the AU's agreement on internally displaced persons, explicitly covers those fleeing natural or human-made disasters. This document explores the legal protections for environmentally displaced individuals under African Union Law, focusing on the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and the Kampala Convention. It examines how these frameworks address displacement caused by climate change and natural disasters, despite the absence of a specific environmental refugee category.

**Keywords:** African Refugees; African Union Law; Environmental disaster-based dislocation; Public order

## 1. Introduction

Environmental refugees are individuals forced to leave their homes due to significant environmental changes or disasters that threaten their safety and livelihoods. Unlike traditional refugees, who flee persecution based on race, religion, nationality, social group, or political views as defined by the 1951 Refugee Convention, environmental refugees face unique challenges from both natural and human-induced environmental issues, including climate change and ecological decline.

In Africa, environmental refugees have gained attention due to the continent's vulnerability to climate change and extreme weather events. Africa's diverse ecosystems are susceptible to droughts, floods, desertification, and other ecological problems that jeopardize agriculture, water supply, and food security. As a result, many people are compelled to relocate in search of safer environments that can provide essential resources for survival (Mativo, 2024)

While existing legal frameworks in Africa acknowledge displacement due to natural disasters, they do not specifically categorize environmental refugees as a distinct group. The 1969 Organization of African Unity (OAU) Convention expands the refugee definition beyond the conventional criteria of the 1951 Convention to include those fleeing situations that disturb public order, which could potentially encompass environmentally driven circumstances. Despite this broader interpretation within regional frameworks like the OAU Convention and the Kampala Convention on Internal Displacement, recognition of environmental refugees remains unclear. Many affected by climate-related events often lack legal status as refugees under current laws, which traditionally focus on persecution rather than ecological factors (Hansen-Lohrey., 2021).

The UNHCR has provided guidelines indicating that individuals displaced by climate change may qualify for refugee protection under international law. This is a significant step towards acknowledging the connection between climate change and human rights. However, states retain the primary authority to determine refugee status, leading to varied approaches in recognizing and protecting those affected by environmental issues.

The concept of "climate refugees" intersects with ongoing legal discussions about human rights and international law related to protections for displaced persons. Some advocate revising definitions of asylum eligibility in response to climate change and disaster scenarios.

Nonetheless, environmental refugees face numerous practical challenges when seeking safety across borders, including a lack of formal recognition in legal systems and insufficient resources available for support. Additionally, socio-economic inequalities exacerbate their difficulties; marginalized communities are often the least equipped to cope with the pressures of displacement caused by climate-related crises.

Addressing this growing phenomenon requires comprehensive policy responses at national and regional levels to strengthen protective

measures for individuals disrupted by environmental degradation, highlighting the urgent need for collaboration among governments and civil society organizations committed to safeguarding human rights in the context of a rapidly changing environment influenced by climate shifts. See references (A. M. Gil, 2022).

## **1. Contextual Background on Displacement in Africa**

Displacement in Africa is a complex issue influenced by historical legacies, socio-political turmoil, and environmental changes. Migration patterns predate colonial borders as Africans sought better opportunities and safety from oppression. The imposition of these borders by European powers created new national identities that often ignored existing ethnic and cultural ties, leading to challenges like ethnic conflict within emerging nations.

Currently, the African landscape is increasingly unstable due to rising armed conflicts and civil wars, resulting in millions of people being displaced either domestically or as refugees in neighboring countries. Notable examples include South Sudan, Somalia, and the Democratic Republic of Congo, where environmental issues worsened by climate change compound humanitarian emergencies. Natural disasters such as droughts and floods not only displace populations but also strain resources in host communities (Gorman, 2023).

Climate change significantly influences migration, particularly in the Sahel and East Africa, where extreme weather has become more frequent. Recurrent droughts jeopardize food security and livelihoods, prompting increased movement of people seeking better living conditions. The link between environmental degradation and displacement is becoming clear, with environmental factors acting as push mechanisms for forced migration.

Public health crises, including disease outbreaks, further exacerbate vulnerabilities for those already displaced by conflict or ecological disasters. These health emergencies complicate assistance efforts for individuals living in crowded conditions with limited access to essential services.

Legal frameworks for refugee protection in Africa, such as the 1969 OAU Convention, often fail to adequately address complexities related to climate-driven displacement. While this convention expanded the definition of refugees beyond traditional persecution, it does not sufficiently cater to those fleeing environmental disasters. Many African nations struggle to legally recognize environmental

refugees due to ambiguous definitions and criteria for establishing refugee status, leaving these individuals without necessary legal protections and access to resources (Kodjo, 2022).

There are significant gaps in data collection regarding displacement linked to environmental factors compared to traditional causes like conflict. Although many countries report, internal displacements caused by natural disasters, the relationship between these events and political unrest remains inadequately explored.

The humanitarian response framework in Africa faces limitations due to resource constraints, hindering support for affected populations amid multiple crises. Countries with high numbers of internally displaced persons (IDPs) may be economically strained while accommodating refugees from neighboring states in turmoil.

Understanding the multifaceted nature of displacement in Africa reveals how historical injustices intertwine with contemporary crises driven by human-made conflicts and environmental pressures, necessitating a robust regional response to effectively address these complex challenges (Kassab, 2024).

## **2. Legal Framework for Refugee Protection in AU Law**

### **2.1. Overview of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa**

#### **2.1.1 .Key Provisions Related to Displacement**

The 1969 Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa significantly expands the conventional definition of a refugee as outlined in the 1951 Refugee Convention. This regional framework recognizes that factors such as external aggression, occupation, foreign domination, and severe disturbances to public order can compel individuals to seek refuge beyond their national borders. Specifically, Article I(2) of the OAU Convention clarifies that the term "refugee" includes anyone forced to leave their usual place of residence due to these circumstances. This broader definition is crucial as it creates new avenues for those who may not meet the narrow criteria for refugee status established by earlier international agreements (Hansen-Lohrey, 2024).

Although the OAU Convention does not explicitly address environmental issues or displacement caused by climate change, its

provisions can be interpreted to include situations where environmental degradation causes upheaval and disorder within a nation. Experts argue that significant natural disasters—such as droughts or floods—that disrupt public order could fall under this broadly defined context. In this regard, climate change becomes a critical factor contributing to such disturbances.

Despite this inclusive definition, substantial challenges remain in effectively applying these legal protections for those displaced due to environmental changes. The ambiguity surrounding what constitutes "events seriously disturbing public order" allows for various interpretations, potentially leading to some individuals being excluded from the protective measures intended for refugees. Furthermore, states often hesitate to consider claims based on environmental displacement due to concerns about increasing legal obligations (Wood, 2013).

Recently, various stakeholders—including governments and international organizations like UNHCR—have recognized the urgent need for concrete guidelines on how existing frameworks can protect individuals forcibly displaced by climate-related factors and environmental issues. There has been a push for a more clearly defined normative understanding of how Article I(2) relates to situations exacerbated by climatic changes and natural disasters (A. M. Gil, 2022).

To address these complexities, UNHCR has initiated efforts to develop practical guidance for determining whether specific events qualify as serious disturbances under the standards of the OAU Convention. This initiative aims not only to clarify existing uncertainties but also to enhance protections specifically for those affected by environmental factors (Ferris, 2019).

Moreover, the Kampala Convention reinforces this framework by focusing on internally displaced persons (IDPs), acknowledging their unique vulnerabilities resulting from conflict or disaster including those linked to environmental changes. It establishes obligations for governments to protect IDPs and respond effectively when such populations are displaced due to disasters or ecological decline.

In conclusion, while significant strides have been made with legal instruments like the OAU Convention and Kampala Convention toward potentially protecting environmentally displaced persons in Africa, considerable gaps still exist in implementation and recognition of claims arising from climate-induced hardships. The ongoing discourse regarding definitions of refugee status reveals both

opportunities and challenges within current frameworks when addressing displacement intensified by climate change (O'Reilly, 2016).

### **2.1.2. Interpretation of 'Events Seriously Disturbing Public Order'**

Article I(2) of the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa expands the conventional definition of a refugee to encompass individuals fleeing circumstances that disrupt public order. This inclusivity is vital for recognizing and protecting those displaced by various factors, particularly environmental changes and climate-triggered events. The term "events seriously disturbing public order" (ESDPO) can refer to a variety of occurrences, including armed conflicts, civil unrest, political instability, as well as increasingly acknowledged natural disasters and the impacts of climate change.

The interpretation and application of ESDPO concerning environmental displacement raise important questions about its implementation. In situations where environmental conditions lead to significant societal upheaval—such as severe droughts or devastating floods—the resulting instability may compel individuals to leave their homes. While these situations may not align perfectly with traditional definitions of persecution, they still warrant protection under the ESDPO framework.

Historical examples, such as the droughts in the Horn of Africa, demonstrate how climate-related events can trigger severe food shortages, social unrest, and subsequent human displacement. During such crises, affected communities often find themselves at risk, as local authorities may lack the capacity or willingness to provide adequate support or security. As a result, these individuals might seek refuge across borders due to conditions that fundamentally disrupt public order (The Nansen Initiative, 2015).

Current discussions highlight the necessity for a nuanced understanding of ESDPO that directly addresses how environmental degradation contributes to societal instability. As communities confront increasing climate pressures—such as declining agricultural outputs, resource scarcity, and extreme weather events—their ability to remain secure within their countries becomes significantly threatened. For instance, recurrent flooding or prolonged droughts jeopardize livelihoods and can exacerbate existing tensions over resources among different groups.

To aid this interpretative process, various stakeholders—including academic experts and humanitarian organizations—are calling for clearer guidelines regarding the application of ESDPO in instances of climate-induced displacement. The inconsistency in state practices on this matter compounds challenges, underscoring an urgent need for collaborative efforts among African nations. This includes developing frameworks that acknowledge the rights and needs of those displaced by environmentally related factors under ESDPO provisions (A. M. Gil, 2022).

In addition to strengthening protections within the ESDPO framework, it is crucial to establish indicators or criteria that determine when an event qualifies for recognition as a displacement claim related to environmental changes. This could involve evaluating whether local governments are capable of maintaining public order during crises induced by natural disasters or if such events completely overwhelm governmental responses (UNHCR Research Series – The 1969 OAU Convention and Disaster Displacement, 2023).

Ongoing initiatives by UNHCR aim to provide normative guidance on interpreting Article I(2) within this evolving context by creating practical tools designed to assess what constitutes an event seriously disturbing public order in light of environmental challenges. The outcomes could significantly impact how states respond to cross-border movements driven by climatic threats.

Ultimately, interpretations of "events seriously disturbing public order" must evolve alongside our understanding of how climate change influences human mobility trends across Africa. With rising temperatures and changing weather patterns already contributing to increased migration flows throughout the continent—often without adequate legal recognition—the urgency for flexible legal frameworks that protect vulnerable populations cannot be overstated (UNHCR Research Series – The 1969 OAU Convention and Disaster Displacement, 2023).

## **2.2. The Kampala Convention and Internally Displaced Persons**

### **2.2.1. Coverage for Natural and Human-Made Disasters**

The Kampala Convention, established in 2009, represents a significant advancement in addressing the challenges posed by natural and human-made disasters impacting Africa. As the first legally binding regional agreement focused on protecting internally displaced persons

(IDPs), it recognizes various displacement drivers, particularly climate change and natural disasters, which have become critical issues for populations across the continent.

The Convention acknowledges that "natural or human-made disasters, including climate change," can lead to displacement. This recognition is crucial, as those forced from their homes due to environmental factors often do not fit the traditional refugee definitions centered on persecution. By including these categories, the Kampala Convention enables states to provide protection and support to individuals endangered by ecological threats (Mativo, 2024).

Practically, this means that individuals displaced by events like floods or droughts are granted specific rights under the Convention, including access to humanitarian aid and legal protections tailored to their circumstances. It also promotes proactive strategies such as disaster risk reduction and early warning systems to prevent displacement before it occurs.

A notable aspect of the Kampala Convention is its emphasis on state accountability. Member states are required not only to protect those already displaced but also to implement measures to prevent future displacements caused by climate change and environmental crises. This aligns with broader international efforts to enhance resilience to climate impacts and promote sustainable development practices (ACHPR/Res.628, 2025).

Despite the positive provisions, actual implementation has been inconsistent across many African nations. While over 30 countries have ratified the convention, adherence varies significantly. For example, Niger has made strides in integrating these protections into domestic laws, whereas others lack comprehensive frameworks for effective national execution.

Moreover, the effectiveness of the Kampala Convention is hindered by inadequate resources and political will among member states. In regions where governments struggle to enact necessary legislative measures, displaced communities face compounded vulnerabilities.

The Convention also has implications for cross-border displacement, acknowledging that individuals fleeing environmental catastrophes may seek refuge in neighboring countries. This could foster more coordinated responses among states facing similar climate-induced challenges (A. M. Gil, 2022).

Finally, the historical context of environment-induced migration highlights the need for legal recognition within broader refugee protection frameworks. While existing definitions often exclude those

escaping solely due to climate events, the Kampala Convention provides a more nuanced perspective that could influence future developments in refugee law regionally and globally. Discussions reveal a pressing gap between policy creation and the realities faced by millions, underscoring the urgency for AU member states to act decisively to protect lives threatened by climate change

(Kassab, 2024).

### **2.2.2. Implications for Environmental Refugees**

The consequences for individuals displaced by environmental factors within the context of African Union legislation are significant and complex. The legal framework addressing those uprooted by climate change and natural disasters is developing, yet it faces numerous challenges. While there is no universally accepted term for "climate refugees" in international law, the 1969 OAU Convention provides a broader definition that could be interpreted to include those impacted by environmental events. The phrase "events seriously disturbing public order" might refer to situations where climate-induced disasters lead to considerable societal disruption (Mativo, 2024).

The Kampala Convention serves as an essential supplementary framework focused on the issues faced by internally displaced persons (IDPs) due to both natural disasters and human-made crises. This Convention emphasizes the protection of individuals before, during, and after displacement, which is particularly relevant when environmental degradation prompts significant population movements. Although it does not explicitly address displacement caused by climate factors, its provisions can be read as offering protections for those fleeing adverse ecological conditions (Kassab, 2024).

A crucial point is that existing legal frameworks must adapt to recognize the unique challenges faced by environmental refugees. These individuals often struggle to gain legal recognition and access necessary resources and support services in their host countries. The existing response mechanisms tend to be discretionary, leaving many vulnerable people without guaranteed rights or protections against refoulement or forced return to hazardous environments.

Additionally, regional legal frameworks like the Kampala Convention can help bridge protective gaps by providing broader coverage than traditional refugee definitions allow. For example, while displacement due to armed conflict may qualify individuals for refugee status under

established norms, those affected solely by climatic events may find it difficult to fit into such classifications unless these situations are framed as disturbances to public order (Kassab, 2024).

Legal advocacy is crucial in promoting enhanced protections for these individuals within domestic courts. As case law increasingly recognizes obligations arising from human rights conventions—such as the right to life—there is potential for crafting strong legal arguments on behalf of those displaced by climate change and other environmental disruptions.

In many African countries, mitigation strategies could involve implementing humanitarian visas or temporary protection statuses to assist displaced populations during crises. Such measures would offer states greater flexibility in addressing urgent humanitarian needs while ensuring individual rights are protected. However, achieving consensus on these approaches presents a complex challenge due to varying levels of political commitment among member states (Bergeron, 2023).

As the impacts of climate change intensify, so does the need for robust policies that comprehensively address displacement related to ecological factors. Member states of the African Union must prioritize collaborative efforts in developing protocols that formally acknowledge and protect those affected by environmental issues leading to migration, ensuring their incorporation into national policies.

Ultimately, advancing this agenda requires a unified approach among African nations not only to refine existing frameworks but also to create innovative policies specifically aimed at scenarios involving climate-induced displacement. This evolution will require the engagement of all stakeholders dedicated to addressing both humanitarian concerns and legal protections associated with the displacement issues influenced by the consequences of climate change (Sachs, 2024).

### **3. Case Studies of Environmental Displacement in Africa**

#### **3.1. Impact of Climate Change on Migration Patterns**

The relationship between climate change and migration is increasingly significant in Africa, where millions are forced to leave their homes for safer environments. The continent's vulnerability to climate change—evidenced by rising temperatures, unpredictable rainfall, and

more frequent extreme weather—affects food security, water resources, and livelihoods, pushing communities into untenable situations (Michael Addaney, 2019).

Desertification is a major factor driving human mobility. The Food and Agriculture Organization (FAO) reports that 319 million hectares of African land are at risk from desertification due to climate variability. As agricultural lands suffer from drought or soil degradation, rural populations migrate in search of arable land or better living conditions. The UN estimates that climate-driven desertification could displace about 50 million people in Sub-Saharan Africa by 2020.

Natural disasters, including floods and prolonged droughts, serve as immediate triggers for displacement. From 2008 to 2015, approximately 26.4 million people were displaced annually due to climate-related events. In countries like Mozambique and Somalia, recurrent flooding forces entire communities to flee when infrastructure fails or crops are destroyed (The Nansen Initiative, 2015).

The impact of climate change on migration also intersects with social dynamics, particularly conflicts over dwindling resources. Competition for essentials such as water and arable land, intensified by climate pressures, heightens the potential for conflict, leading to further displacement as families escape violence stemming from these resource struggles (The Nansen Initiative, 2015).

It is crucial to distinguish between forced migration caused by sudden disasters and gradual crises stemming from slow-onset issues like land degradation or extended droughts. While disasters may prompt immediate evacuations, long-term challenges such as declining soil fertility can drive internal migration over time without an acute emergency.

Urban areas are becoming refuges for those displaced by environmental issues; however, these cities often lack the infrastructure to accommodate sudden population increases. This urban migration exacerbates housing shortages and poverty rates as newcomers compete for limited resources.

Policymakers must understand these complex migration patterns driven by environmental changes to create effective frameworks for managing displacement while prioritizing human rights and addressing vulnerabilities associated with forced migration. Despite growing awareness of environmental refugees in academic and policy discussions, legal protections for those escaping climate change

impacts in Africa remain unclear. Current definitions do not adequately address the needs of those affected, leaving many without vital protections under international law.

As climate trends evolve alongside ongoing socio-economic difficulties, the need for comprehensive strategies becomes urgent. These strategies should focus not only on quantifying displaced individuals but also on understanding the reasons behind their migration while establishing robust support systems at both national and regional levels (ACHPR/Res.628, 2025).

### **3.2. Natural Disasters as Triggers for Displacement**

Natural disasters serve as powerful catalysts for displacement across Africa, forcing communities to leave their homes in response to both sudden and gradual environmental crises. Sudden-onset disasters include floods, storms, and earthquakes, while slow-onset events consist of prolonged droughts and desertification. Recognizing the dual nature of these events is crucial for understanding their impact on migration trends.

Floods and severe storms cause destruction in many African regions, where heavy rains can inundate entire populations. Coastal areas are particularly vulnerable to rising sea levels and intense cyclones, leading to forced evacuations as natural hazards transform previously habitable land into unlivable wastelands. In recent years, devastating floods have displaced millions in countries such as Mozambique and Nigeria, underscoring the urgent need for protective measures aimed at environmental refugees (Michael Addaney, 2019).

Droughts pose another significant challenge, especially in arid regions like the Sahel and parts of East Africa. Extended periods without sufficient rainfall reduce agricultural productivity and threaten access to water sources. The Food and Agriculture Organization (FAO) warns that desertification could affect approximately 319 million hectares of land across Africa, making it inhospitable due to factors like sand encroachment and other climate-related changes. Alarmingly, the United Nations has projected that desertification alone could displace up to 50 million people by 2020, with estimates rising to around 700 million by 2050 if land degradation continues.

The relationship between natural disasters and human displacement is heavily influenced by socio-economic conditions. Vulnerability often stems from poverty, inadequate infrastructure, and limited resources that would allow communities to adapt or recover from disasters. As a

result, even minor environmental changes can lead to significant displacement when populations lack the resilience necessary to cope with such challenges (The Nansen Initiative, 2015).

Displacement caused by environmental factors is complex; it may not always involve physical relocation but can manifest through shifts in livelihood strategies or temporary migrations within one's own country. Often, individuals move toward urban centers in search of better opportunities or safety from natural threats. However, this internal migration can worsen overcrowding in cities that are already struggling with substantial issues related to housing and essential services.

Currently, legal frameworks addressing displacement due to natural disasters are insufficient across African Union member states. Existing international conventions do not explicitly recognize 'climate refugees,' complicating the legal status of those forcibly displaced by environmental changes. This gap underscores the need for new policies that define rights and protections for individuals affected by climate-related displacement (ACHPR/Res.628, 2025).

The issue of disaster-induced displacement requires urgent attention at all levels of governance—from local authorities responding quickly during emergencies to national governments developing comprehensive disaster risk reduction strategies that incorporate climate resilience into their planning efforts.

Collaboration among regional entities is essential for effective responses; cross-border cooperation can facilitate resource sharing during crises and promote stability among nations facing shared environmental challenges such as droughts or flooding rivers. For example, joint water management agreements can help alleviate tensions over scarce resources exacerbated by climate change.

In summary, natural disasters significantly contribute to environmental displacement throughout Africa, presenting complex challenges associated with socio-economic vulnerabilities and deficiencies in current legal frameworks designed for response. This highlights an urgent need for a coordinated approach focused on enhancing resilience against future catastrophes while implementing protective measures for those adversely affected

(ACHPR/Res.628, 2025).

## **4. Challenges Faced by Environmental Refugees in AU Member States**

### **4.1. Legal Recognition Issues**

The legal recognition of environmental refugees in African Union (AU) member states faces significant obstacles, mainly due to the absence of explicit legal frameworks for individuals displaced by environmental factors, particularly climate change. Although the 1969 OAU Convention on Refugee Problems in Africa offers a broader scope than previous agreements, it lacks specific provisions addressing environmental displacement. This results in varied interpretations across jurisdictions, leaving many affected individuals without sufficient legal protection.

The term "climate refugees" is not recognized under the 1951 Refugee Convention and its 1967 Protocol, which focus on persecution based on established social criteria. Consequently, those fleeing environmental degradation are often caught in a legal gray area, as they do not fit within existing refugee definitions. There are concerns among some states and scholars that broadening these definitions might undermine protections for traditional refugees, complicating reform efforts (Bonnie Docherty, 2009).

Political hesitation further complicates the issue. The UNHCR has been cautious about expanding its mandate to include environmental migrants, fearing institutional strain and economic migration pressures. This leads to fragmented responses, with national governments expected to provide protections despite varying capacities and willingness. Some administrations may view climate-induced migration as an internal issue rather than one needing international oversight.

This lack of formal recognition has dire consequences for those displaced by environmental factors. Many individuals lack access to essential resources and support services vital for survival, increasing their vulnerabilities. Additionally, there is often insufficient data detailing the scale and implications of climate-induced displacement in Africa, making advocacy more difficult (Michael Addaney, 2019). National regulations frequently do not align with international standards necessary for effective protection. In many African countries, legislative frameworks do not explicitly recognize the rights of environmentally displaced persons, resulting in inconsistent or neglected handling of their cases.

The complexity of interdisciplinary approaches needed for effective recognition and protective measures is also evident. Climate change repercussions intersect with human rights law, humanitarian assistance principles, and refugee law guidelines. Developing a cohesive strategy that unites various legal realms is crucial but remains largely unrealized (Bonnie Docherty, 2009).

Regional entities like the AU must prioritize defining explicit protective measures for environmental refugees within their policies. Encouraging collaboration among states can enhance understanding of shared vulnerabilities driven by climate change and foster coordinated action towards creating comprehensive protective frameworks for those displaced by environmental upheaval (Wood, 2013).

The growing visibility of climate-related displacement necessitates urgent initiatives from national governments and regional organizations in Africa to establish inclusive legal mechanisms that safeguard these vulnerable groups while adhering to established human rights standards. Without concrete steps toward legally defining their status and addressing systemic gaps in protections, countless individuals will continue to face precarious circumstances without access to essential support or resources (A. M. Gil, 2022) (Naldi, 2021).

#### **4.2. Access to Resources and Support Services**

Access to vital resources and support services presents a significant challenge for environmental refugees in African Union (AU) member nations. These individuals face severe issues stemming from environmental degradation and natural disasters, often ending up in precarious situations after displacement. Unfortunately, many AU countries lack appropriate legal frameworks and institutional mechanisms to address the specific needs of environmental refugees, severely limiting their access to essential resources.

Typically, environmental refugees arrive in host communities with few possessions and little documentation proving their status or right to assistance. This lack of legal recognition complicates their ability to receive humanitarian aid and integrate into new environments. Without proper identification as displaced persons, they risk exclusion from crucial services such as healthcare, education, and social protection programs designed for refugees (Bonnie Docherty, 2009).

Many governments are either unprepared or unwilling to allocate sufficient resources to support environmental refugees. Public policies

often do not align with the realities of climate-induced displacement, leading to inadequate funding for housing, employment opportunities, and social services. As a result, these individuals frequently face food insecurity and lack adequate shelter, while local resources in host communities become strained due to the influx of displaced people without established support systems.

Access to essential healthcare is another critical issue, as many affected individuals suffer from health problems exacerbated by their displacement. The physical toll of malnutrition and exposure during their journey heightens their vulnerability to illness. Yet, without proper identification or refugee status recognition, obtaining medical treatment can be extremely challenging (Havard, 2007).

Education poses further obstacles, especially for displaced children who often miss crucial educational opportunities due to local schools lacking mechanisms for their swift integration into existing curricula. This gap not only hinders their intellectual development but also jeopardizes their future employment and social integration prospects.

Employment rights are equally vital; however, many displaced individuals face discrimination and exploitative labor practices in their host countries due to their undocumented status. Even when job opportunities arise in informal sectors, the absence of protective labor rights heightens their vulnerability.

The disjointed responses among various stakeholders governments, NGOs, and international organizations further hamper comprehensive support strategies for this group. Fragmented efforts can lead to resource wastage or insufficiently address actual needs.

To create effective support systems for environmental refugees, collaboration among governmental bodies at national and regional levels is essential. Establishing clear protocols for identifying displaced persons and implementing targeted programs can ensure access to food security, healthcare, education, and stable employment pathways. As climate change increasingly drives forced migration across Africa, it is critical for governments to develop inclusive policies that prioritize human rights protections and address the complexities of climate-induced displacement effectively (ACHPR/Res.628, 2025) (Abebe, 2011).

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## **5. Recommendations for Strengthening Protections for Environmental Refugees in Africa**

### **5.1. Amendments to Existing Legal Frameworks**

Addressing the issue of legal recognition for environmental refugees is crucial for enhancing protections for these vulnerable groups across Africa. Current legal frameworks, including the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the Kampala Convention, do not adequately address the unique challenges faced by those displaced due to climate change. To effectively amend these frameworks, it is essential to start with a clear and inclusive definition of "climate refugees." This definition should encompass displacement caused by environmental factors such as droughts, floods, and other natural disasters, in addition to conventional categories related to persecution.

Moreover, necessary amendments must tackle interpretations concerning "events seriously disturbing public order" within the OAU framework. By including terminology that explicitly addresses climate-induced events; we can begin to bridge the protection gap for individuals fleeing environmental collapse. Such changes would promote a more comprehensive understanding of displacement that considers natural disasters and their socio-economic impacts (Naldi, 2021).

Additionally, it is vital to align these revisions with international standards while taking regional specifics into account. Creating distinct protocols specifically designed for climate-induced migration could improve alignment with global initiatives, such as the Paris Agreement and other United Nations (UN) efforts focused on climate action and human rights.

Beyond simply redefining legal concepts, there is an urgent need for African Union (AU) member states to implement proactive policies that go beyond the basic acknowledgment of environmental refugees. These policies should include comprehensive strategies for prevention, preparedness, response, and recovery regarding the effects of climate change on migration patterns.

A collaborative effort among AU member states can significantly contribute to developing unified approaches to data collection on cases of climate-induced displacement. By establishing a centralized database for sharing information about affected populations, member

states can better anticipate migration trends and ensure timely humanitarian assistance.

Furthermore, enhancing cross-border cooperation is vital. Countries experiencing high levels of environmental displacement must collaborate with transit countries and host nations to create safe routes for refugees seeking asylum due to climatic conditions. This collaborative approach can be reinforced through bilateral agreements focused on mutual support systems during crises exacerbated by environmental challenges.

Improving access to resources and support services for those displaced by environmental changes is equally important. Revisions should encourage better access not only to basic necessities but also to livelihood opportunities specifically aimed at aiding recovery from displacement caused by climate-related events.

Integrating long-term development objectives with immediate humanitarian responses will ensure that displaced individuals are not left vulnerable after their dislocation but are instead supported in sustainably rebuilding their lives within host communities or through resettlement programs when necessary.

Finally, establishing a cohesive governance structure that incorporates disaster risk reduction strategies into national frameworks can strengthen resilience against future displacements triggered by climatic phenomena. Through legislative reforms aimed at aligning national laws with AU principles while considering local contexts, member states can create stronger safety nets for those most affected by environmental changes.

These proposed amendments represent significant progress toward creating a robust framework specifically dedicated to effectively protecting environmental refugees across Africa. They reflect a commitment not only to uphold human rights but also to emphasize that addressing climate change is critical in safeguarding populations vulnerable to its severe consequences (ACHPR/Res.628, 2025) (Kassab, 2024).

## **5.2. Development of New Policies Addressing Climate-Induced Displacement**

The challenge of climate-driven displacement in Africa necessitates a comprehensive approach to policy formulation that includes both proactive and responsive strategies. African Union (AU) member states must recognize the unique vulnerabilities faced by

environmental refugees and create frameworks tailored to their needs. A critical component involves establishing a legal protection framework that acknowledges climate-induced displacement as grounds for refugee status, which may require reassessing existing laws or creating new ones.

To address climate change effectively, AU member states should prioritize national policies that commit to human rights and environmental sustainability, based on empirical evidence of climate impacts like rising sea levels and extreme weather that drive migration. By integrating climate forecasts with migration trend projections, governments can better prepare for future displacement scenarios.

Regional cooperation is essential for implementing effective policies. Member states should collaborate on cross-border strategies to manage environmental migration, allowing for shared resources and coordinated responses during crises. This collaboration enhances resilience in affected communities and ensures safe transit for those displaced by climate challenges.

Establishing early warning systems is crucial for reducing the impact of environmental disasters. Implementing disaster risk reduction strategies and investing in resilient infrastructure will help communities adapt to changing climatic conditions while minimizing widespread displacements. Policies emphasizing sustainable land management and urban planning can greatly reduce vulnerability.

Raising public awareness about climate change's effects on human mobility is equally important. Educational initiatives can empower individuals with knowledge regarding their rights as potential refugees or internally displaced persons (IDPs), while promoting sustainable practices to alleviate some pressures from climate change.

International recognition of 'climate refugees' is essential for protecting those uprooted by environmental factors. New policy frameworks should advocate for acknowledgment at national and global levels, ensuring access to legal recourse. AU summits should focus on updating treaties or creating new agreements addressing this urgent issue (Mativo, 2024).

Current frameworks, such as the 2030 Sustainable Development Goals (SDGs), present opportunities to enhance resilience against climate-related threats, which can support policy development for environmental refugees.

A multi-stakeholder approach involving governments, civil society, academic institutions, local communities, and international partners

will strengthen policymaking on environmental displacement. Creating networks for knowledge exchange can lead to innovative, context-specific solutions while influencing policymakers.

Moreover, AU member states must ensure humanitarian assistance access for those displaced by climate-related events. Aid should address both immediate relief post-disaster and long-term adaptation strategies to build resilience against ongoing climate shifts. Investment in adaptive capacity must also consider social capital, fostering community solidarity to mitigate tensions arising from resource scarcity due to migration pressures.

By implementing these comprehensive policies within a human rights framework, AU member states could protect vulnerable populations threatened by our changing environment (Sachs, 2024) (ACHPR/Res.628, 2025).

### **Conclusion:**

The changing dynamics concerning environmental refugees in Africa necessitate a complex and clearly defined legal framework that extends beyond traditional definitions of displacement. As climate change continues to increase the frequency and intensity of natural disasters, the demand for legal recognition and protection of those displaced by environmental factors becomes increasingly urgent. Current regional frameworks, such as the 1969 OAU Convention and the Kampala Convention, provide a foundational basis for addressing these issues, but they must evolve to explicitly include protections for individuals displaced due to climate-related causes (Sussman)

The intersection of human rights law and refugee law is crucial in shaping future protective measures. As judicial interpretations evolve—particularly in cases involving individuals fleeing environmental degradation or disasters—there is a significant opportunity to expand the criteria recognizing the unique circumstances faced by environmental refugees. The African Union should prioritize integrating climate considerations into its existing legal frameworks to accurately reflect the current realities of displacement. This includes refining the understanding of terms like "events seriously disturbing public order" to encompass situations triggered by climate change.

To effectively tackle the challenges confronting environmental refugees, member states should reform national laws in alignment with international obligations while promoting regional cooperation.

This can be achieved through joint initiatives aimed at harmonizing policies across borders, ensuring consistent protections regardless of where individuals seek asylum. Additionally, establishing specialized judicial bodies or tribunals with expertise in climate-related displacement could improve decision-making processes related to refugee claims (Mativo, 2024).

It is also vital to understand that vulnerability to climate impacts does not exist in isolation; it often intersects with other issues such as poverty, political instability, and resource scarcity. Therefore, comprehensive strategies are necessary to address these interconnected challenges, creating effective solutions that go beyond mere legal acknowledgment of status. Initiatives should provide support systems that grant access to essential resources, including housing, healthcare, education, and livelihood opportunities for affected populations (ACHPR/Res.628, 2025).

Furthermore, regional dialogues are essential for sharing best practices among member states in managing climate-induced displacement effectively. Platforms like the Nansen Initiative and partnerships with NGOs and civil society organizations can facilitate a coordinated effort toward developing innovative solutions tailored to local contexts while utilizing global insights.

In conclusion, addressing the protection of environmental refugees demands a transformative approach—one that not only recognizes the complexities surrounding climate change but actively integrates them into legal frameworks at all levels. By committing to amend existing legislation and develop new policies specifically targeting the risks of climate-induced displacement while enhancing resilience among vulnerable communities, African nations can establish a precedent in championing progressive human rights principles in response to the escalating global challenges posed by climate change (Sachs, 2024).

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