



(RESEARCH ARTICLE)



# Climate Migration and Legal Protection: Addressing the Vulnerability of Environmentally Displaced Populations

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## Abstract

Climate migration has become a critical global issue, forcing millions of people to leave their homes due to environmental degradation, extreme weather, and slow-onset disasters like rising sea levels and prolonged droughts. In the same way as refugees fleeing war or economic crisis, climate migrants face life-threatening risks, even though their displacement is caused by environmental degradation, extreme weather, and climate-related disasters. This article explores the environmental causes of displacement, including deforestation, industrial pollution, global warming, and unsustainable farming practices, and highlights the extreme vulnerability of displaced populations in host countries, where legal protections are often limited or ambiguous. It also examines global migration patterns, particularly dangerous journeys to Europe, reviewing the international legal frameworks that protect migrants, such as refugee status and the Guiding Principles on Internal Displacement. Finally, the study outlines sustainable strategies, including reducing greenhouse gas emissions, supporting these migrants in adapting to the impacts of climate change, and creating safe migration pathways, emphasizing the urgent need for global cooperation to address climate-related displacement.

**Keywords:** Climate migration; Environmental displacement; Climate change; Migration policy; International law; Greenhouse gas emissions

## 1. Introduction

Climate or environmental migration is a global phenomenon that has forced millions of people to leave their homes, owing to rising sea levels, prolonged droughts, and extreme weather events. Unlike economic migrants, who move mainly in search of better opportunities, or refugees fleeing wars and persecution, the direct and indirect effects of environmental degradation drive climate migrants to leave their homes, and yet they have to face during their migration, extreme risks that can cost the life of some of them. Climate migration is then global crisis that requires urgent international actions. Insofar as climate change continues to intensify, the number of people forced to migrate is expected to increase significantly, potentially reaching 216 million displaced individuals by 2050. (World Bank Groundswell report, 2021) This article argues that climate migration is both an environmental and human rights challenge. It examines the causes and consequences of displacement, highlights the precarious conditions faced by migrants, and explores sustainable strategies to mitigate the crisis. These strategies include reducing greenhouse gas emissions, supporting adaptation to climate impacts, and creating safe migration pathways, emphasizing the urgent need for global cooperation to protect vulnerable populations.

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## 2. Major Key Concepts

To clarify key concepts used in this study, the following definitions are provided. A migrant is any person who leaves his place of habitual residence for temporary or permanent residence within the same country or in another country, crossing an international frontier. It encompasses the economic migrant, the illegal or irregular migrant, the migrant in a vulnerable situation, and the environmental migrant (International Migration Law, 2019). The word migration (from the Latin *migratio*), derived from the verb *migrāre*, to migrate, to go from a place, to change stay, to leave, to emigrate (Oxford English Dictionary). We can also say "exodus", such as "rural exodus", which is a migration of peasants, caused by drought, in search of pastures for their herds. In the general sense, migration is the voluntary movement of individuals or populations from one country to another or from one region to another, for economic, political or cultural reasons (Oxford English Dictionary). It also refers to the movement of persons from their habitual residence to a new place of residence, either across an international border or within the same country.

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## 3. Environmental Issues: The Degradation of Ecosystems

The consequences of climate change can take different forms, including:

### 3.1. Sudden Natural Disasters and Slow-onset Natural Disasters

Some people are temporarily displaced by phenomena such as cyclones, forest fires, floods or major storms. They frequently move within their country of origin and return home once the danger is removed. Nevertheless, as these extreme weather events become more frequent and intense due to climate change, repeated and prolonged displacement has long-term consequences for the populations concerned and their fundamental rights. Other climate-related phenomena are more gradual, but equally devastating. Consequences such as rising sea levels, the contamination of aquifers by salt water (a phenomenon that occurs when there is excessive pumping of groundwater in coastal areas, which leads to a decrease in the level of groundwater), drought, and desertification make entire regions uninhabitable over time in addition to the extraction, production and use of fossil fuels, such as coal, oil and natural gas for energy needs. The population definitely leaves their place of residence to settle in cities or other countries to find a more dignified life.

### 3.2. Harmful agricultural practices

Large farmers overuse chemical fertilizers and herbicides and prioritize industrial monoculture for immediate profitability, instead of a diversity of crop species, which has negative repercussions on the soil, and on the quality of fruits and vegetables, as well as on the ecosystem.

#### 3.2.1. Global warming

Due to human activity hostile to nature, the planet is defending itself and warming more quickly, which is driving climate change, a direct cause of global forced migrations. We thus witness droughts, floods, earthquakes, cyclones, tsunamis, which are a consequence of global warming.

- Deforestation (the example of the Amazon forest, which extends over 9 countries in South America (Brazil, Peru, Colombia, Venezuela, French Guiana, Surinam, Guyana, Bolivia, Ecuador); essentially consists of converting wooded areas into agricultural fields. More than 1/5 of the Amazon rainforest has already been destroyed. These activities emit greenhouse gases that retain heat in the atmosphere. The resulting global warming is leading to profound and unprecedented changes in the atmosphere, oceans, and natural environments. An additional factor is land degradation caused by human activity due to population increase and widespread deforestation. One can cite the concrete example of deforestation in the Amazon in South America, which is the lung of the earth; and which produces 20% of the oxygen we breathe; and which allows for climate regulation in South America.

The Amazon rainforest keeps moisture in the air by producing water vapor. The Amazon sees masses of water vapor passing over its trees, whose volumes and flow rates are impressive: they are called flying rivers. (Phenomenon of clouds traveling filled with water vapor) Its total volume is close to that of the Amazon River, a phenomenon discovered by Brazilian scientists. This allows for bringing moisture up to the south of Brazil. The protection of the Amazon is paramount for the well-being of the ecosystem. Unfortunately, massive deforestation and fires in the Amazon, encouraged by the Brazilian state (by former president Jair Bolsonaro), affect the climate and notably the frequency of rain in Mexico, as far as Texas.

- The Fukushima Tsunami, which occurred on March 11, 2011, was caused by a violent underwater earthquake, causing a tsunami that submerges the northeast coast of Japan. Water enters the Fukushima Daiichi nuclear power plant: a magnitude 9.1 earthquake – the most violent ever felt in Japan – and especially the ensuing tsunami, devastating 600 kilometers of coastline and causing the death or disappearance of 22,500 people.

It is the worst nuclear disaster after that of Chernobyl in 1986. The Japanese government ordered several successive evacuations beyond 20 km.

### 3.2.2. *The Rise in Sea Levels*

In 2016, research revealed that five of the Solomon Islands had disappeared into the Pacific during the second half of the 20th century (Scientific Journal Futura). This critical situation constitutes a major risk of the disappearance under the sea of several archipelagos in the Pacific and Indian Oceans due to global warming and rising ocean waters. To this end, in 2014, Panama relocated the inhabitants of the Guna Yala archipelago, whose area is shrinking every year due to rising waters.

According to an Amnesty International report, "There are two main causes for sea level rise. On the one hand, the ice caps and glaciers covering vast areas, such as in Greenland and Antarctica, which are melting and dumping huge amounts of water into the oceans. On the other hand, the rise in ocean temperature increases their volume. This rise in sea levels, in turn, leads to ocean acidification and soil salinization, which have negative effects on agricultural productivity, food security, biodiversity and access to drinking water.

The sea level rise was 5 mm/year, in addition to the contribution of melting ice that has increased over time, due to ocean warming; which has a devastating impact on coastal populations and low-lying island countries, whose lands are gradually swallowed by the sea. It also contributes to the multiplication of floods and high-amplitude tides, which destroy homes and crops as well as the infrastructure that people need to survive. As well as salt water from the oceans, contaminates soils and freshwater sources, which decreases land fertility and makes water unsuitable for consumption.

Low-lying island nations such as Tuvalu (British archipelago) and Kiribati, (archipelago) in the Pacific Ocean, whose territory is only a few meters above sea level, are even more threatened by the effects of rising waters. Scientists predict that these countries will be overwhelmed in the not-too-distant future. In Honduras, where rising seas and storm surges are ravaging coastal areas, Amnesty International has found that communities dependent on fishing and farming have been repeatedly flooded, destroying their homes and contaminating their freshwater sources, to the point of forcing families to abandon their ancestral lands (International Amnesty, 2025).

### 3.2.3. *Extreme weather events*

Climate change leads to extreme weather events, including floods, heatwaves, wildfires, cyclones and more frequent and intense storms, which can lead to temporary or permanent displacement of entire populations.

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## 4. Droughts

Climate change can also lead to slow-onset phenomena, such as droughts: extreme heat, heatwaves and floods. With the global rise in temperatures, heatwaves last longer and occur more often. Sometimes there are heat peaks, which lead to high temperatures, in a specific area, for a long period. Extreme heat poses a direct threat to human health, as it causes heatstroke and fatigue, which can endanger the elderly, young children and people with disabilities. Equatorial countries are more exposed to this risk because the temperature is already high all year round, which has harmful repercussions on the countries and the inhabitants.

In some countries, such as Pakistan, abnormal weather conditions destroy lives. In 2022 and 2024, extreme and prolonged heatwaves were followed by intense precipitation during the rainy season. In August 2022, these represented more than 700% of the monthly average for the country. The Indus River burst its banks, flooding entire localities. Thirty-three million people were affected, including eight million internally displaced persons. The displaced populations were faced with unsanitary living conditions.

Indirect causes, such as debt, economic crises and conflicts are also sources of migration. The effects of climate change are destroying areas that previously represented food sources and economic poles, whose environment is increasingly desolate and hostile... The population may also have more difficulties in responding to disasters and adapting to the climate crisis due to the debt of these countries... Just as conflicts and political instability prevent residents from properly preparing for the consequences of climate change (International Amnesty, 2025 ).

### Vulnerability of Migrants, Lack of Legal Framework in Host Countries: Difficult Conditions for Displaced Persons:

Climate change is causing a global environmental crisis that is pushing millions of people to migrate, whether to urban areas or to other countries. Internally displaced persons are among the most vulnerable populations and desperately need protection and assistance, particularly in developing countries, which face climate change: (drought, lack of pasture, strong temperature variations, decline in agricultural productivity and the advance of desertification).

Added to this is often insufficient management of natural disasters. All these factors have serious consequences for populations and ecosystems, while amplifying the scale of forced migrations.

Migration generates for these people conditions of great difficulty and suffering:

- Migrants are generally peasants, without any qualification
- Difficulty in integrating into the host country, they face discrimination
- Difficult living conditions: they are settled in makeshift tents or insanitary slums,
- Difficulty finding work, they do not have access to basic necessities (food, housing, medication) ;
- Broken family, disruption of educational opportunities (in general, it's entire families who emigrate with their children)
- They may be subject to violence, acts of rape, risk of falling into the arms of criminal organizations, slave trade, ransom demands to free them, prostitution...
- Risks related to displacement: they become illegal emigrants: shipwreck at sea... They risk their lives by embarking on makeshift boats to return to a Europe that cannot accommodate the considerable flow of migrants from southern countries.
- Problems and dangers, which they face, along the way, before arriving at the land of exile.

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## 5. Global Migration Trends

Europe remains the preferred destination of migrants (either because of climate degradation or due to conflicts, or for economic reasons) for Africans and Asians due to its proximity, and life opportunities, security, and work, of family aid, granted to citizens living in Europe.

On the other hand, the USA attracts mainly migrants from South and Latin American countries, close to the USA (in 2017, the USA had 11 million immigrants in an irregular situation), but this aspect is not part of our study, given that this migration has an exclusively economic motive.

### 5.1. Migration to Europe:

The central Mediterranean route remains the busiest and deadliest of the four main migration routes to Europe, with around 1,400 people reported dead or missing in 2022 ( Lequeue, 2024). According to FRONTEX (European Border and Coast Guard Agency), the year 2015 reached (1.82 million migrants), a record for the migration flow related to the war in Syria.

Following this human wave, a series of measures have been adopted by the European Parliament to fight against this migratory flow towards Europe, and to ensure the safeguarding of migrants' fundamental rights. The European Parliament has drawn up an EU report that defines the rights in favor of displaced persons within the European Union. For the record, "The EU parliamentary report on the conditions of treatment of migrants in the Mediterranean adopts a series of measures to protect the fundamental rights of migrants, among others, the principle of non-refoulement or expulsion of refugees in countries where, their lives or freedoms would be threatened due to race, religion or nationality. the principles of human rights apply to migrants arriving by boat in the Mediterranean. Namely:- the right to life , - the prohibition of torture and inhuman or degrading treatment, - the right to seek asylum,- the principle of non-refoulement (European Parliament report on migrants in the Mediterranean – 2015).

Reading this report, one can only be satisfied with the progress made regarding the fundamental rights of migrants in European countries; but in practice, the reality is quite different. Given the significant flow of 2015, a series of measures have been adopted by the European Parliament to combat this migratory flow towards Europe, and prevent this significant flow of people, as they are a budgetary burden for the European economy, and are mostly, illiterate or without any professional qualification (they are neither engineers, nor doctors, nor computer scientists...).

The European Union tries, thus, to dissuade migrants from crossing the Mediterranean to reach European shores, either by refusing to give them the right of asylum, and to return them by plane to their countries of origin, or even, to pay for it from countries in the south of the Mediterranean, to do the police work in their place, to welcome them or block them at the border, by granting these countries millions of euros as a subsidy or aid. While the origin of the problem of immigration lies in the exploitation of underground wealth (oil, gas, minerals...) from African or Asian countries by these same European countries, without the population benefiting. The European Union needs African resources, but only cares about Africans or Asians, without any qualifications.

In this context, some European countries treat migrants inhumanely: it has been established that a puncture in tires carrying migrants drowned; just as the Italian navy hit a boat on the high seas with the intention of sinking it. (Case: Xhavara - death of 81 migrants) , which constitutes a violation of human rights, according to Article 2 of the European Convention on Human Rights - ECHR, which is "the right to life". There was the case of a boat sinking filled with migrants and non-assistance to people in danger of death by the European navy. (case of Shipwreck of a migrants' boat in the English Channel in 2021, which cost the lives of 27 migrants from Kurdistan: the negligence of the French and English rescue workers were established by the European Commission of Inquiry)...

The measures taken by European states to prevent migrants from arriving on the European continent (militarization of borders, vigorous control of migration by southern countries, criminalization of migration) force migrants to take increasingly perilous routes. Thus, there is an alarming number of victims related to migration. The World Organization for Migration has thus counted between 2014 and 2024 more than 30,000 people who died or disappeared during a crossing to Europe, including 3,155 migrants who died in 2023. The EU, through the hardening of its migration policy, has recorded a significant decrease in irregular migrations, namely, (326 335) of irregular entries into the European Union, compared to 385 771 in 2023, and 239,000 in 2024, after the peak of 1.82 million illegal migrants, in 2015.

## 5.2. UN Global Migration Data

Globally, intergovernmental organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization collect data related to forced migration for Migration (IOM), as well as by non-governmental organizations such as the Observatory on Situations of Internal Displacement (IDMC).

According to the findings of UNHCR (2024), 70% of climate refugees come from countries most vulnerable to climate change. Based on the World Bank's Groundswell report (2021), the number of climate refugees in 2050 is expected to accelerate to 216 million internally displaced persons, distributed across six regions, savoir: Sub-Saharan Africa which could record no less than 85.7 million internal climate migrants (4.2% of the total population); East Asia and Pacific, 48.4 million (2.5% of the total population); South Asia, 40.5 million (1.8% of the total population) ; North Africa, 19.3 million (9.0% of total population); Latin America, 17.1 million (2.6% of total population); and Eastern Europe and Central Asia, 5.1 million (2.3% of total population) (Groundswell Report, 4). Most Syrian migrants are fleeing armed conflicts; Afghans, on the other hand, are driven to leave their country due to instability; Migrants of Somali origin are fleeing drought and famine caused in part by climate change.

## 5.3. Main refugee host countries at the end of 2014

According to the UN refugee agency (UNHCR), the European Union hosts a relatively small number of refugees worldwide. The three countries that had hosted the largest number of refugees at the end of 2014, with a refugee population of over one million people, were: Turkey (1.59 million), Pakistan (1.51 million) and Lebanon (1.15 million). Other third countries such as Iran (982,000), Ethiopia (659,500) and Jordan (654,100) received less than 1 million refugees (European Parliament study: Migrants in the Mediterranean, 2014).

## 5.4. The Legal Aspects of Migrants

Climate change is a factor in the multiplication of threats that worsen inequalities and discrimination and threatens most of humanity's rights and future. Universal human rights in relation to forced migration due to climate change, can be summarized as follows:

- The right to life and the right to live in dignity;
- The right not to be subjected to inhuman or degrading treatment;
- The right to a clean, healthy and sustainable environment;
- The right to non-discrimination; as well as,
- Several economic, social and cultural rights, including the right to health, the right to food, the right to water, the right to housing and the right to an adequate standard of living.

International bodies and the West differentiate between forced migration within the country, without crossing the borders of another country, internationally recognized; and migrations that cross other countries, which are considered as illegal emigrants. This is in contradiction with "Principle 2", (relating to the "Guiding Principles on Internal Displacement" established by UN bodies), which clearly gives them, "the right to seek and enjoy the right of asylum in other countries". However, the principle does not guarantee displacement to these communities in reality.

#### **5.5. Refugee Recognition and Protection of Displaced Persons in Host and Transit Countries:**

Persons displaced in the context of climate change meet the definition of refugees within the meaning of the UN Convention relating to the status of refugees of 28 July 1951, due to risks of persecution. For example, if resources such as food, shelter and clean water become scarce in a country and a marginalized group of people is specifically prevented from accessing them, members of that group may be granted refugee status if they decide to leave the country.

Whether or not a person is granted refugee status, he or she must be protected from forcible return to a place where there is a real risk of persecution or other serious violations of his human rights. And any person who requests international protection must be given an individual and fair examination of his case. In 1992, at the request of the Commission on Human Rights, the Secretary-General of the United Nations appointed a Representative on internally displaced persons to study the causes and consequences of internal displacement, the status of internally displaced persons under international law, the extent to which they are covered under existing international institutional arrangements and how their protection and assistance could be improved, including through dialogue with governments and other relevant actors.

#### **5.6. Development of a Normative Framework on all Aspects of Internal Displacement for UNHCR Staff:**

Working closely with a team of international legal experts, the Representative prepared a "Compilation and analysis of legal standards" relevant to the needs and rights of internally displaced persons and to the corresponding duties and obligations of States and the international community with regard to protection and assistance. Development of a manual by the UN Refugee Agency (UNHCR), based on compilation and analysis, for practical use by its staff, particularly in field operations.

The Commission on Human Rights and the General Assembly requested the Representative of the Secretary-General to develop an appropriate framework for the protection of and assistance to internally displaced persons (see resolutions 50/195 of 22 December 1995 and 1996/52 of 19 April 1996, respectively) (the General Assembly at its 50th session), to address the specific needs of internally displaced persons in the world by identifying rights and guarantees relevant to their protection; and to combat internal displacement; and to invite States to implement the Principles by providing them with protection, assistance, reintegration and development support.

#### **5.7. Development of the Guiding Principles on Internal Displacement:**

The provisions of the Guiding Principles concern persons or groups of persons who are forced or obliged to flee or leave their homes, in particular in order to avoid the effects of armed conflict, generalized violence, of human rights violations or natural or man-made disasters, and which have not crossed an internationally recognized state border.

Among the recommendations, we will simply cite the most relevant articles:

- Principle 1: No discrimination in the enjoyment of rights and freedoms, compared to other citizens
- Principle 2: obligation on authorities to comply with the provisions of the Principles, in particular as regards the right to seek and enjoy asylum in other countries
- Principle 3: Duty and responsibility of the authorities to provide protection and humanitarian assistance to displaced persons
- Principle 4: these principles apply without discrimination (race, color, sex, language or religion, social status...)
- Pregnant women, young mothers and unaccompanied children must be given special assistance and take their particular needs into account.
- Principle 5: obligation on the authorities to comply with their obligations under international law and human rights and humanitarian law to avoid any displacement
- Principle 6: right to protection against any displacement: in case of armed conflict, apartheid (this is what has been happening for two years in Gaza in Palestine), large-scale development projects, and in the event of a disaster, unless security and health require the evacuation of populations.

- Principle 7: Before any decision requiring the movement of persons, the authorities concerned shall ensure that all possible alternatives are explored in order to avoid such movement completely. When there are no alternatives, all measures must be taken to minimize displacement and its harmful effects.

If displacement occurs in situations other than during the emergency phases of armed conflict and disasters, the following safeguards must be respected:

- A specific decision is made by a state authority empowered by law to order such measures;
- Adequate measures must be taken to ensure that persons moving have full information on the reasons for and procedures for their movement and, where appropriate, compensation and resettlement;
- The free and informed consent of persons to be moved must be sought;
- The authorities concerned shall endeavour to involve the persons concerned, in particular women, in planning and managing their relocation;
- Law enforcement measures, if necessary, shall be implemented by the competent judicial authorities; and
- The right to an effective remedy, including review of such decisions by the competent judicial authorities, must be respected.
- Principle 8: The displacement must not be carried out in a manner that violates the rights to life, dignity, freedom and security of the persons concerned.
- Principle 15: Internally displaced persons have:
  - The right to seek security in another part of the country;
  - The right to leave their country;
  - The right to seek asylum in another country; and
  - The right to be protected against forced return or resettlement in any place where their life, safety, liberty and/or health would be at risk.
- Principle 18: All internally displaced persons have the right to an adequate standard of living. The authorities must guarantee them safe access to:
  - Essential food and drinking water;
  - Shelter and basic housing;
  - Appropriate clothing;
  - Essential medical services and sanitation.
- Principle 25: the country's authorities have the duty and responsibility to provide humanitarian aid to internally displaced persons (Guiding principles on internal displacement, 1998)

The impact of climate change on human rights is undeniable. And it stems from problems created by humans that need to be addressed. In response to the first advisory opinion of the International Court of Justice (ICJ) clarifying states' obligations on climate change, Mandi Mudarikwa, Head of Strategic Litigation at Amnesty International, claimed that states have an obligation to cooperate in preventing population displacement and allowing people to remain where they live. In July 2025, the International Court of Justice issued a historic decision affirming that the full exercise of human rights cannot be guaranteed without protecting the climate system and other environmental conditions. This means that states must mitigate the effects of climate change by abandoning all fossil fuels and reducing emissions in a timely manner. They must also help people adapt to a changing environment, including through financial and technical support for adaptation and disaster prevention. Rich countries, which are often the main responsible for greenhouse gas emissions, bear a greater responsibility than others (Mударикwa).

People displaced by climate change need access to international and other forms of protection. The Inter-American Court of Human Rights concluded that, to protect people displaced outside their country's borders, governments must establish appropriate "migratory categories", such as humanitarian visas, temporary residence permits, and/or refugee status or a similar status, which may provide protection against forced return. These measures must notably protect them against any expulsion to a place where their fundamental rights would be exposed to a real risk due to the consequences of climate change. Displaced populations must also be compensated for the losses and damages they have suffered due to a climate crisis caused by human activity (Mударикwa).

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## 6. Conclusion: Sustainable Solutions to the Challenge of Climate Migration

Climate-related disasters are largely caused by human activity, and migration remains both a human and natural phenomenon. Displaced individuals seek above all security for themselves and their families, making the decision to migrate a question of survival. Solutions for sustainable development, the fight against global warming, and environmental protection, as well as measures to address the forced migrations that result from these challenges, are based on several approaches. These include reducing greenhouse gas emissions, decreasing the exposure and

vulnerability of people and territories to climate hazards, adapting urban planning to emerging risks, increasing public awareness, monitoring climate change, and preparing for emergency situations.

Climate change is driven by human activity, yet it can be mitigated through human action. Returning to ecological agricultural practices, such as cultivating diverse crop species instead of industrial monocultures dependent on chemical fertilizers and herbicides, helps preserve the health of soils, protects ecosystems, and safeguards groundwater resources. Air and water pollution caused by industrial emissions must also be strictly controlled, and fossil fuels including coal, oil, and natural gas should be gradually phased out due to their negative impacts on human health, well-being, and life.

Fighting poverty and inequalities is equally essential, as ensuring dignified living conditions for all strengthens resilience and protects the most vulnerable populations. States must adhere to UN recommendations, particularly the Guiding Principles on Migration, while respecting the human rights of displaced persons. Solutions should allow people to migrate safely through regular channels or, when possible, remain in their homes with the necessary resources to adapt to the effects of climate change.

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## Compliance with ethical standards

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### *Statement of Ethical Approval*

This study is based exclusively on publicly available documents and secondary sources. It does not involve human participants or animals and does not require ethical approval.

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