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An Analytical Overview of the Legal Protection of the Environmental Refugee

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Abstract:

The phenomenon of environmental asylum and its repercussions on international relations is one of the issues that has captured the interest of many jurists, politicians and economists particularly in light of the various implications of this phenomenon on several countries. The growing number of environmental refugees is obviously due to the increasing frequency of natural and environmental disasters, as well as environmental degradation, the spread of epidemics, diseases, climate change, global warming among many other factors which has further exacerbated this phenomenon. Nevertheless, environmental migration has given rise to a number of inquiries, the most significant of which revolve around the recognition of the environmental migrant's legal personality on both national and international levels, as well as the availability of legal protection for these migrants. Accordingly, the main problem of this research revolves around the following concern: To what extent do existing international and domestic legal frameworks provide effective protection for environmental refugees, and where are the principal normative and institutional gaps?.

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Introduction

The phenomenon of asylum is one of the most complex issues in international law, particularly in recent times. This problem has significantly increased due to ongoing wars and internal conflicts around the world, as well as climate change and other factors that have contributed to the rise of the number of refugees. These developments have also altered the definitions established under the 1951 United Nations Convention on refugees (Ouchene Bolarias, 2023).

Consequently, the phenomenon of environmental asylum and its impacts on international relations has drawn significant attention from jurists, politicians and economists. This interest stems from the wide-ranging internal and external repercussions of this phenomenon on various countries fueled by the increasing frequency of natural and environmental disasters. These challenges have further intensified the issue of environmental asylum.

Aim of the Study

This paper seeks to examine the issue of environmental asylum as one of the significant problems threatening social stability across various fields, endangering both security and future development. The severity and scale of this phenomenon has become a threat to the entity of the international community, as the number of refugees has doubled in many regions of the world. This situation requires a critical examination to clarify the concept and legal framework of environmental migration, aiming to contribute to resolving and addressing the ambiguity surrounding this issue (Habaz, 2022).

Significance of the Study

The significance of this study revolves around its objective to find answers to the questions surrounding environmental asylum, particularly concerning the recognition of their status on both the domestic and international levels, and advocating for their right for a legal protection.

Questions of the Study

This paper seeks to address the following considerations: What does the term “environmental asylum” mean? Is there any existing legal framework for the environmental refugee protection? And to what extent do existing international

and domestic legal frameworks provide effective protection for environmental refugees, and where are the principal normative and institutional gaps?

Study Methodology

This research explores and discusses various legal and jurisprudential aspects of environmental asylum, adopting a descriptive-analytical. This involved analyzing relevant legal texts, as well as examining jurisprudential texts that dealt with the issue under study. Accordingly, this research falls into two sections: the first part provides definitions of the concept of environmental asylum and highlights the main causes behind this phenomenon, while the second part addresses the issue of the legal recognition of environmental refugees under international and national law.

THE FIRST TOPIC: THE CONCEPT OF ENVIRONMENTAL ASYLUM AND THE ISSUE OF THE LEGAL RECOGNITION OF THE ENVIRONMENTAL REFUGEE UNDER INTERNATIONAL AND NATIONAL LAW

In this section, the researcher seeks to clarify the concept of environmental asylum and identify its underlying causes (as outlined in the first requirement). Additionally, the researcher addresses the issue of the legal recognition of the environmental refugee under international and Algerian law.

First requirement: Definition of Environmental Asylum and its Causes

In this section, we will provide some existing definitions of the concept of environmental asylum and outline its underlying causes that lead individuals or communities to seek refuge.

First section: Definition of Environmental Asylum

Various issues and circumstances have compelled many individuals, often accompanied by their families to leave their homelands in search of refuge in another country. These individuals are referred to as “refugees” and the international community has intervened on their behalf to ensure the protection of their rights and to seek solutions to their problem. This has been achieved through numerous legal provisions, some of which are mentioned in public law documents while others are found in specific legislation designed to regulate the status of refugees and provide protection at both international and regional levels. While each definition of the term “refugee” varies according to the context and the time

of its adoption, the 1951 United Nations Convention of Refugees, along with the 1967 Protocol is widely recognized as the cornerstone of international refugee law. This convention encompasses the fundamental principles of the refugee protection system, which continue to serve as the foundation for the system today. The 1951 Convention made this provision clear in its first article, acknowledging that defining a refugee is a necessary first step in establishing a legal framework that governs their status because the framework only applies to those who fall under its purview (Qasi, 2010). The definition of “refugee” was expanded in the Organization of African Unity Convention on Refugees of 1996 to include people who are compelled to flee their country of origin due to external aggression, foreign occupation or dominance, or incidents that gravely disrupt public order throughout all or a portion of their home country (Khashmoun & Saghiri, 2018).

In the context of defining the environmental refugee, it is necessary to examine the linguistic and terminological meanings of the term. “Refugee” linguistically originates from the root word “refuge”. When a person seeks refuge in a place, it means they have gone to this place in search of protection. For example, if we say that a person seeks refuge in a fort, it implies that they view it as a solution. A refugee refers to a person who has fled to seek protection and is often in a state of temporary shelter. The word refuge is closely related to the term “asylum” in that “political asylum” or finding asylum in other countries to escape wars and famine is not merely a response to a call of distress but often a reaction to the neglect of such a call. Finding asylum implies physically reaching a safe place, and a refugee is a person who has found safety in a country other than theirs to escape persecution, war or famine (IbnManzur, 1994).

On the other hand, the word “environment” refers to a place where a person resides and establishes a home. It is a place of settlement and habitation (Ragheb, 2008). Lester Brown, an environmental scientist and the founder of World Watch, introduced the term "environmental refugee" in the 1970s when his organization conducted environmental research funded by the United Nations Development Program. The emphasis on strengthening the connections between domestic, international, and environmental migration was one of the themes that came out of it.

The case gained prominence in 1985 with Essam Al-Hinnawi who presented his work to the United Nations Environment Program (UNEP). He is regarded by many scholars as a pioneer in defining the phenomenon of environmental refugees and popularizing the term. His work has become an essential reference for those interested and specializing in this field. Al-Hinnawi defined environmental refugees as “people who have been forced to leave the place where they live temporarily or permanently due to a severe environmental disruption, whether natural or man-made, that endangers their existence or affects their quality of life.” (Abdelhadi, 2021).

Second requirement: Characteristics of the Environmental Refugee Whether for direct or indirect reasons, and regardless of whether these are natural or human-induced, the environmental refugee is classified as a migrant as he falls within one of the categories of international migrants.

- An environmental refugee is an individual who is forced to leave their own country, due to circumstances such as internal displacement caused by natural or man-made disasters (including chemical or nuclear incidents), famine, or development projects.
- An environmental refugee is considered either an internal migrant or an international migrant, as the term "environmental refugee" applies to all internal or international migrants—specifically, any person seeking shelter or protection.
- The environmental refugee is a temporary or a permanent migrant.
- The Environmental refugee is a migrant in vulnerable situations.
- An environmental refugee is a non-traditional refugee in the sense that they are not subject to the provisions of the 1951 Convention on the Status of Refugees or the 1967 Protocol (Ibid.).

Third requirement: Causes of Environmental Asylum

There are many motives and reasons that lead to environmental asylum, primarily summarized as follows: climate change, drought, desertification, and various natural disasters. Additionally, these motives can be categorized into economic and social factors, as well as political and security reasons.

First section: Economic and Social Causes

Many researchers in this field believe that most causes of environmental asylum are social and economic factors, in addition to other security factors. The influx

of migrants for economic reasons is one of the most important motives that specialists in environmental asylum issues have focused on; this is evident in the significant role of the economic aspect in analyzing the causes of human flows, particularly regarding high unemployment rates and the substantial percentage of people living below the poverty line. In this context, the Algerian expert Dr. Abdelnasser Djabi confirms that the phenomenon of “harraga” in Algeria is, in fact, the result of high unemployment rates and the poor cultural and social situation of young people, which has led to the failure of their integration into the local community. The economic motivation for migration is characterized by its strong influence on individuals' decisions to migrate or not (Kadda, 2011).

Economic factors on the other hand constitute a significant motive for illegal migration; however, the decision to migrate is also influenced by other factors, which are reflected in social conditions and a variety of reasons. These reasons are as numerous and diverse as migrants themselves, but they all converge to suggest the existence of two environments: one that is repellent and another that is attractive (Berkane, 2011). Illegal migration is also a result of the transformations that Algeria has undergone due to multifaceted problems, leaving negative effects that Algerian society has not previously experienced and is not familiar with. Several indicators and social phenomena have emerged in the national context, which can be summarized as follows: the rise in youth unemployment affecting university and institute graduates, a severe housing crisis, and a high percentage of young people—70% of the population—being under the age of 30...(Rachid, 2012).

Second requirement: Political and Security Causes

Political and security causes are among the most significant factors contributing to the acceleration of environmental asylum. In this context, it is evident that many young people risk their lives and leave their homes in search of better living conditions, which they believe can be found in the European “land of dreams”.

Political factors have historically been among the most prominent reasons for environmental asylum. These factors include the phenomenon of population migration in response to armed invasions. Many international bodies and organizations have been established to assist during significant political movements, particularly those affecting refugee populations (Ibid).

It should be noted that those displaced due to climate change are often referred to as “climate change refugees.” However, legal researchers and international organizations refrain from using this term because there is no legal basis for it. Some researchers agree that it is more appropriate to use analytical terms such as “environmentally displaced,” or “climate-affected migrants,” especially since international conventions on the environment do not recognize this terminology. The reluctance to use the term “environmental refugee” strips these migrants' experiences of their political context. The central element of the concept of “refugee” is persecution; to be classified as a refugee; a person must be fleeing from or fearing persecution. The avoidance of the term “environmental refugee” reflects a concern that climate change may manifest as a form of persecution against the most vulnerable populations. It suggests that climate-induced displacement is primarily a political issue rather than solely an environmental one (Ouchene Bolaris, Op. Cit.).

Security reasons are considered the primary motive for migration, as individuals flee from internal or external wars in their countries. The world faces ongoing conflicts, civil wars, and ethnic and sectarian issues that have deprived people of their right to life and safety. Additionally, the looting of resources by occupying forces and internal strife within communities has further exacerbated the situation. A clear example can be seen in some African countries, particularly the crisis in Mali and its repercussions on the Sahelian countries, the instability in Niger, the ongoing conflict in Libya, and the security challenges in Tunisia.

Moreover, the emergence of armed terrorist movements has become a significant threat to the security and stability of the entire region. Additionally, the sectarian war in Yemen has led to widespread destruction, affecting not only Yemen but also other Arab countries. Furthermore, the Palestinian issue, along with the conflicts in Syria, Lebanon, and Egypt, continues to exacerbate instability in the Arab region. It is noteworthy that Algeria is experiencing a significant influx of migrants from African and Arab countries, particularly from Mali, Niger, and Syria, as people seek stability, security, and various opportunities. Iraq serves as another example; the sectarian civil wars that have erupted since the US occupation in 2003 have deepened sectarian and ethnic divisions, turning Iraq into one of the most dangerous countries. Armed conflict, political instability, and poor governance, coupled with poverty, high population density, rural

displacement, and a lack of employment opportunities, have caused many African countries to become places of origin, transit countries, or sought-after destinations for migrants (Berkane, op. cit.).

Desertification, drought, environmental degradation, and climate change are significant contributing factors to migration. Climate change is a pressing global concern, as changes are occurring at a faster rate than predicted by existing climate models. Vulnerability to climate change risks varies by location, with climate change threatening food security and human health while increasing the likelihood of exposure to extreme weather events such as droughts, storms, and floods. Climate change is often viewed as a “risk multiplier” because it intensifies the risks associated with persistent poverty and weak institutions involved in resource management and conflict resolution. Additionally, it contributes to societal divisions and reduces access to information and resources (Hammoud & Khalifa, 2021).

A report by the International Red Cross manifested that natural disasters affect 144 million people annually and contribute to the displacement of more individuals globally, even surpassing wars and other conflicts. Although natural disasters do not usually lead to permanent displacement, they create a sense of urgency regarding the seriousness of addressing these events and finding solutions to their underlying causes. For example, industrial accidents have displaced thousands of people, with the chemical accident in Bhopal, India, displacing more than 200,000 individuals, while the nuclear accident at Three Mile Island in the United States caused the displacement of 10,000 people (Ibid.).

THE SECOND TOPIC: THE ISSUE OF THE LEGAL RECOGNITION OF ENVIRONMENTAL REFUGEES UNDER INTERNATIONAL AND NATIONAL LAW

In this section, we will examine the issue of the legal recognition of environmental refugees under both international and national law. We will also explore the current gaps in existing legal frameworks, the challenges in defining a clear legal and protective framework for this category, and the efforts made by the international community to address this growing humanitarian concern.

First requirement: the Environmental Refugee under the International Law

The 1951 Geneva Convention governs the concept of asylum. Algeria ratified the 1951 Geneva Refugee Convention on July 28, 1951, through Decree No. 274-63, which addressed the application of the convention to Algeria. According to this Convention, a person is considered a refugee if they are stateless, outside their country of previous residence, and unable to return due to a justified fear of persecution based on their race, religion, nationality, membership in a specific social group, or political views.

The criteria for establishing the concept of a refugee are based on the limited factors outlined in this definition. As a result, environmental degradation cannot be considered a cause of persecution that leads to the acquisition of the refugee status (Ben Driss, 2020).

Second requirement: the Environmental Refugee under the Algerian Law

As for the situation in Algeria, it is one of the countries that have ratified the 1951 Geneva Convention on Asylum. Therefore, the term "refugee" cannot be used for persons displaced for environmental reasons, as environmental degradation is not recognized as a valid ground for seeking asylum. Consequently, it is necessary to seek an alternative legal framework through which legal status can be granted to environmentally displaced persons on Algerian national territory.

Therefore, according to Law No. 11-08 pertaining to the conditions of entry, residence, and movement of foreigners in Algeria, entry into the Algerian territory is permitted for tourism, education, work, or seeking asylum. It is evident that the texts on asylum are not applicable to migrants displaced for environmental reasons, nor do these individuals fall under the provisions governing migrant workers. We note that the migrant worker is regulated in accordance with Article 2, paragraph 01 of the World Convention for the rights of migrant workers and their families of 1990, which Algeria ratified with reservation by the Presidential Decree No. (04-441) (Official Gazette No. 2 of 05 January 2005), that defines a migrant as "a person who will engage or is engaged in a paid activity in a state of which he is not a national." From this definition, it is clear that a migrant is someone who moves to a country other than their own for the purpose of carrying out paid work. In contrast, an environmental refugee is a person who has fled their place of residence due to environmental degradation (Ben Driss, op. cit., p. 759).

THE THIRD TOPIC: THE LEGAL FRAMEWORK OF PROTECTING ENVIRONMENTAL REFUGEES UNDER THE INTERNATIONAL LAW

This section discusses the legal protection of environmental refugees, as well as the absence of an international legal foundation for it. The section also addresses the shortcomings of international environmental law in providing this type of protection and the global initiatives aimed at ensuring that environmental refugees have legal safeguards.

First requirement: the Absence of an International Legal Framework for the Protection of Environmental Refugees

The existence of the category of refugees displaced for environmental reasons is increasingly recognized worldwide, in response to the diverse and negative effects of environmental and climatic changes—such as floods, hurricanes, droughts, and earthquakes. This situation compels individuals to leave their places of origin and seek refuge in other countries to escape these disasters. However, the fact that receiving countries do not recognize them as environmental refugees is a serious issue. This lack of recognition stems from the absence of any international legal framework that specifically protects them as such. Instead, they may be protected only if they belong to one of the internationally recognized categories, such as political refugees, regional refugees, those displaced for humanitarian reasons, or even diplomatic refugees (Ben Amara, 2023).

We note that many countries prefer to categorize these individuals as migrants rather than refugees, allowing them to retain the right to send them back. These countries avoid anything related to the refugee designation, particularly considering the stipulations of the 1951 Geneva Convention and the 1967 Protocol, which define refugees as those fleeing their home countries due to civil wars, political and economic instability, or other previously mentioned reasons. Additionally, the individual approach adopted by the 1951 Geneva Convention in determining the causes of asylum and processing asylum requests, does not accommodate environmental refugees who flee in large numbers from the negative consequences of environmental and climatic changes.

In addition to the above, there is the stance of countries regarding their international policy to protect individuals fleeing their countries of origin due to natural disasters and environmental degradation. These countries prioritize

maintaining their internal security over providing such protection, often taking international positions that reflect this priority. As a result, environmental refugees find little appropriate protection, even at the regional level. For example, the European approach known as “adaptation” to refugee status and complementary protection does not include any criteria applicable to asylum seekers displaced by environmental reasons, through which they might be granted protection (Ben Amara, *op. cit.*). Given the increasing numbers of these refugees and the rising frequency of natural disasters and their repercussions on people and their environments, the international community is obligated to address this issue. It is essential to study and organize responses by adopting an international convention that establishes governing laws for the protection of environmental refugees.

Second requirement: Failure of the International Environmental Law to Protect the Environmental Refugee

International environmental law is a relatively recent law that gained attention in recent decades. Its true origins can be traced back to the reconstruction period following World War II and the occurrence of several environmental disasters, such as the sinking of the oil tanker *Torrey Canyon*, which caused significant pollution along the coasts of England, France, and Belgium. This prompted governments to focus more officially on environmental protection, culminating in the Stockholm Conference held from June 5 to 16, 1972, where a declaration on the environment was adopted. After Stockholm, many disasters appeared that affected the global ecosystem through air pollution, the decline in the size of tropical forests, the depletion of the ozone layer and other disasters such as the Bhopal disaster in December 1984 and others, which prompted countries to organize another conference in June 1992 in Rio de Janeiro. Through this conference, a statement was adopted setting out the principles of a program of action called 21 Century Agenda and the Universal Declaration on Forests.

Since then, many protocols and conventions have emerged in this context; however, some do not specifically protect refugees fleeing the destruction of their environment (Abdelhadi, *Op. Cit.*). We note that there is a deficiency in international environmental law regarding the protection of environmental refugees. These shortcomings are evident in the challenges posed by state sovereignty, the inadequacy of institutional mechanisms designed for this

protection, and the ineffectiveness of these institutions in safeguarding environmental refugees. Additionally, these frameworks often rely on relatively simple principles, the most significant of which is the precautionary principle (Ibid.).

The “precautionary principle” dates back to the 1970s in Germany, at a conference in a preliminary draft of the 1970 law to ensure clean air, where studies by the European Institute for the Environment indicated that the German government's policy in the field of environmental protection was not limited to preventing imminent damage that needs to be repaired in the event of its occurrence, but also pursued a precautionary policy that required more than that to protect and manage natural resources carefully (Amara, 2013).

This project was enshrined in a law ratified in 1974, relating to protection against the harmful effects of environmental pollution produced by air, rain, vibration and similar phenomena and included the obligation of classified establishments to take precautionary measures to avoid any harm to the environment. The principle was formulated in this law as follows: “The responsibility towards future generations requires that the natural foundations of life be preserved, to avoid irreversible types of damage such as forest degradation. The principle of precaution also requires that damage inflicted on the natural world can be avoided early depending on circumstances and opportunities.” (Nibras, 2014, p.88) Consequently, specific German federal laws have been established for the purpose of a rational management of environmental protection, even in the absence of proven risks.

The adoption of such measures in a world governed by the principle that the absolute absence of scientific and technical controls at the current stage does not justify postponing actions to prevent extremely serious and irreversible harm is crucial. On the part of the Algerian legislation, Law No. 03-10 on the Protection of the Environment in the Context of Sustainable Development explicitly establishes the precautionary principle, considering it one of the foundational principles of Algeria's Environmental Protection Law. This principle is enshrined in Article 3, Paragraph 6: “The principle of precaution, according to which the lack of technologies due to current scientific and technical knowledge must not

delay the adoption of effective and proportionate measures to prevent the risk of serious damage to the environment at an acceptable economic cost (Ibid).

We note that the principle of precaution first appeared at the international level in the World Charter for Nature of 1982. However, it was not expressly stated; it was rather conveyed through recommendations directed at the international community, including rules of conduct in the management of nature and the exploitation of its resources. The most prominent part of the charter is what is stated in Section III on implementation, in its article 21, where it stipulates that states, international organizations, individuals and bodies must cooperate for the preservation of nature, through joint activities and other appropriate actions, and to set rules and take measures that avoid adverse effects of productive and manufacturing activities, and to abide by the implementation of international legal texts that ensure the preservation of nature and the protection of the environment, and to ensure that the activities practiced under its jurisdiction or control do not cause damage to the natural systems located in other States, as well as the protection and preservation of nature in areas not subject to any national jurisdiction.*

THE THIRD TOPIC: INTERNATIONAL EFFORTS FOR PROTECTING ENVIRONMENTAL REFUGEES

Numerous international endeavors and efforts have been made in the field of environmental refugee protection. States have increasingly recognized the need to protect environmental refugees through various initiatives and agreements. The most prominent of these agreements and initiatives are the draft Limoges Convention and the Nansen Initiative.

First requirement: the Limoges Convention

The convention on the International Centre for Environmentally Displaced Persons is a comprehensive international document in form and substance for the protection of environmental refugees that includes 36 articles, aimed at building

* The World Charter for Nature was the culmination of international efforts initiated by the President of the Republic of Mobutu SeseSeko (1930-1997) before the Twelfth Assembly of the World Union for the Conservation of Nature and Natural Resources, held in Kinshasa, Zaire in 1975, where he proposed the development of a World Charter for Nature aimed at guiding and presenting any human path that would affect nature. See Hisham, B., & Al-Dawi, S.(2013). *Protection of the Environment and Cultural Heritage in International Law*. First Edition, National Center for Legal Publications, p. 56.

a legal system that helps protect environmentally displaced individuals in the long term. It relies on a holistic approach to protect environmental refugees through the adoption of scientific analyses on five continents based on some existing legal instruments and on various legal disciplines, which constitute the rights of environmental refugees and the Universal Declaration of Environmentally Displaced Persons adopted by (CIDCE) in August 2014. It is a short two-page text that clearly declares the principles and rights summarized and detailed in the convention, and its adoption at the international level can be done easily and thus constitutes an important step towards the adoption of a convention in the future, as the Universal Declaration and the draft convention aim at the same goal since its contents define strong rights and principles for the protection of environmental refugees and also aims to establish effective mechanisms in order to implement the strategy of the convention. In this regard, we note that the draft agreement guarantees many different rights such as the right to information and participation as well as the right to water and food assistance (Abdelhadi, Op. Cit.).

Second requirement: The Nansen Initiative

In an effort to find a solution to the challenge of establishing the legal status of environmental refugees, numerous international conferences and forums were held in response to the growing interest in the topic of environmental asylum. International public opinion has taken notice of this issue, and the 2005 conference on ecological refugees in Limoges, France, was a significant step toward drafting an international accord on the subject. In October 2012, the Nansen Initiative was introduced with the goal of fostering international agreement on the most effective approaches to address cross-border displacement in the event of an ecological disaster. The outcome of the 2011 Nansen Conference on Climate Change and Displacement in the 21st Century, held in Oslo, Norway, is reflected in the 10 Nansen Principles, even though they have not been formally adopted. In light of climate change and other environmental risks, the principles provide a comprehensive set of recommendations to help guide responses to some of the pressing and complicated difficulties posed by displacement. The first principle emphasizes the requirement of having a solid knowledge basis to address displacement caused by climate change and environmental issues, while principles two to five specify the obligations of pertinent parties. These principles emphasize that nations bear the primary

responsibility to protect populations impacted by climate change and other environmental hazards as well as those facing displacement, in compliance with international law (Ouchene Bolaris, *Op. Cit.*, P. 171).

The initiative's method of application starts with a series of regional or sub-regional consultative meetings in areas like the South Pacific, Central America and the Horn of Africa that are severely impacted by cross-border displacement due to recent or anticipated disasters. Together with representatives of the impacted communities, the effort brings together governments from those areas and the nations that the refugees are fleeing to in order to discuss the views of academics and institutions that are involved in development, humanitarian, and climate change issues. Through research, these consultations will create a solid knowledge base to fill in gaps in understanding, pinpoint areas of agreement and disagreement, and enhance regional conversations. The Nansen Initiative's comprehensive strategy has fostered communication and exchanges with over 100 nations, more than 150 non-governmental organizations, 15 UN agencies, and 30 academic institutions. As consultations expanded, efforts were made to initiate a global conversation about cross-border displacement caused by environmental disasters (*Ibid*).

The initiative is based on the protection of individuals and will therefore have a broader scope to address issues of cooperation and solidarity, as well as the criteria for the treatment of affected persons regarding their admission to and stay in the country of displacement and their access to fundamental rights. This three-year process is expected to lead to a protection agenda that will: (*Ibid*).

- Identify appropriate practices and tools to protect cross-border displaced persons in the context of natural disasters.
- Reach agreement on the basic principles that should guide states in areas of international cooperation, standards for the protection of displaced persons, and operational responses.
- Provide recommendations on the roles and responsibilities to be assumed by relevant actors and stakeholders.

- Propose a follow-up action plan to identify further normative, institutional and operational developments to be adopted by a small group of countries from the North and South

In this regard, it should be noted that the Nansen Convention includes many issues, including the definition of the rights of environmentally displaced people such as the right to treatment, the right to be rescued and receive food assistance and the right to housing (Ibid)

Conclusion

In this paper, we have investigated the issue of environmental refugees within the framework of both national and international law, referencing various conventions and treaties. We defined environmental asylum and examined the legal complexities involved in recognizing environmental refugees in both international and national contexts. Our exploration included an assessment of the available legal frameworks for the protection of these individuals under national and international law. Our findings revealed several critical points; first, various factors contribute to environmental asylum. Second, despite the increasing number of people displaced by environmental causes, current international law provides insufficient protection for them. The 1951 Refugee Convention and its 1967 Protocol, which form the cornerstone of international refugee law, do not explicitly recognize environmental factors as legitimate grounds for asylum. As a result, environmental refugees fall into a legal void, lacking clear status or defined rights under existing international instruments. Furthermore, at the national level, very few countries have incorporated provisions for environmental displacement into their domestic legislation, leaving affected individuals vulnerable to inconsistent or inadequate protection. The absence of binding international standards also hinders collective responsibility and coordinated responses to cross-border environmental migration.

In light of these findings, we propose these recommendations: revising the 1951 Geneva Convention to strengthen international efforts in safeguarding environmental refugees, developing a new international framework that addresses the root causes of environmental asylum while enhancing protections for various refugee populations, and promoting environmental awareness at local, national, and international levels. Such initiatives could include efforts to combat

desertification, implement reforestation projects, and provide assistance to countries severely affected by environmental degradation.

Additionally, effectively addressing the challenges faced by environmental refugees necessitates a comprehensive approach that integrates legal reform, international collaboration, and grassroots environmental initiatives. By adopting these measures, the international community can better protect those displaced by environmental factors and work towards a more sustainable future.

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