

May 2018

### The Impact (or Lack Thereof) of Recent Environmental Negotiations on Climate Induced Displacement

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#### Recommended Citation

Silberman, Aaron (2018) "The Impact (or Lack Thereof) of Recent Environmental Negotiations on Climate Induced Displacement," *Undergraduate Journal of Global Citizenship*: Vol. 2 : Iss. 3 , Article 4.  
Available at: <https://digitalcommons.fairfield.edu/jogc/vol2/iss3/4>

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**An Analysis of Effects of the Paris Agreement, and post-Paris Agreement Global  
Environmental Negotiations, on Climate Induced Displacement**

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Environmental Future(s) Initiative  
January 31st, 2017

## Introduction

On October 17th, 2016, Anote Tong, the former President of the Republic of Kiribati (“Kiribati”), delivered a set of remarks at Georgetown University in Washington, D.C. During his speech, President Tong focused on climate induced displacement, one of the manifestations of climate change that is increasingly under the international microscope:

Weather and climate are without a doubt the most popular ice-breakers between unfamiliar people trying to establish some kind of a connection. And today, climate change has also become the hottest topic of discussion in the international arena. But what do climate change and recent international negotiations on the issue this mean for countries in different parts of the world, especially for those most vulnerable, like Kiribati? The brutal reality is that, for those of us living on low-lying atoll islands, our future survival as a people and a culture is very much in question. The scenarios projected by the Intergovernmental Panel on Climate Change (IPCC) indicate that, even if the pledges on emissions made in Paris are fully delivered, my homeland will still be underwater well within the century.<sup>1</sup>

President Tong’s remarks at Georgetown University, much like the speeches he has made throughout a lengthy career in public service, were an attempt to analyze the phenomenon of people being displaced from their homes and/or countries due to various manifestations of climate change (e.g., rising sea levels, desertification, extreme weather patterns). This article seeks to provide context for the urgency behind many of President Tong’s claims and delve into the impacts that recent, international environmental negotiations have had on the global state of affairs pertaining to climate induced displacement. Specifically, this article will examine the results of the following international environmental negotiations: the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21); the Second United Nations Environment Assembly (UNEA II); and the 22nd Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22). In order to properly evaluate the aforementioned Conferences and Assembly, this article will provide an overview of the history of international environmental negotiations as well as a review of legal code and political convention insofar as they pertain to climate induced displacement

The issue of climate induced displacement is increasingly germane at such negotiations given recent studies that have been published and contain estimates of the number of people who may be potentially forced from their homes by climate change. According to one such study conducted by the International Organization for Migration, between 50 million and 350 million people could be displaced by climate change by 2050.<sup>2</sup> The scope of this issue extends throughout the world: communities that can legitimately lay claim to being displaced by climate

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<sup>1</sup> Tong, Anote. 2016. *The global challenge of climate-induced migration*. Georgetown University, Washington, D.C.:

<https://globalfutures.georgetown.edu/responses/the-global-challenge-of-climate-induced-migration>.

<sup>2</sup> Laczko, Frank, and Christine Aghazarm. 2009. *Migration, environment and climate change: Assessing the evidence*. Switzerland: International Organization for Migration.

change range exist in Kiribati,<sup>3</sup> the People's Republic of Bangladesh,<sup>4</sup> the State of Alaska,<sup>5</sup> and many more countries.

It is worth briefly noting that, throughout this article, those who are or will be displaced by climate change will be referred to as climate displaced persons ("CDPs"). This terminology captures both those who are displaced by climate change and remain within their country of origin and those who are forced to cross national borders. This article is not unique in utilizing such terminology, as is demonstrated by the work of Rosemary Lyster and others.<sup>6</sup> However, by making use of the term CDPs, this article seeks to avoid entering into any discussion regarding the merits of such phrases as "climate refugees" or "climate migrants." While some, such as François Gemenne, argue that it is vital for CDPs to be referred to as "climate refugees" in order to acknowledge the fact that many displaced persons will likely come from developing countries that have historically contributed fewer greenhouse gas emissions ("GHG emissions") than developed countries,<sup>7</sup> the Nansen Conference on Climate Change and Displacement in the 21st Century acknowledged that no terminology referring to persons displaced by climate change had yet been universally acknowledged or adopted.<sup>8</sup> Given this ambiguity vis-a-vis the propriety and commonness of certain terms, this article will attempt to steer clear of vocabularic debate as best as is possible by exclusively utilizing the CDP designation.

### Relevant History

#### *A Review of the History of the COP*

The COP, which occurs on an annual basis and rotates between different parties within the Conference, is the decision making body of the United Nations Framework Convention on Climate Change ("UNFCCC"). According to the website of the UNFCCC, "All States that are Parties to the Convention are represented at the COP, at which they review the implementation of the Convention and any other legal instruments that the COP adopts and take decisions necessary to promote the effective implementation of the Convention, including institutional and administrative arrangements."<sup>9</sup> The COP meets in order to develop agreements and policies that

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<sup>3</sup> Farbotko, Carol. 2010. Wishful sinking: Disappearing islands, climate refugees and cosmopolitan experimentation. *Asia Pacific Viewpoint* (51): 47.

<sup>4</sup> Chaturvedi, Sanjay. 2010. Geopolitics of fear and the emergence of 'climate refugees': Imaginative geographies of climate change and displacements in Bangladesh. *Journal of the Indian Ocean Region* 6 (2): 206.

<sup>5</sup> Marino, Elizabeth. 2012. The long history of environmental migration: Assessing vulnerability construction and obstacles to successful relocation in Shishmaref, Alaska. *Global Environmental Change* 22 (2): 374.

<sup>6</sup> Lyster, Rosemary. 2015. Protecting the human rights of climate displaced persons: The promise and limits of the United Nations Framework Convention on Climate Change. In *Research handbook on human rights and the environment*, eds. A. Gear, L. Kotze. UK: Edward Elgar Publishing.

<sup>7</sup> Haley-Benjamin, Vanessa, Carl Bruch, François Gemenne, Michael B. Gerrard, W. Chris King, and Benjamin Schachter. 2016. The debate: Can the world community handle environmental refugees? *The Environmental Forum* Nov./December 2016 : 52.

<sup>8</sup> Hantscher, Sinja. 2016. The United Nations High Commissioner for Refugees' discourse on environmentally displaced persons: A double-edged sword? In *Organizational perspectives on environmental migration*, eds. Kerstin Rosenow-Williams, François Gemenne. 1st ed., 93. New York: Routledge.

<sup>9</sup> Conference of the Parties (COP). 2014. Accessed: 2017. Available from <http://unfccc.int/bodies/body/6383.php>.

further the mission of the UNFCCC, per Article 2 of the Convention, to stabilize greenhouse gas emissions in order to avoid harmful, anthropogenic effects within the climate system.<sup>10</sup> Since it began in 1995, the COP has met 22 times, with the most recent edition having been held in Marrakech, Morocco. Different committees have been created over the history of the COP (e.g., an Adaptation Committee), and leadership of the COP is coordinated by the Secretariat of the UNFCCC and a rotating chair of the COP that is selected from the membership of the Conference.<sup>11</sup> As Ramakrishna described in the late 1990s, one of the main functions of the UNFCCC is to coalesce and support efforts to aid developing countries that have contributed fewer GHG emissions to climate change than developed countries, have access to fewer resources than developed countries, and are often geographically disadvantaged insofar as they are more likely to suffer the consequences of climate change earlier than developed countries.<sup>12</sup>

### *A Review of the History of the UNEA*

The UNEA first occurred in June 2014 in Nairobi, Kenya, the headquarters of the United Nations Environment Programme (“UNEP”).<sup>13</sup> The UNEA is part-governing council, part-forum: it is attended by all United Nations member states (either by governmental representatives and/or members of respective countries’ civil societies) and assists in the contemplation and drafting of policy pertaining to the global environment. The UNEA was mandated into existence at the 2012 Rio+20 United Nations Conference on Sustainable Development in order to augment the operational efficiency of the UNEP and its Governing Council, which had been meeting regularly since 1973.<sup>14</sup><sup>15</sup> The first UNEA had a thematic focus on the Sustainable Development Goals (“SDGs”), whereas UNEA II’s main theme was “Delivering on the Environmental Dimension of the 2030 Agenda for Sustainable Development.”<sup>16</sup> According to official UNEP documentation and the website of the UNEA, 17 resolutions were adopted at the first UNEA,<sup>17</sup> and 25 resolutions were adopted at UNEA II.<sup>18</sup>

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<sup>10</sup> Egenhofer, Christian, ed. 2008. *Beyond Bali: Strategic issues for the post-2012 climate change regime*. Brussels: Centre for European Policy Studies.

<sup>11</sup> Consolidated historical membership charts. 2016. Accessed: 2017. Available from [http://unfccc.int/files/bodies/election\\_and\\_membership/application/pdf/consolidated\\_historical\\_membership\\_charts.pdf](http://unfccc.int/files/bodies/election_and_membership/application/pdf/consolidated_historical_membership_charts.pdf).

<sup>12</sup> Kilaparti, Ramakrishna. 2000. The UNFCCC - history and evolution of the climate change negotiations. In *Climate change and development.*, ed. L. Gómez Echeverri, 47. New Haven: Yale School of Forestry and Environmental Studies.

<sup>13</sup> First united nations environment assembly. 2014. Accessed: 2017. Available from <http://www.unep.org/unea1/en/>.

<sup>14</sup> Sahba, Naysán. 2014. *Our Planet*. Nairobi, Kenya: United Nations Environment Programme.

<sup>15</sup> United Nations Environment Programme. 1973. Paper presented at Report of the Governing Council on the work of its first session, New York.

<sup>16</sup> United Nations Environment Programme. About UNEA. 2016. Accessed: 2017. Available from <http://web.unep.org/unea/about-unea>.

<sup>17</sup> United Nations Environment Programme. 2014. *Resolutions and decisions adopted by the united nations environment assembly of the united nations environment programme at its first session on 27 june 2014*. Nairobi, Kenya.

<sup>18</sup> United Nations Environment Programme. List of resolutions adopted at UNEA-2. 2016. Accessed: 2017. Available from <http://web.unep.org/unea/list-resolutions-adopted-unea-2>.

### *Relevant History and Context of Climate Induced Displacement*

For much of the 20th and 21st centuries, the predominant term used in debates regarding climate induced displacement was “environmental refugees.” The earliest deployment of that term is most correctly credited to Lester Brown, the founder of the World Watch Institute, in writings published in the early 1970s.<sup>19</sup> However, “environmental refugees” did not enter into common parlance until the mid-to-late 1980s with a UNEP report written by Essam El-Hinnawi.<sup>20</sup> As James Morrissey, in one of the definitive accounts of climate induced displacement’s history, puts it:

[El-Hinnawi’s paper’s] effectiveness in raising the profile of the ‘environmental refugee’ was that El-Hinnawi provided the first formal definition of the term [“environmental refugee”]. This was important for operationalizing it, which in turn allowed for a blossoming of work that focused on both documenting the existence of migration forced by environmental crises, and on formulating numerical projections of future ‘environmental refugees’.<sup>21</sup>

Following the 1985 UNEP report, the pace of research being conducted on climate induced displacement, and the potential number of CDPs, began to increase at a relatively rapid rate throughout the 1990s and early 2000s. One of the most influential authors of this era, Norman Myers, was particularly known for his claims that enormous numbers of CDPs did exist and would grow at an exponential clip in the early to mid-2000s: in one of his most recent publically-available works, Myers asserts that “As far back as 1995 ... environmental refugees totaled at least 25 million people,” and that as many as 200 million CDPs could exist in an unspecified near future.<sup>22</sup> While Myers’ work is laudable, insofar as it has undoubtedly increased the amount of attention that policy and law makers have paid to climate induced displacement, his estimates are often outliers relative to other studies, and his predictions have been publically questioned by peers and media outlets.<sup>23</sup>

Upon review of the available literature, no exact numbers of past, present, or future CDPs present themselves as having been universally, or majorly, accepted: therefore, in order to avoid predicating a conclusion upon data that may be highly contestable, this article will proceed and model itself upon studies, including a recent discussion paper published by the Office of Conflict Management and Mitigation, that acknowledge the likelihood of some tens of millions of CDPs while also opening the door for a larger number that can be clarified at a later date.<sup>24</sup>

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<sup>19</sup> Saunders, P. 2000. Environmental refugees: The origins of a construct. In *Political ecology: Science, myth and power.*, 218. London: Oxford University Press.

<sup>20</sup> Morrissey, James. 2012. Rethinking the ‘debate on environmental refugees’: From ‘maximalists and minimalists’ to ‘proponents and critics’. *Journal of Political Ecology* 19 : 36.

<sup>21</sup> Ibid.

<sup>22</sup> Myers, Norman. 2005. Contribution by prof. norman myers, green college, oxford university, U.K., “environmental refugees: An emergent security issue”. Paper presented at 13th Economic Forum, Organization for Security and Co-operation in Europe (OSCE) , Prague, Czech Republic.

<sup>23</sup> Barnes, Hannah. 2013. How many climate migrants will there be? *BBC*, 3 September 2013. Accessed 2016.

<sup>24</sup> Null, Schuyler, and Lauren Herzer Risi. 2016. *Navigating complexity: Climate, migration, and Conflict in a changing world*. Washington, D.C.: Office of Conflict Management and Mitigation; United States Agency for International Development; Woodrow Wilson International Center for Scholars.

Policymakers, military leaders, and legal experts have been interpreting and responding to the work of researchers of climate induced displacement for close to three decades. Often, it is common for policymakers in both national (e.g., the U.S. Army) and international organizations (the United Nations) to frame climate induced displacement in security terms and depict CDPs at potentially destabilizing factors; as Nash deftly examines, even the United Nations High Commissioner for Refugees (“UNHCR”), the arm of the UN that is most centered around quantifying and supporting refugees and migrants, has demonstrated a predilection for ‘securitizing’ CDPs.<sup>25</sup> Securitizing rhetoric, or ‘problematizing rhetoric,’ is best understood as being any language that is applied to an issue or group of people (in this case, climate induced displacement and CDPs) and typically classifies said issue or group of people as being likely threats and/or threat-augmenting factors. The reason that such language might be employed is to shock governmental officials, large financial donors, or others into taking action on an issue that might otherwise be perceived as being relatively slow moving.<sup>26</sup> Additional examples of the securitization of CDPs abound and include, but are not limited to, a 2015 Department of Defense Report that evoked and focused on the likelihood that, unchecked, climate induced displacement would augment pre-existing security threats and exacerbate the development of new security threats.<sup>27</sup>

Before effectively analyzing the impacts of COP21, UNEA II, and COP22, one must briefly examine the United Nations Convention Relating to the Status of Refugees (“1951 Refugees Convention”). The 1951 Refugees Convention is the fundamental, international legal underpinning of what countries should do, individually and collectively, in response to refugees. Ratified by 145 nations, the 1951 Refugees Convention provides for a definition of refugees, describes the obligations of states to care for said refugees, and attempts to quell any potential discontent with said obligations that could emerge and weaken the ties that bind states.<sup>28</sup> For the purposes of this article, it is worth carefully highlighting the Convention’s parameters for who may, and may not, constitute a refugee:

[The term “refugee” shall apply to those who,] owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.<sup>29</sup>

This foundational, internationally-agreed upon document that governs refugee law does not include reference to environmental or climatic factors that might justify benefits being allotted to those who are displaced by phenomena unrelated to race, religion, nationality, and other such

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<sup>25</sup> Nash, Sarah. 2016. Towards an ‘environmental migration management’ discourse: a discursive turn in environmental migration advocacy? In *Organizational Perspectives on Environmental Migration.*, eds. Kerstin Rosenow-Williams, François Gemenne. 1st ed., 198. New York: Routledge.

<sup>26</sup> Ibid.

<sup>27</sup> Department of Defense. 2015. *National security implications of climate-related risks and a changing climate.* Department of Defense, 8-6475571.

<sup>28</sup> *Convention and Protocol Relating to the Status of Refugees*, (2010): Convention Relating to the Status of Refugees, <http://www.unhcr.org/en-us/3b66c2aa10>.

<sup>29</sup> Ibid.

factors. Therefore, the majority of CDPs, unless other factors complicate their displacement, do not currently receive any international protection via the 1951 Refugee Convention. This fact has bedeviled advocates and the lawyers of CDPs for years, and all recent international environmental negotiations that have attempted to contend with the issue of climate induced displacement have been forced to address, in one way or another, the limitations imposed by the 1951 Refugees Convention.

### *Effects of the Paris Agreement and post-Paris Negotiations*

Given that the COP21, UNEA II, and COP22 negotiations have all occurred no more than two years in the past, and therefore it is difficult to accurately extrapolate the longitudinal impacts that said negotiations will have on climate induced displacement politics and law, this article analyzes the three recent conferences and assembly based upon the formal and informal language that they adopted vis-a-vis CDPs. Whereas the typical COP and UNEA produce numerous resolutions that pertain to disparate, narrow subjects, COP21 was unique because of its almost singular focus on an all-encompassing goal: the finalization of the so-called Paris Agreement. Ergo, with the Paris Agreement dominating the results of COP21 to a near-exclusive degree, analysis of the impacts of COP21 on climate induced displacement necessarily focuses on the Agreement.

Given this, a simplistic search mechanism was applied to the Paris Agreement in order to ascertain whether it addressed climate induced displacement and/or CDPs. For searches of the Paris Agreement, as well as other documentation produced during COP21, UNEA II, and COP22, pertinent synonyms for the term “displacement” were searched for in order to ensure that no mention of the subject would go overlooked. Germane synonyms included “refugee(s),” “migrant(s),” “migration,” “movement,” “resettle,” and other, similar variations. Applying these search parameters to the Paris Agreement yielded only one result, found in the Preamble:

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity...<sup>30</sup>

The inclusion of an allusion to climate induced displacement in the Paris Agreement was significant for several reasons. The first such reason was the historic nature of the Agreement itself: following on the years of civil society calls for an overarching, international treaty on climate change, the final text of the Paris Agreement was greeted in some corners with joy and others with outright disregard.<sup>31</sup> As Jacquet and Jamieson describe it, the Paris Agreement, by virtue of its largely-voluntary and non-binding set of principles, relies on civil society more than

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<sup>30</sup> United Nations. *Paris Agreement* (12/12/2015).

<sup>31</sup> Jacquet, Jennifer, and Dale Jamieson. 2016. Soft but significant power in the paris agreement. *Nature Climate Change* 6 : 643.

previous international agreements for its own efficacious implementation.<sup>32</sup> Given this, the Agreement's official acknowledgement of climate induced displacement, and more specifically the rights that CDPs should be accorded, functions as a clarion call for advocates and policymakers to push their national governments in order to proactively address the thorny issue.

The second, more disquieting reason behind the significance of the Paris Agreement vis-a-vis climate induced displacement is the fact that the language included in the final documentation was altered from earlier draft language that was much more forceful. As Savaresi notes, a climate induced displacement "coordination facility" was acknowledged in early drafts of the Agreement: by the time that COP21 concluded, such concrete language had been erased in favor of a more nebulous affirmation of the existence and rights of CDPs.<sup>33</sup> However, in an accompanying document that was agreed upon in order to facilitate the adoption of the Paris Agreement, more specificity is given to the climate induced displacement issue. In the document, the COP calls for the development of a task force that would be entrusted with the creation of recommendations for how the international community can best "avert, minimize and address" climate induced displacement.<sup>34</sup> Inasmuch as a relatively short amount of time has passed since the conclusion of COP21, it is difficult to objectively and conclusively determine which of the two aforementioned documents has had a more significant impact on the state of affairs regarding climate induced displacement. However, given the more concrete nature of the Adoption of the Paris Agreement versus the Paris Agreement itself, the former has, and will likely have, a greater effect on CDPs and their affairs. With that being said, it is clear that COP21 was focused on international and national emissions targets to the extent that it was unable to devote a significant enough portion of time to climate induced displacement in order to resolve long-standing question marks surrounding the issue, thus handicapping its ability to include significant reference to CDPs in its final texts.<sup>35</sup>

Following the December, 2015 conclusion of COP21 in Paris, France, UNEA II occurred in Nairobi, Kenya, in May 2016. According to the official website of the UNEA, a total of 25 resolutions were formally adopted by the Assembly's end.<sup>36</sup> In order to ensure the analysis of these resolutions was uniform with the review conducted on COP21's documents, the same search terms and parameters were utilized in both cases.

Upon application of the aforementioned search parameters to the official resolutions adopted at UNEA II, it was found that only two contained any language that pertained to climate induced displacement. The first resolution, *Protection of the Environment in Areas Affected by Armed Conflict* ("2/15"), predominantly focused on the intersection between environmental degradation and armed conflict; specifically, the resolution sought to reaffirm pre-existing initiatives that pertained to environmental peacebuilding and support the development of new endeavors that

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<sup>32</sup> Ibid.

<sup>33</sup> Savaresi, Annalisa. 2016. The paris agreement: A new beginning? *Journal of Energy & Natural Resources Law* 34 (1):16.

<sup>34</sup> *Adoption of the Paris Agreement*, (2015): , <http://unfccc.int/resource/docs/2015/cop21/eng/109.pdf>.

<sup>35</sup> Warren, Phillip. 2016. Evaluating the 'climate change displacement coordination facility': How the UNFCCC can address forced migration after paris COP21. *Columbia Law Review* Forthcoming.

<sup>36</sup> List of resolutions adopted at UNEA-2. 2016. Accessed: 2017. Available from <http://web.unep.org/unea/list-resolutions-adopted-unea-2>.

might be able to address needs that are not presently being met by the international community.<sup>37</sup> 2/15 acknowledged the causal links between environmental degradation (e.g., as might be caused by armed conflict) and displacement; additionally, 2/15 recommended that the Executive Director of the UNEP provide additional assistance to those countries that may be affected by armed conflict, displacement, and environmental degradation.<sup>38</sup> However, neither 2/15's acknowledgement nor its recommendation explicitly addressed climate induced displacement outside of the lenses of environmental degradation and environmental peacebuilding.

The other UNEA II resolution that included reference to climate induced displacement, *Combating Desertification, Land Degradation and Drought and Promoting Sustainable Pastoralism and Rangelands* ("2/24"), included language that posited that sustainable, proactive land management practices could help ameliorate the likelihood of displacement occurring; with that being said, 2/24, much like 2/15 did, did not explicate or investigate the plight of CDPs beyond the realms of desertification and land degradation.<sup>39</sup> Beyond 2/15 and 2/24, no other official UNEP or UN documentation that originated during UNEA II can be found that focuses, or even bears mention of, climate induced displacement. Considering the fact that UNEA are designed in order to allow for highly specified, myriad resolutions to be debated and adopted, the results of UNEA II vis-a-vis CDPs should be viewed as being a disappointment.

The final, recent international environmental negotiation that this article evaluates is COP22, which concluded in December 2016 in Marrakech, Morocco. Perhaps the most well-known document to have been generated at COP22 is the Marrakech Action Proclamation For Our Climate And Sustainable Development ("Marrakech Proclamation"), which organizations and media outlets in some corners interpreted as a rebuttal to the then-President Elect Donald Trump's having cast aspersions on the science and policy endeavors of the UN.<sup>40</sup><sup>41</sup><sup>42</sup> However, in applying the same search parameters that were applied to COP21 and UNEA II to the Marrakech Proclamation, it is revealed that the document contains no mention of migration, displacement, refugees, the movement of people, or CDPs.<sup>43</sup> Though the document is short and typically broad, it does mention several facets of climate change and goals with specificity (e.g., a goal of \$100 billion for developing countries' mobilization and sustainable development); given the fact that the document was signed by all attendees at COP22, it is fair to surmise that climate induced displacement did not draw the same level of consensus that renewable energy deployment, sustainable development, and other topics did.<sup>44</sup>

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<sup>37</sup> United Nations Environment Programme. *2/15. Protection of the Environment in Areas Affected by Armed Conflict*(5/23-27/2016, 2016).

<sup>38</sup> Ibid.

<sup>39</sup> United Nations Environment Programme. *2/24. Combating Desertification, Land Degradation and Drought and Promoting Sustainable Pastoralism and Rangelands*(05/23-27/2016, 2016).

<sup>40</sup> King, Ed. 2016. Marrakech call decoded: UN sends drumpf its climate demands. *Climate Home*, 15/11/2016, 2016.

<sup>41</sup> Editorial. 2016. Marrakech: Climate conference in grim political weather. *Katoikos.eu*, 11/22/2016, 2016.

<sup>42</sup> Venkat, Vidya. 2016. Marrakech action proclamation sends out a strong signal on climate. *The Hindu*, 18/11/2016, 2016.

<sup>43</sup> Marrakech Action Proclamation for our Climate and Sustainable Development (2016).

[https://unfccc.int/files/meetings/marrakech\\_nov\\_2016/application/pdf/marrakech\\_action\\_proclamation.pdf](https://unfccc.int/files/meetings/marrakech_nov_2016/application/pdf/marrakech_action_proclamation.pdf)

<sup>44</sup> Ibid.

At COP22, 35 official ‘Decisions’ were adopted by the COP and two other, related governing bodies.<sup>45</sup> The preponderance of these decisions, upon review, does not contain language or allusion to climate induced displacement and/or CDPs. Only one Decision, entitled *Warsaw International Mechanism for Loss and Damage associated with Climate Change* (“Warsaw International Mechanism Decision”), pertained to climate induced displacement; however, unlike the two resolutions discussed above that were adopted at UNEA II, the Warsaw International Mechanism Decision’s language regarding CDPs indicates both precision and an apprehension of the remarkable challenge that is climate induced displacement.<sup>46,47</sup> That is to say, the Warsaw International Mechanism Decision is a Decision, adopted by all UN member states, that clearly evinces the challenge that CDPs face and seeks to provide specific research and assistance into climate induced displacement without such research and assistance being interpreted through a secondary (e.g., environmental peacebuilding, sustainable development) lense.

One additional, distinct but interrelated document presented at COP22 is worth noting: the *Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts* (“Report of the Executive Committee of the Warsaw Mechanism”). The Executive Committee of the aforementioned International Mechanism presented this report to UNFCCC member states during COP22’s proceedings. In the Report, both migration and climate induced displacement are specifically mentioned over two dozen times.<sup>48</sup> The Report of the Executive Committee of the Warsaw Mechanism is predominantly a review of the work of the Warsaw International Mechanism in the 12 months following COP21; therefore, it does not contain much new information, research, or pledges to action. However, there is one exception to that rule:

The task force [on climate induced displacement underneath the Warsaw International Mechanism] is to deliver its recommendations [viz. climate induced displacement] no later than at COP 24 and it may assist the Executive Committee in guiding the implementation of the Warsaw International Mechanism, in an advisory role, specifically on activities related to enhancing the understanding of and expertise on how the impacts

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<sup>45</sup> United Nations Framework Convention on Climate Change. Decisions adopted by COP 22 and CMP 12 and CMA 1. 2017. Accessed: 2017. Available from <http://unfccc.int/2860.php#auv>.

<sup>46</sup> *Warsaw International Mechanism for Loss and Damage Associated with Climate Change*, (2016): , [http://unfccc.int/files/meetings/marrakech\\_nov\\_2016/application/pdf/auv\\_cop22\\_i7\\_wim1.pdf](http://unfccc.int/files/meetings/marrakech_nov_2016/application/pdf/auv_cop22_i7_wim1.pdf).

<sup>47</sup> In order to avoid confusion, it is worth clarifying that this decision is named after an organization called the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (“Loss and Damage Mechanism”). The Loss and Damage Mechanism was established at COP19 in Warsaw, Poland, and is dedicated to investigating and promoting methodologies by which loss and damage caused by climate change can be properly accounted for by the international community. The Loss and Damage Mechanism has, until this point, proved to be one of the main channels that the UN and its member states have utilized in order to officially appraise the nature of climate induced displacement and other manifestations of climate change that explicitly involve damages incurred on both developed and developing countries. Reference: United Nations Framework Convention on Climate Change. Warsaw international mechanism for loss and damage associated with climate change impacts. 2016[2017]. Available from [http://unfccc.int/adaptation/workstreams/loss\\_and\\_damage/items/8134.php](http://unfccc.int/adaptation/workstreams/loss_and_damage/items/8134.php).

<sup>48</sup> Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts. 2016. *Report of the executive committee of the warsaw international mechanism for loss and damage associated with climate change impacts*. UNFCCC, GE.16-17845(E).

of climate change are affecting patterns of migration, displacement and human mobility, and the application of such understanding and expertise.<sup>49</sup>

The significance of this section of the Report of the Executive Committee of the Warsaw Mechanism is that it attaches a hard deadline to international recommendations regarding climate induced displacement. Insofar as can be stated after review of the body of work created during COP21, UNEA II, and COP22, this Report breaks new ground by establishing an end date for the first phase of the process by which recommendations on how to respond to CDPs would be created and subsequently implemented. It could be argued that the most significant outcome of COP22 vis-a-vis climate induced displacement was the presentation of this Report and its assurances that, by COP24, recommendations for how nations should respond to CDPs will be up for public consideration.

### *Conclusion*

In conclusion, this article's objective was to analyze the impacts that COP21, UNEA II, and COP22 have had on the state of global, climate induced displacement by reviewing all official documentation generated during those negotiations. Despite numerous positive developments within the official, UN-sponsored environmental negotiations sphere (e.g., the Paris Agreement's acknowledgement of the rights of CDPs, UNEA II's two resolutions and their allusions to climate induced displacement, the COP22 announcement of a deadline for international recommendations on climate induced displacement), it is fair to assert that an insufficient amount of work has been accomplished in these recent conferences and assembly in order to bridge the gap created by a lack of political and legal protection for CDPs. The efforts of participants of COP21, UNEA II, and COP22 are likely to be viewed as important by future historians who themselves will be looking over the history of climate displacement policy. However, by COP22's conclusion, CDPs were in approximately the same standing as they were at the opening gavel of COP21.

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<sup>49</sup> Ibid.

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