



IOM A UNHCR MIMO ICH FUNKCIÍ: PRÁVNE A ADMINISTRATÍVNE FUNKCIE PRE OCHRANU ENVIRONMENTÁLNE VYSÍDLENÝCH OSÔB

IOM AND UNHCR BEYOND THEIR MANDATES: LEGAL AND ADMINISTRATIVE FUNCTIONS IN THE PROTECTION OF ENVIRONMENTALLY DISPLACED PEOPLE

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Predpokladá sa, že zmena klímy povedie k nárastu frekvencie prírodných katastrof. Zvýšenie takýchto extrémnych poveternostných udalostí môže viesť k nútenému presídľovaniu migrantov za účasti Vysokej komisie Organizácie Spojených národov pre utečencov a Medzinárodnej organizácie pre migráciu. Ako môžu medzinárodné organizácie ako UNHCR a IOM zaoberajúce sa humanitárnou a migračnou problematikou riešiť otázky spojené so zmenou klímy? Dostávajú sa nad rámec svojich funkcií? Dokázali ich nedávne humanitárne kroky na post-prírodných hrozbách na Srí Lanke, v Bangladéši a na Haiti vytvoriť „precedens“ v medzinárodnom verejnom práve, ktorý by mohol rozšíriť ich právomoc?²

Kľúčové slová: životné prostredie, migrácia, geopolitika klimatických zmien, klimatické negociácie

Climate change is predicted to lead to the increase and the frequency in natural disasters. The increase of such extreme weather events may lead to forced human displacements migrations, involving the United Nations High Commission for Refugees and the International Organization for Migration responsibilities' on the international scene. How are the UNHCR and IOM international organizations, both specialized in humanitarian and migrations fields, dealing with climate change? Are they moving beyond their original mandates? Do their recent humanitarian actions in Sri Lanka, Bangladesh and Haiti post-natural hazards may have created a “precedent” in international public law, which could enlarge their power of action?

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1 INTRODUCTION

This paper will challenge the implementation the UNHCR' and IOM' common agenda for the rights and protection of environmentally displaced people since the COP21 and the Paris Agreement. We will analyze the way UNHCR and IOM implemented the environmental criteria through their political discourse, their internal policies and among humanitarian operations they conducted. The use of this new criteria might have led to new dynamics of power and rivalries within the two structures and inside each of own institution. Indeed, the New York Declaration voted on 16 September 2016 strengthens global governance of migration and brings IOM the opportunity to join the United Nations as an international organization. This evolution might lead to new rivalries with the UNHCR and internal consequences in terms of recruitment, funding and expansions of their activities on the field.

UNHCR and IOM' both failures and limits to ensure legal protection of environmentally displaced people are often pointed out as a lack of action and political will. The UNHCR and IOM have both legal personality provided by the public international law structure and the law of international organizations (Hall, 2016). International organizations possess their own internal decision-making instruments and can enact their own legal resolutions. Despite this form of legal autonomy, international organizations still strongly depend on national political decisions and on Member States allocations. It should be noted that the financial and political commitment of the States to both institutions have strong influence on their effective legal actions (Maertens, 2012).

Firstly, we will go back to the definition of "refugee", "migrant" and "displaced people" concepts, in order to remind legal definitions provided by international public law and understand their legal implications (Cournil 2006, Mazzega 2006). This work of definition is essential to understand how the classification is built upon concepts of human persecution and legal categories corresponding. Indeed, the recognition of a specific status for environmental displaced people would raise some questions related to the authority and mandate of UNHCR and IOM to ensure a humanitarian and legal protection for environmental displaced people.

We will also study the UNHCR and IOM' mandates the legal compatibility with the international and regional legal texts including climate-change related relations. It will also be necessary to analyze international instruments based on soft law (Nansen Initiative, Global Compact for Migration), which, without necessarily

recognizing the migratory dimension, can be applied to natural disasters' victims (Tuitjier 2015, Chevalier 2015). An overview of international law instruments and climate negotiations legal frameworks will be conducted and we will pay particular attention to the UNHCR and IOM' legal recommendations and work of advocacy during the COP21.

2 UNHCR AND IOM POLITICAL POSITION TOWARDS ENVIRONMENTAL DISPLACED PEOPLE

The United Nations High Commission for Refugees is mandated to ensure legal and humanitarian protection of refugees under the 1951 Geneva Convention. The Geneva Convention relating to the Status of Refugees applies Resolution 429 (V) of the United Nations General Assembly of 14 December 1950. Adopted by the States Parties to the United Nations and signed in Geneva on 28th July 1951, this Convention use articles 13 and 14 of the Universal Declaration of Human Rights. *“Man of 1948”* 1. Everyone has the right to freedom of movement and to choose his residence within a State. 2. Everyone has the right to leave any country, including his own, and to return to his country “and” 1. In the face of persecution, everyone has the right to seek and enjoy asylum in other countries [...]

UNHCR has legally defined a refugee on the basis of these articles:

Article 1 - A. *For the purposes of this Convention, the term “refugee” shall apply to any person: (...) (2) Who, having a well-founded fear of persecution because of his race, religion, his nationality, his belonging to a certain social group or his political opinions, is outside the country of which he has the nationality and which cannot, or because of this fear, want to claim the protection of that country; or who, if he has no nationality and is outside the country in which he had his habitual residence, cannot, or because of that fear, refuse to return.*

Thus, the environmental factor is not included among legal criteria UNHCR provides to grant the refugee status under international refugee law. The international organization is limited in its appropriation of environmental issues within its legal and administrative services through its constitutive mandate (Mayer 2015, Prieur 2015).

The non-existence of a criteria of persecution caused by external environmental or climatic facts can be explained partly by a temporal factor (Maertens, 2012). The Geneva Convention was signed in 1949, before publication and dissemination of scientific reports highlighting this factor of influence. Governments signing the Geneva Convention have designed criteria of persecution, based on the human activities. Moreover, the recognition and amendment of a new criteria in the Geneva Convention raise sensitive questions regarding the political will and possibility

of States to modify or amend the Geneva Convention and include additional legal criteria (Cournil, 2006).

Going beyond the legal framework defined by the Geneva Convention to assist and provide legal protection to environmental displaced people would imply a significant internal process of justification, which could also jeopardize legal dispositions already acquired. Several lawyers point out the risk of a revision of the 1951 Geneva Convention, leading to counterproductive effects and the loss of legal provisions. Indeed, such a revision of the Geneva Convention would require the reopening of the Geneva Convention. Some conservative governments could see this legal reopening as an opportunity to discuss existing provisions and, finally, promote a restrictive mandate (Cournil, 2006).

Internally, the announcement of a debate on a possible intervention by UNHCR in the case of environmental displacement raised several fears regarding the existing mandate of the UNHCR. According to Erika Feller (2011), UNHCR did not agree on a specific definition related to “environmental migrants”, “climate refugees” or “environmental displaced people”. She believes that “the international community needs to find the right balance because the organization is working for the moment to fulfill its mandate for its main beneficiaries”.

The International Organization for Migration created in December 1951, is an international agency producing research, reports based on field data collecting and contributes to advocacy and public policies developed by States, related to migration. IOM's mandate was adopted on 19th October 1953 and came into force on 30 November 1954. This mandate states: “*Internally, the announcement of the debate on a possible intervention by UNHCR in the case of environmental displacement raised several fears, notably that of seeing the mandate of the UNHCR distorted and its legal expertise diminished*”. According to Feller (2011), UNHCR has still not decided on the exact terminology and definition of climate refugees, ecological refugees or displaced people due to natural disasters. Feller believes that “*the international community needs to find the right balance because the organization is working for the moment to fulfill its mandate for its main beneficiaries*”.

While IOM's executive mandate does not mention any humanitarian intervention in a natural disaster context, IOM stands out as a non-UN agency pioneering, conducting field research on the link between environment and displacements (Ionesco, 2015).

IOM started being interesting in the phenomenon of environmental migration in the years 80 and published a first scientific report “Migration and the environment in 1992”, followed by three other publications in 1996, 1997 and 1998 (Ionesco, 2015). This non-governmental agency intervened after the Hurricane Mitch, which killed

10 000 people and displaced more than thousands of people in Honduras. IOM provided humanitarian support and helped to build shelters (Ionesco, 2015).

The International Organization for Migration considers any people, displaced or fleeing from their country, should be recognized as refugees, independently on the natural or man-made disaster. IOM defines migration as “*displacement that results in a change of residence for a population, regardless of its cause, composition and duration. There are two types: international and internal, whether temporarily or permanently. They are differentiated by the crossing of an international border*”.

According to IOM, forced migrations are not based on a voluntary movement but on a movement caused by external factors such as war, famine, drought and natural disasters that may be related to human activities. IOM distinguishes people fleeing post natural disasters situations and does not classify them as refugees or displaced persons for economic, war and conflict reasons. As such, IOM regularly reports famine outbreaks triggered by long periods of drought, pointing out climate change as an aggravating factor of forced migrations (Ionesco, 2015).

3 UNHCR AND IOM APPROPRIATION OF NEXUS BETWEEN CLIMATE CHANGE AND ENVIRONMENTAL DISPLACED PEOPLE

The United Nations High Commission for Refugees (UNHCR) and the International Organization for Migration (IOM), through operational and humanitarian assistance they provided after sudden natural disasters, have been gradually invited to position themselves on the environmental displaced people protection issue (Maertens, 2012). Both of these organizations maintain proactive communication on climate change and post natural hazards forced displacements. Nevertheless, they struggle in finding funding and support to develop long-terms projects in the geographic areas the most vulnerable to climate change induced effects. Could they finally involve their responsibilities’ to ensure legal and administrative protection of environmental displaced people?

In 2004, the UNHCR’ exceptional post-tsunami humanitarian intervention in Sri Lanka was perceived as a trigger. UNHCR positioned itself as one of the first humanitarian actor on field, going beyond its original mandate restriction and competences (Maertens, 2012). This humanitarian intervention is depicted as interested and pragmatic: the UNHCR Protection Unit based in Geneva deployed important human, financial and material resources during one year and a half. As the International Organization Migration was also intervening and pooling their resources, this intervention shows the potential for multilateral collaboration and practical cooperation IOM and UNHCR on field, despite rivalries and disagreements between these two international organizations. Indeed, the UNHCR is an organization which

has to deal with a competitive environment in which intervention can be decisive for establishing the political legitimacy of the organization (Maertens, 2012).

Originally limited to the European geographical area, UNHCR and IOM mandates have evolved over the last sixty years. Pursuing a top-down approach, IOM and UNHCR Headquarters' are both based in Geneva and set up projects implemented, in a second time, in local offices. Limited in their framework of action and by restrictive mandates, they seize the opportunity to position themselves on a subject which put the international organizations in restlessness.

Among the various criteria defined in the 1951 Geneva Convention relating to the Status of Refugees, the environment, as a cause of persecution caused by external environmental or climatic effects does not exist. Following its exceptional and sudden humanitarian action in 2004 after the Sri-Lankan tsunami and the Kashmir earthquake in 2005, the UNHCR spoke for the first time out about climate refugees and the emergency to find a legal protection framework (UNHCR, 2015).

At the same time, internal voices spoke up and asked the UNHCR to consider the enlargement of its mandate, to integrate additional expertise and ensure the legal and humanitarian protection of environmental displaced people (Maertens, 2012). Such requests raise internal issues, as the willingness to maintain this new strategy of expansion and to establish a new field of activity. Indeed, the UNHCR was gradually internalizing public positions in favor of the enlargement of legal protection for environmental displaced people. Some sections were publishing several information reports, in collaboration with other non-governmental agencies.

In 2012, UNHCR set up the first Climate Change and Disaster Displacement Unit, dedicated to environmental issues (Franck, 2016). They published some reports and guidelines to measure the impact of environment on forced population movements. Today, this section contributes to intergovernmental initiatives such as the Nansen Initiative, coordinates and develops soft law instruments to improve environment displaced people protection. This structure has an operational branch dedicated to adaptation and capacity building to face the effects of climate change. For its part, IOM is developing a specific research section called "Migration, Environment and Climate Change" (Ionesco, 2015). Their main interest is to inform States and about the environmental pushing factor in forced migrations. Subsequently, IOM's nine regional offices develop a transversal approach on migration, environment and climate change into their respective strategies.

UNHCR's official position on climate change is an opportunistic one. In order not to lose "ground" in a competitive context, UNHCR has to establish a clear political position regarding the other international organizations such as the International Organization for Migration and the High Commission for Human Rights. While UNHCR has legal expertise in the case of forced migration, IOM is recognized as

competent to establish guidelines for voluntary migration. Indeed, IOM is also interested in working on forced migration linked to natural hazards or sudden environmental disasters. As a result, there are areas of overlap between IOM's field of action on the one hand, and UNHCR on the other (Gemenne, 2015). This overlap and the absence of clear guidelines about respective powers of action constitute the first obstacles to the effectiveness of actions.

In 2001, the UNHCR published a first report on the case of "environmental refugees", showing a willingness to include environmental criteria among the triggers of humanitarian crises (Maertens, 2015). UNHCR's approach is in line with IOM, which tends to become a key figure on the international scene. Indeed, IOM launched first reports on the link between migration and climate in the early 1990's. Then, the organization published regularly research reports, data collecting and feedback from conference around environmental migrations issues.

International organizations' approach on environmental migrations was firstly focused on the impact on migration and environment. IOM took the opposite view of this perspective and introduced the first influence of environmental degradation and climate change on human mobility. In fact, IOM published a first report in 2009, stating the existence of a link between climate change, environmental degradation and migration. IOM received 720 million USD between 2009 and 2013 to strengthen its humanitarian response to natural disasters in more than 30 countries and "*to provide immediate assistance, develop disaster reduction activities or manage risk the long term*" (Ionesco, 2015).

Dina Ionesco, Head of the IOM Environment section explains, "*IOM's current activities on migration, environment and climate change include research and awareness raising, legal protection thinking, strengthening actors' capacities, political dialogue and the development of partnerships. They also include field operations aimed at reducing people's vulnerability to environmental risks and assisting populations displaced by natural disasters and environmental change*".

IOM's operational and humanitarian response is partly explained by the UN's reform of the United Nations Humanitarian Organization in 2006 and the approval of the Inter Agency Standing Committee (IASC) in December 2005, which encouraged a common approach with the UNHCR. Dina Ionesco confirms: "*IOM is leading the coordination and management of temporary camps for people displaced by natural disasters worldwide*".

The approach of the UNHCR Climate Change section seems to echo the one IOM wants to assert as an actor of advocacy and policy making. However, if the International Organization for Migration claims to have built an expertise on environmental protection issues, UNHCR remains the only international organization with legal basements recognized by the General Assembly of the United Nations.

4 STATES OPPOSITION TO THE EXPANSION OF UNHCR AND IOM MANDATES

A State party to the Geneva Convention is legally bound to provide international protection to people who can be protected by their own States. So far, people displaced by natural or climatic disaster in their countries of origin cannot obtain the legal protection of UNHCR, as UNHCR cannot theoretically intervene on the ground on the basis of the principle of non-interference and respect for territorial integrity (UNHCR, 2015).

Jane McAdam identifies a form of fear among states parties, donors, but also some UN officials about UNHCR enlargement's mandate (Mc Adam, 2012). UNHCR's intervention oppose the question of respect for national sovereignty and a certain apprehension that the United Nations may interfere in the internal affairs of states concerned by internal displacement movements. Jane McAdam notes two points of opposition regarding a possible enlargement of the UNHCR's mandate. First, states could require a strict respect of the UNHCR original mandate and legal framework guaranteed by the Geneva Convention. Then, such an enlargement of the UNHCR's original mandate could divert the UNHCR from its primary objectives, spread budgets and mitigate its power of action.

Some states have publicly expressed their refusal to see the UNHCR developing a new framework for environmental displaced people. Russia and India expressed their willingness to maintain the current 1951 Geneva Convention and the 1967 Protocol, stressing the separation of asylum and migration, human environmental causal factors, including climate change (Hall, 2016).

In 2009, High Commissioner for Refugees Antonio Guterres face strong rejection during the 2009 ExCom Committee meeting, during which he discussed the issue of internal displacement related to climate change induced effects. The Bangladesh authorities mentioned their reservations regarding the potential broadening of the High Commissioner for Refugees' mandate, arguing that the UNHCR should better focus on its current mandate and the actions carried out (Hall, 2016). Such reservations coming from state authorities confirm fear that UNHCR would increase its activities on their territories and lead internal displaced people after natural hazards, raising the question of interference.

The expansion of International Organization for Migration's mandate was raised in the 1990s and received strong criticism in return. In 1995, IOM defended during an annual meeting its desire to enlarge its intervention's frame in order to provide humanitarian assistance to people in humanitarian emergent situations (Hall, 2016). Several States Parties were opposed to this new orientation, arguing the risk of a mandate overlapping with other United Nations agencies or NGO's specialized in

humanitarian intervention. These criticisms revealed a desire to keep the IOM's original policy framework and to limit the potential of an expansionist policy.

Limits and restrictions imposed by the States to the UNHCR and IOM, with regard to a potential expansion of mandate to ensure the protection of environmental displaced people refer to the hierarchical system of law in international organizations. Indeed, UNHCR and IOM are international organizations with legal personality and internal operating structures, defining their power of action. Both of these entities have structural functions very similar to those of the States: a very strong hierarchy of powers and responsibilities', a vertical allocation of powers (from Headquarters to local offices) and a discrepancy between political decisions and actions carried out on the field.

However, international organizations remain "creatures of their Member States", institutionalized and funded by them in order to facilitate cooperation (Sur, 2013). In fact, IOM and UNHCR's framework of intervention depend firstly on a good level of diplomatic relationships with their hosting States.

5 UNHCR AND IOM COLLABORATION WITHIN CLIMATE NEGOTIATIONS FRAMEWORK

During the 14th Conference of the Parties taking place in 2008, UNHCR and IOM sections organized a first side-event in common on the topic "Climate change, migration and forced displacement: the new humanitarian border". The goal of this joint side-event was to bring knowledge and evoke some guidelines related to migration, climate change, protection and adaptation. This event was an opportunity for both units to make a call for a bigger mobilization from the international community and confirm the existing link between migration, environment and climate change (Franck, 2016).

UNHCR and IOM were also invited to speak at the same event at the United Nations Conference on Sustainable Development in 2012. This conference focused on the vulnerability of migrants and refugees living in urban areas. On this occasion, UNHCR and IOM affirmed the "*need to strengthen disaster risk reduction efforts, including natural disasters and those related to environmental degradation and climate change pressures*". The presence at this event of the IOM Director General William Lacy Swing and High Commissioner for Refugees Antonio Guterres also showed their common political willingness to publish a consensual and similar political message.

During the COP21 negotiations, IOM and UNHCR were both taking part to a joint side event on Human Mobility and Climate Change. The importance of human mobility has been discussed in the UNFCCC process but did not include the nexus between environment, climate change and migration. Nevertheless, some exchanges

took place between UNHCR, IOM and the Norwegian Refugee Council through the creation of an informal Advisory Group during these negotiations.

In September 2016, the Italian and Sri Lankan governments jointly organized an event in preparation of the COP22 about health in a context migration. This event welcomed the World Health Organization, the IOM and UNHCR. This event echoed a United Nations Summit during which the health of refugees and migrants; including displaced people post natural disasters, was evoked for the first time.

UNHCR and IOM unanimously affirmed the necessity to share responsibilities' in promoting the health of refugees and migrants. Such a political cooperation between UNHCR and IOM at a high level of institutional cooperation appears to be fruitful but does not give elements about concrete common actions on field.

Also, UNHCR and IOM have diversified their initial activities to become pioneers and experts in soft policy and advocacy in the field of migration research related to the effects of climate change. These two international organizations produce regular institutional reports on the effects of climate change over migration and displacement since the late 1990s, collect and provide quantitative data to other international agencies (Maertens 2015, Hall 2016). However, the Geneva office working on climate change would not apply any internal communication policy and would not build any inclusion process with its local offices.

6 CONCRETE AND OPERATIONAL CAPACITIES FOR UNHCR AND IOM TO GO BEYOND THEIR MANDATES

The 1990s can be conceived as a turning point in the prevention of natural disasters and humanitarian assistance for people directly affected. The United Nations launched the World Food Program (WFP), which provides emergency food assistance in case of disaster relief operations. At the same time, the United Nations Assembly and Commissions met in Yokohama, Japan, in May 1994, and set up guidelines for the prevention of natural disasters in the frame of the UN Decade Program. International Convention on Disaster Reduction Strategy (Hardcastle & Chua, 1998).

This multilateral institutionalization of the humanitarian, in the frame of natural disasters, encouraged international organization to develop strategy and discourse of justification (Maertens, 2012). This institutionalization was first established in the soft policy field but was then diffused to concrete and operational framework of actions. In 1996, IOM, UNHCR and the Refugee Policy Group jointly organized a first conference to assess and establish measures to prevent and mitigate environmental degradation (Ionesco, 2015). From this point, environment started being perceived as a likely factor of aggravating forced displacements.

While UNHCR has legal expertise in the frame of forced migrations leading to refugee or statelessness cases, IOM is recognized competent to establish guidelines for voluntary migration (Hasegawa, 2016). This organization is also interested in working on forced migration, including environmental or climatic events. Nevertheless, the absence of clear guidelines regarding the power of action of each of the international organizations in the case of sudden human displaced due to natural hazards is an important obstacle in defining the effectiveness of common actions (Hasegawa, 2016).

The post-natural hazards humanitarian assistance provided to internally displaced people was progressively written on the agenda of the General Assemblies of the United Nations. On 8th December 1988, a resolution entitled Humanitarian assistance to victims of natural disasters and similar emergencies was voted by the United Nations. Therefore, the environmental and climatic factors are integrated into the humanitarian intervention strategy taken into account by the UN agencies (Resolution 43/131 Humanitarian assistance to victims of natural disasters and similar emergency situations).

In 2013, the International Organization for Migration (IOM) launched a first environmental migration portal that "aims to provide a single point of entry to promote new studies, information exchange and dialogue". The aim was to collect data, conduct research projects on the link between migration and environment. IOM then developed a panel of recommendations and advice to prevent national governments on the issues related to human displacements linked to an environmental or climatic factor (Mokhnacheva, 2016).

Beyond the operational tools at its disposal, IOM wishes to promote and "*facilitate the role of migration as a climate change adaptation strategy*". Between 2000 and 2009, 500 projects and expert reports have been funded to study various types of environmental migration (Ionesco, 2015).

At the same time, UNHCR conducted research and data collection expertise by producing a first report on environmental refugees in 2001. The choice to fund legal study reports or field data on environmental migration echoes UNHCR's awareness regarding its political position and its operational role in protecting people displaced by natural disasters (Maertens, 2015).

As IOM progressively intervenes at the operational level following population displacement caused by human, then natural and climatic factors, restrictive legal provisions included in the UNHCR's mandate could be conceived as a major obstacle (Ionesco, 2015). The important difference in the legal nature of IOM and UNHCR respective mandates can explain how these two international organizations develop various processes of communication and framework of actions about the environmental displaced people.

Thus, UNHCR recognizes the intricacy of environmental, security and humanitarian factors and considers a possible intervention legally possible in a case of a religious, social or political group disproportionately affected by a sudden or long-term catastrophe caused by third-party behavior (Mc Adam, 2012). Similarly the right of the UNHCR to provide humanitarian and legal assistance, in the case of a government using a natural disaster as a pressure tactic to persecute civilians or opponents, has been recognized.

If the UNHCR apprehends the environmental criteria as a new criteria in its own right justifying a new form of legal and humanitarian intervention, this approach could trigger a true expansionist policy of the UN agency in territories in which international action was non-existent or limited to the strict application of the Geneva Convention. Is this approach for this agency? Or would it require a more general legal framework that would support, legitimize, but especially finance such new operations?

5 CONCLUSIONS

On 19 September 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants. Member States committed themselves to develop a comprehensive framework of action for refugees and migrants, with a view to ensure the adoption of a global compact for safe, orderly and regular migration in 2018. Initiated by IOM and monitored by the UNHCR and the World Labor Organization this approach is based on the desire to ensure better international governance of migration and the need to provide a framework of common principles and principles.

Heads of State and Government and several UN agencies met on 20th May 2017 in several panel discussions to discuss the impacts of global economic, security and environmental change on migration. Among the “pushing factors” of migration, the effects of climate change, natural disasters and resource conflicts were discussed. During discussions, the State of Bangladesh recognizes the existence of a direct link between migration and climate change and claimed climate change factor should be incorporated as the driving force of migration in the official text of the Global Compact.

The Global Compact seems to be a first level of discussion in order to prepare potential future negotiations around the topic of migration. Provisions included in the Global Compact text will have to comply with States’ obligations under international human rights law and existing labor standards. States already agreed on the future agenda coming: consultations will be organized by the United Nations Secretariat and the International Organization for Migration (IOM), as well as relevant United Nations agencies, such as the Office of the High Commissioner for Human Rights (OHCHR), the World Trade Organization (WTO) and some of the regional commissions of the

United Nations. This process of consultations could lead to some agreements regarding the implementation of a framework designed to ensure a better protection of the rights of migrants and refugees.

The Global Compact institutional and political framework also tends to conceptualize migration through criteria of prevention, adaptation and mitigation. If the Global Compact paves the way for new accountability and compensation mechanisms, climate change law could also become a new legal system in which the protection and compensation mechanisms could be provided to vulnerable people facing the effects of climate change.

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