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Functional recognition of climate-displaced persons in Africa: Procedural guarantees and safeguards for just transition

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Abstract: This article analyses the marginalisation of people displaced by climate change in Africa as a manifestation of environmental and climate injustice, in a context where existing legal frameworks remain insufficient to ensure adequate protection. The article argues that the absence of a fully operational universal legal status should not prevent the establishment of effective protection. It therefore proposes a functional recognition of climate-displaced persons based on human rights. This recognition draws upon civil and political rights, economic, social and cultural rights, as well as rights to solidarity, to place displaced persons at the heart of a truly inclusive, just transition. The study also demonstrates that the effectiveness of this approach depends on substantial procedural guarantees: access to information, participation, access to justice and operational safeguards, such as climate funds, planned relocation, compensation, land tenure security and climate insurance. The article concludes that, in Africa, just transition should

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not be limited to energy or economic transformation, but must also be a project of justice that fully integrates the protection of populations displaced by climate change.

Key words: climate-displaced persons; climate justice; functional recognition; just transition; procedural safeguards

1 Introduction

Mitigating the climate crisis and implementing a just transition are the most urgent and major challenges of our time.[1] The World Bank estimates that by 2050, sub-Saharan Africa could see up to 86 million internal climate migrants; East Asia and the Pacific, 49 million; South Asia, 40 million; North Africa, 19 million; Latin America, 17 million; and Eastern Europe and Central Asia, 5 million.[2] Data from 53 African countries show that all countries are vulnerable to climate change, with Somalia, Niger, Guinea-Bissau, Chad and Sudan ranked among the most vulnerable to climate shocks, and South Africa, Angola, Morocco and Tunisia the least vulnerable.[3] Environmental changes indirectly influence migration in Africa, by affecting other migratory factors, including socio-demographic, economic and political considerations.[4] The trend towards environmental migration has intensified due to the combination of rapid population growth, environmental degradation and climate variability.[5] Each year, the adverse effects of climate change intensify,[6] compelling African states to adopt ecological transition strategies to green their economies and strengthen resilience.

Climate transition refers to the set of structural and progressive transformations aimed at reducing greenhouse gas emissions, strengthening resilience to the impacts of climate change, and steering societies towards sustainable, low-carbon development models.[7] The climate transition involves economic, social, political and ethical dimensions. Among other things, the integration of social justice

1 R Yasser and others 'Social protection at the heart of the just transition: A lever against inequality' (2026) 20 Policy Paper 28.

2 K Rigaud and others *Groundswell: Preparing for internal climate migration* ().

3 African Development Bank 'African Economic Outlook 2022: Supporting Climate Resilience and a Just Energy Transition in Africa' Abidjan: AfDB (2022).

4 I Mballo and others 'Perception of environmental change and intentions to migrate: State of the literature' (2025) 4 *Revue Territoires Environnement et Développement (TED)* 12-23; S Jayawardhan 'Vulnerability and climate change induced human displacement' (2017) 17 *Consilience: The Journal of Sustainable Development* 104.

5 AS Abubakar and others 'Navigating environmental migration in Nigeria; Trends, impacts, and strategic responses' (2025) 8 *International Journal of Environmental Pollution and Environmental Modelling* 3.

6 The climate crisis is rapidly intensifying. Every hour, humans pump more carbon into the atmosphere than in the preceding hour, contributing to a one-way climate crisis ratchet: Every year is warmer than the one that follows. I Feldman & JR May 'Climate displacement, managed retreat, and constitutional revolution' (2024) 39 *Natural Resources & Environment* 38.

7 M Racine 'Understanding the European and national context of pathways for the ecological transition' in E Briche (ed) *Pathways to ecological transition: Towards dynamic and adaptive territorial planning* (2023) 15.

issues – the social dimension of the transition – has given rise to the concept of a 'just transition'. This concept is playing an increasingly prominent role in discussions on the climate transition. It is closely linked to that of sustainable development.[8] The 'just transition' paradigm advocates an equitable, inclusive and socially just transformation that reconciles environmental sustainability with the protection of vulnerable groups.[9]

However, despite its integration into African frameworks, such as the African Climate Change Strategy[10] and the Common Position on Access to Energy and a Just Energy Transition,[11] just transition remains primarily focused on economic and energy dimensions.[12] Human impacts,[13] notably climate-induced displacement,[14] remain marginalised. Climate-induced population displacement is an extreme manifestation of climate injustice.[15] Environmental migration refers to population displacements caused directly or indirectly by environmental changes, such as climate change, desertification, land degradation, sea-level rise and natural disasters.[16] When these climate changes and their consequences occur, population displacements constitute a global problem.[17] Yet, such displacement constitutes one of the most visible manifestations of contemporary environmental injustice. Neither international law nor African normative frameworks fully recognise climate-displaced persons as rights holders within

8 S Sabatiano & B Fronteddu *A socially just transition through the European Green Deal?* (2020) 7.

9 United Nations Human Rights Council 'Right to Work' A/HRC/RES/55/9 (2024), https://docs.un.org/fr/A/HRC/RES/55/9 (accessed 20 July 2026).

10 African Union 'African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032)' (2022), https://au.int/en/documents/20220628/african-union-climate-change-and-resilient-development-strategy-and-action-plan (accessed 20 July 2026).

11 African Union 'Africa and Just Energy Transition: Considerations for the Expansion of the African Oil & Gas Domestic Market' (2022), https://au-afrec.org/sites/default/files/2022-11/African%20Oil%20%26%20Gas%20Domestic%20Market.pdf (accessed 20 July 2026); African Energy Commission *Africa and the just energy transition: Prerequisites for the expansion of the African domestic oil and gas market* (2022).

12 S Lee 'Towards a just transition to a green economy' (2022) 24 *The Veolia Institute Review - Facts Reports*.

13 Significant climate changes are altering and disrupting many aspects of the natural and social environments on which we depend for our well-being, health and survival. AJ McMichael and others 'Climate-related displacement: Health risks and responses' in J McAdam (ed) *Climate change and displacement: Multidisciplinary perspectives* (2010) 194; D Boccanfuso & B Kafando 'Climate migration: A complex issue' (2019) *Enjeux de société* 107.

14 Displacement and migration are potential response strategies to the various impacts of global environmental change. These migratory movements obviously have consequences for destination areas, with a risk of exacerbating internal migration among populations affected by extreme weather events or progressive environmental degradation. WN Adger 'Mobility, displacement and migration, and their interactions with vulnerability and adaptation to environmental risks' in R McLeman & F Gemenne (eds) *Migration and global environmental change: Future challenges and opportunities* (2011) 34.

15 CG Gonzalez 'Climate justice and climate displacement; evaluating the emerging legal and policy response' (2019) 36 *Wisconsin International Law Journal* 370.

16 M Charif and others 'Climate change and environmental migration in Africa: Challenges and opportunities' (2025) 2 *International Journal of Trade and Management* 148.

17 PF Mercure 'In search of a legal status for cross-border environmental migrants: The issue of the concept of refugee' (2006) 37 *Revue de Droit de l'Université de Sherbrooke* 6.

the transition process. The Kampala Convention,[18] though innovative, remains insufficiently operationalised.[19]

This article examines the extent to which the functional recognition of climate-displaced persons, anchored in procedural guarantees and operational safeguards, can embed human mobility at the core of a genuinely just transition in Africa. The study relies on doctrinal and comparative analysis of international, regional and national instruments on just transition and climate displacement, complemented by a critical assessment of emerging practices in Africa. It proposes an operational and inclusive framework to integrate human mobility into African transition policies, thereby strengthening the protection of displaced populations and ensuring a just transition.

2 Marginalisation as climate injustice in Africa

Climate change and its consequences[20] raise fears of food insecurity, water scarcity, reduced agricultural production, population pressure, unequal access to resources, poverty, epidemics and the spread of disease.[21] All of these factors and risks lead to displacement and migration on an unprecedented scale.[22] Population displacements and forced resettlements, both within and across a country's borders, will become increasingly frequent due to the repercussions of climate change.[23] In Africa, both within countries and across their borders, climate change is causing population displacement.[24] Often, the most affected are poor populations, rural populations, pastoralists, rain-fed farmers, coastal communities, women and children.[25] They may be exposed to, among other challenges, social exclusion and

18 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009) (Kampala Convention).

19 AO Jegede 'Rights away from home: Climate-induced displacement of indigenous peoples and the extraterritorial application of the Kampala Convention' (2016) 16 *African Human Rights Law Journal* 81-82.

20 Droughts, floods, forest fires, extreme weather events, soil erosion, desertification, deforestation, and natural disasters, etc. D Bard 'Climate change and its consequences for health' (2017) 4 *International Journal of Medicine and Surgery* 6-10.

21 N Mostafa Mahmud 'Human rights implications of climate change-induced displacement' (2009) 21 *Bond Law Review* 139-140.

22 E Piguet, A Pécoud & P de Guchteneire 'Climate change and migration: Risks and policies' (2011) 75 *Information géographique* 86; F Emenne and others 'Climate change, natural disasters and population displacements West Africa' (2017) 3 *Geo-Eco-Trop* 317-337; Internal Displacement Monitoring Centre & Norwegian Refugee Council 'Global Report on Internal Displacement' 2026 (2026).

23 J Toscano 'Climate change displacement and forced migration: An international crisis' (2015-2016) 6 *Arizona Journal of Environmental Law & Policy* 460. Displacement is both a response to climate change and a movement. E Macura-Nnambi & M Malinowska 'Genres of displacement: Rewriting environmental crisis from the African continent' (2025) 62 *Tydskrif Vir Letterkunde* 3.

24 Internal Displacement Monitoring Centre 'Report on internal displacement in Africa' (2019). These migrations can be either internal, that is, within the same state, such as peri-urban, local and regional migrations, or external, that is, interstate, with populations crossing an international border. C Cournil 'The emergence of a law for internally displaced persons' (2009) 22 *Revue québécoise de droit international* 2.

25 A McLean & N Ben Brahim 'Climate change: A driver of mobility? Analysis of perceptions in Egypt, Morocco, and Tunisia – ICMPD Report' (2023); Internal Displacement Monitoring Centre *Internal Displacement in Africa: Trends 2009-2023* (2024).

economic exploitation.[26] Persons displaced for climate-related reasons in Africa are among those with the least effective protection.

Climate-induced displacement refers to situations in which individuals or communities are forced to relocate due to environmental changes associated with climate variability and long-term climate change.[27] Terms such as 'climate refugees', 'climate-displaced persons', 'environmental migrants', 'climate-induced stateless persons' and 'environmental refugees' are used to describe these population movements, depending on the individuals or organisations.[28] These actors employ such terms based on their objectives regarding expertise, academic theorisation and political action, as well as the forms of protection they wish to see established.[29] The central issue surrounding these various terms is the need for standardisation and a clear definition of the concept, prerequisites for the recognition and legal protection of the individuals concerned.[30]

While intra-state environmental migrants are governed by disparate texts of varying legal standing, inter-state environmental migrants, for the time being, remain a status not yet recognised under international law.[31] Particularly due to the lack of recognition of this new migratory phenomenon, international legal standards offer insufficient protection to environmental migrants.[32] The 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol do not mention the environment as a factor in persecution. Based on the New York Declaration for Refugees and Migrants,[33] the only protective international law to which climate migrants are potentially beneficiaries is human rights law.[34]

26 Africa Climate Insights *The invisible toll of climate migration in Africa* (2025).
27 N Bhatti 'The human rights of migrants and refugees in the context of climate-induced displacement' (2025) 6 *DME Journal of Law* 63.
28 C Cournil 'Placing environmental migration on the scientific and political agenda' (2011) 36 *Revista Interdisciplinar da Mobilidade Humana* 76.
29 As above.
30 S Chatti 'From "ecological refugees" to "environmentally displaced people": A diachronic analysis of the creation of a neogism to the emergence of terminoloical' (2020) 7 *Translation* 180.
31 MP Zafimitsiry and others 'The international status of "environmentally displaced persons": A legal vacuum hindering the protection of human rights in the context of natural disasters' (2024) 3 *Revue d'Etudes Sino-Africaines* 72-73.
32 T Hummitzsch 'Climate change and migration: The debate on causality and the legal position of affected persons' (2009) 15 *Policy Brief* 7.
33 United Nations General Assembly 'New York Declaration for Refugees and Migrants', 13 September 2016, A/71/L.1 para 5.
34 A Moine 'The implications of climate migration for state sovereignty' (2018) 18 *The Electronic Journal of Environmental Sciences* 3. International human rights law provides a general framework for both substantive and procedural protection regarding the treatment of all individuals, including displaced persons. While international law recognises the sovereignty of states regarding entry into their territory, this right is not without limits. In addition to specific obligations incumbent upon states in this regard, such as the prohibition on *refoulement*, the human rights framework also imposes general obligations on them as soon as an individual comes into contact with them. S Berhanu Woldemariam and others 'Forced human displacement, the Third World and international law: A legal perspective' (2019) 20 *Melbourne Journal of International Law* 258.

Nevertheless, this framework provides only limited solutions regarding the protection of environmentally displaced persons.[35]

In the Great Lakes region of Africa,[36] the Protocol on the Protection and Assistance to Internally Displaced Persons[37] applies to persons displaced due to environmental phenomena. It defines internally displaced persons as those who, in particular, have been forced or compelled to flee due to natural disasters.[38] To the greatest extent possible, state parties are required to mitigate the consequences of displacement caused by disasters or due to natural causes.[39] The Kampala Convention of 23 October 2009 represents a step forward for Africa in protecting internally displaced persons affected by natural disasters.[40] It defines internally displaced persons as

> persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognised state border.[41]

It explicitly references circumstances such as natural disasters.

The Kampala Convention still faces certain obstacles, including insufficient implementation, impunity and persistent human rights violations, as well as unfavourable political systems that make its full realisation impossible.[42] This institutional weakness, coupled with a lack of cross-border protection and a deficit in justiciability, limits the full operational capacity of the established framework. At the national level, legal instruments for the protection of refugees do not appear to be designed to address the concerns caused by the growing problems associated with climate-induced displacement.[43] Environmental justice is understood as the right of present and future generations to live in a healthy and safe environment. [44] Climate justice aims, among other things, to articulate

35 N Jägers 'Climate change-induced displacement, migration and international law' in J Verschuuren (ed) *Research handbooks in environmental law series* (2022) 68-104.
36 The ICGLR is an intergovernmental organisation of African states in the Great Lakes region, whose mission is to promote peace and development. Its members are Angola, Burundi, the Central African Republic, the Republic of the Congo, the Democratic Republic of the Congo, Kenya, Uganda, Rwanda, South Sudan, Sudan, Tanzania and Zambia.
37 Adopted in 2006 and effective 21 June 2008, https://icglr.org/wp-content/uploads/2022/06/Protocol-on-the-Protection-and-Assistance-to-Internally-Displaced-Person.pdf?x10169 (accessed 20 July 2026).
38 Great Lakes Protocol art 1 para 4.
39 Great Lakes Protocol art 3 para 2.
40 UNHCR 2017 Déplacements liés aux catastrophes et au changement climatique, synthèse du rôle de l'UNHCR, Genève 9.
41 Art 1(k) Kampala Convention.
42 T Atim 'The intersection of internal displacement in the context of armed conflict and violence with climate change and disasters' (2022) 6 *Global Campus Human Rights Journal* 4.
43 C d'Orsi & GJ Naldi 'Climate-induced displacement in the Sahel: A question of classification' (2022) 103 *International Review of the Red Cross* 272.
44 CA Hawkins 'Sustainability, human rights, and environmental justice: Critical connections for contemporary social work' (2010) 11 *Critical Social Work* 68-81.

and apply principles of justice to guide climate policy.[45] In many regions of the African continent, the effective implementation of climate policies remains largely insufficient, despite international commitments. In high-risk areas, where displaced communities are particularly vulnerable to climate hazards, this inadequacy is even more pronounced.

The migratory response to environmental pressures is not uniform across different population sub-groups. Demographic characteristics, including age, sex, wealth level, socio-economic status and education level, are key factors in migration dynamics.[46] Applying uniform mechanisms to profoundly unequal realities could lead to both procedural and substantive injustices. Those who bear the brunt of the impact of climate change are vulnerable groups, including children,[47] women,[48] persons with disabilities, minorities, indigenous peoples,[49] low island populations[50] and people living in vulnerable situations.[51] Their discrimination and exclusion make them particularly vulnerable to the adverse effects of climate change. Due to inadequate resources and migration policies, the most vulnerable populations are often unable to escape environmental degradation.[52] Hence, the crucial importance of considering climate action from the perspective of climate justice.[53] Climate justice essentially involves recognising how climate change affects populations differently, unequally and disproportionately, and redressing the resulting injustices in a fair and equitable manner.[54]

One approach to climate justice is to propose implementing feasible and just climate policies.[55] It is urgent to establish an operational protection framework through a functional recognition of climate-displaced persons. Such recognition must be inclusive, taking into account the specific vulnerabilities of the people concerned.

45 M Bourban 'Climate justice and international negotiations' (2017) 27 *Négociations* 7.
46 M Borderon and others 'Migration influenced by environmental change in Africa: A systemic review of empirical evidence' (2019) 41 *Demographic* Research 522. Climate and environmental changes create new social inequalities, in addition to reinforcing existing inequalities. M Joseph & H van Hootegem 'At the intersection of social and climate justice' (2020) 114 *Politique* 18.
47 GA Mastaki 'Climate change and displaced children in Africa: A dual challenge to a sustainable future' (2025) 1 *African Journal of Climate Law and Justice* 25-36; UNICEF *Children displaced by climate change – Preparing for a future already underway* (2023).
48 McLean & Brahim (n 25) 3.
49 A de Mesnard 'Environmental displacement and indigenous peoples: Rethinking the responsibility of states and the international community' PhD thesis, University of Lyon, 2019.
50 C Cournil & F Gemenne 'Island populations facing climate change: Migrations to anticipate' (2010) 10 *Vertigo* 1-16.
51 E Pérez & C Brouillette 'No transition without climate justice' (2020) 807 *Relations* 17.
52 B Alex & F Gemenne 'Impacts of climate change on migration flows by 2030 Report No 1' (2016) 7.
53 Pérez & Brouillette (n 51) 17.
54 F Sultana 'Critical climate justice' (2022) *The Geographical* Journal 118.
55 P André & M Bourban 'Ethics and climate justice: Between moral and amoral motivations' (2016) 2 *The Ethics Forum* 6.

3 Towards functional recognition of climate-displaced persons

Current recognition of climate displacement is insufficient because it lacks the depth to create a regulatory framework that promotes the defence of the rights of people forced to flee their country due to climate change.[56] 'Climate refugees' would encompass people forced to leave their homes due to clearly demonstrated impacts of climate change.[57] The concept of 'climate refugee' exists through international recognition of the challenges faced by people affected by climate change.[58] The lack of a clear international legal framework to address the needs of people displaced by climate change has prompted calls from various sectors for a new international instrument to protect so-called 'climate refugees'.[59] Those referred to as environmental refugees in fact are merely migrants, receiving no special treatment on the international stage.[60] Among the principles of a just transition are the guarantee of equity, inclusion and respect for human rights.[61] An international legal framework for climate-related migration must reconcile the protection of the collective identity of displaced groups with the fundamental rights of each individual.[62]

As a matter of justice, the environment is understood in terms of the social, political or health consequences of its changes. Factors related to climate change are both facilitators and barriers to securing livelihoods.[63] In the absence of, and/or pending, a universal status to protect climate-displaced persons, it is crucial to shift paradigms and adopt a functional recognition based on human rights. This involves recognising the real needs of those affected, which are manifold, including access to services, protection, dignified mobility and compensation. The question no longer is who is legally a 'climate refugee', but who needs effective climate protection. Given that mobility linked to the consequences of environmental change is generally internal,[64] national laws must reflect this.

56 SL Arenilla & CH Rada 'Climate change and forced migration' (2020) 11 *Migraciones Internacionales* 1-20.

57 C Cournil 'Environmental refugees: Issues and questions surrounding an emerging category' (2010) 22 *Migrations Société* 75.

58 A Costi 'On the definition and status of "climate refugees": An initial reflection' (2010) 16 *NZACL Yearbook* 394.

59 J McAdam '"Protection" or "migration"? The "climate refugee" treaty debate' in J McAdam *Climate change, forced migration, and international law* (2012) 187.

60 H Ghofran & N Amel 'The applicability of international law to environmental refugees' (2021) 1 *The Algerian Journal of Political Sciences and International Relations* 357.

61 OXFAM 'Just transition: Definition, origins, examples and challenges' (2025), https://www.oxfamfrance.org/inegalites-mondiales/transition-juste-definition-origines-exemples-enjeux/ (accessed 27 April 2026).

62 B Mayer 'The international legal challenges of climate-induced migration: Proposal for an international legal framework' (2011) 22 *Colorado Journal of International Environmental Law and Policy* 391.

63 T Kwanhi and others 'Conceptualising climate-induced migration in Africa' (2024) 52 *Environmental Development* 2.

64 UNESCO *Impact of environmental changes on human migration: Case study: Senegal and Côte d'Ivoire* (2014) 28.

The functional recognition of climate-displaced people is based on human rights, enshrined at both national and international levels.[65] First-generation human rights (civil and political rights) would ensure that climate-displaced persons can be identified, heard, consulted and protected against arbitrary treatment throughout all processes, from displacement to resettlement.[66] Second-generation rights (economic, social and cultural rights) would enable the restoration of concrete conditions of existence, a fundamental need for climate-displaced people.[67] Third-generation rights (collective or solidarity rights) would enable climate-displaced people and communities in Africa to be placed on a path towards environmental and climate justice. This commitment to moving beyond post-displacement protection by addressing climate inequalities and ensuring that no one is left behind and, through functional recognition, gives concrete expression to the ambition of a just transition in Africa. For this to be implemented and sustained, it must be underpinned by procedural guarantees and robust safeguards.

4 Procedural safeguards as a condition for equitable recognition

The increased intensity of natural disasters, rising sea levels and the scarcity of drinking water are generally considered the three main impacts of climate change likely to trigger significant migration flows.[68] In the face of institutional vulnerability, it is important to protect space for mobility by strengthening the capacity of individuals and communities to use mobility to cope with the impacts of climate change.[69] The arrival of climate migrants can put pressure on the services, infrastructure and economy of the host area.[70] Procedural safeguards must be observed. In achieving a just transition, the state has a central role to play, 'by developing the policies and programmes that will guide the transition pathway and by setting detailed objectives for the transition destination'.[71]

65 However, it should be noted that the implementation and effectiveness of international law remain relative due to the nature of the texts concerned, their conditions of application in the domestic law of states and the restrictions that their recognition by a state may entail. JM Crouzatier *International health law* (2009) 107; D Kamwanga Kiliya *On the effectiveness of fundamental rights in international law: A comparative analysis of the United Nations and Council of Europe systems* (2012) 41.

66 These include, in particular, the right to life, the right to human dignity, the right to security, the right to information, the right to participation, and the principle of non-discrimination.

67 The right to an adequate standard of living, the right to adequate housing, the right to food, the right to health, the right to work, the right to education, the right to social security, and the right to water.

68 Alex & Gemenne (n 52) 7-8.

69 G Morello & J Rizk 'Conflicts, climate change and the shrinking space for mobility in the central Sahel' (2022) 69 *RMF* 24.

70 GJ Abel and others 'Climate, conflict and forced migration' (2019) 54 *Global Environmental Change* 339.

71 T Ledger *The role of the state in a successful just transition: Defining an effective state in transition* (2024).

Within traditional legal frameworks, the marginalisation of people displaced by the effects of climate change is also characterised by procedural failings: the lack of participation by displaced communities and limited access to information and justice. A just transition should enable those affected by climate change to participate in defining and governing it.

With regard to climate-displaced persons, judicial recourse may prove relevant and complementary, particularly in strengthening the principle of *non-refoulement*[72] and addressing the issue of loss and damage.[73] Climate justice concerns the identification of the moral dimensions of climate change and the duties they impose on actors, based on their capacity to assume them and their responsibility for the moral harm linked to climate change.[74] Access to environmental justice guarantees every citizen effective access to judicial and administrative proceedings. It also sets out how citizens can assert their rights before a court. People who have been displaced or are at risk of displacement can bring cases before national, regional or international courts regarding violations of their fundamental rights, forced eviction, relocation without adequate safeguards, or state inaction in the face of climate risks.

Safeguards should complement the objectives of facilitating sustainable development and improving adaptive capacity. The capacity to adapt, to be resilient, and to preserve or sustain livelihoods and well-being is central to understanding migrations influenced by environmental changes and to mechanisms for responding to environmental risks.[75] Failure to adapt to climate change leads to migration as a means of survival.[76] The integration of climate-displaced persons into national policy strategies may reflect leaders' growing awareness of its importance. Safeguards, as instruments for implementing a just transition in Africa, require economic, social and structural mechanisms.

The Kampala Convention imposes an obligation on state parties to meet the needs of displaced persons and to provide the necessary funding for their

72 The principle of *non-refoulement*, while fundamental to the protection of refugees, does not adequately address the challenges posed by climate-induced displacement. While this principle prohibits the expulsion or forced return of a person to a country where they would risk inhuman or degrading treatment, it remains limited by the traditional framework of asylum law, which does not take into account the environmental causes of displacement. GA Mastaki 'Climate displaced persons at the border: Between non-refoulement and access to international protection' (2025) 3 *Bulletin of Asylum Law and Practice* 3.

73 R Thissen *Justice to the rescue of the planet? The judicial lever in the service of climate justice* (2021).

74 A Saad 'Toward a justice framework for understanding and responding to climate migration and displacement' (2017) 10 *Environmental Justice* 99.

75 AE Collins 'Applications of the disaster risk reduction approach to migration influenced by environmental change' (2013) 27 *Environmental Science & Policy* 113.

76 Certain environmental conditions can be beneficial to people's livelihoods and well-being, and thus act as an asset in attracting migrants to certain places; other environmental conditions can have adverse effects on these same livelihoods and well-being, and thus encourage people to leave their homes, or even, in the worst-case scenario, to flee these places. RA McLeman, 'On the origins of environmental migration' (2017) 20 *Fordham Environmental Law Review* 404.

protection and assistance,[77] while opening the door to international aid.[78] The African Union (AU) coordinates the mobilisation of resources to protect and assist displaced persons.[79] Adaptation funds help countries adapt to the impacts of climate change and reduce the risks it poses, notably by protecting communities and strengthening economic resilience.[80] In developing countries seeking to achieve climate-related goals, the Green Climate Fund is a major global source of funding for projects aimed at a paradigm shift. [81]

Disasters caused by climate change force victims to leave their homes, either temporarily or, in many cases, permanently. As a result of climate change, people are moving to the nearest small towns and urban areas. These areas often lack the infrastructure and financial resources to cope with such growth.[82] Any relocation must take place with the consent of the communities and individuals concerned. This process involves informing, negotiating and engaging in dialogue with those affected by the displacement, explaining the reasons for and modalities of the relocation and proposing alternatives that the authorities should consider.[83] Planned relocations must be based on human rights, such as the right to food, water, housing and health.[84] Furthermore, measures for the allocation of new land by public authorities must be organised, along with those aimed at securing these lands.

Just as it is necessary to prevent climate-induced displacement of people, so too must one consider how to manage it. Climate change is causing, and continues to cause, population displacements that result from these changes.[85] A significant impact of climate change is the increase in the frequency and severity of certain hazards.[86] Climate change will affect urban and rural areas with increasingly frequent and violent hazardous events.[87] With regard to climate risks, insurers are constantly reviewing their coverage for natural disasters and their efforts to prevent environmental damage.[88]

77 Arts 3(2)(d) & 9(2)(b) Kampala Convention.
78 Arts 3(2)(d), 5(6) & 3(1)(j) Kampala Convention.
79 Art 8(3) Kampala Convention.
80 J Fosse 'Financing the transition to a green economy in the Mediterranean' (2017) *AFKAR/IDEES* 50-51.
81 M Caldwell & G Larsen *Improving access to the Green Climate Fund: How can the Fund better support institutions in developing countries?* (2021).
82 Mixed Migration Centre *Climate Mobility in the Khartoum process countries: An exploration of interventions* (2022).
83 T Tabe 'Climate change migration and displacement: Learning from past relocations in the Pacific' (2019) 8 *Social Science* 10.
84 J Schade 'Climate policy migrants: New challenges in the face of displacement caused by climate change' (2012) 88 *Cultures & Conflicts* 85-110.
85 J Mativo 'Climate change displacement litigation in Africa: A human rights and refugee law-based approach' (2024) *Climate Litigation and Justice in Africa* 155.
86 V Kolmannskog *Climate change, disaster, displacement and migration: Initial evidence from Africa* (2009).
87 K Warner 'Global environmental change and migration: Governance challenges' (2010) 20 *Global Environmental Change* 2.
88 R Moreau 'Sustainable development and insurance' (2009) 76 *Insurance and Risk Management* 62.

Procedural safeguards and protection mechanisms must therefore be differentiated and tailored to the specific vulnerabilities of the affected populations, so as not to leave anyone behind. This ensures a truly equitable recognition of climate-induced population displacements in Africa, within the framework of a just transition. This transition must be guided by respect for the human rights of those in need of protection.

5 Conclusion

The current and ongoing marginalisation of people displaced by the effects of climate change in Africa reveals a contemporary climate injustice. Although regional legal frameworks partially recognise certain dimensions of climate-induced internal displacement, the absence of a fully protective status for climate-displaced persons in Africa keeps these populations in a state of legal vulnerability, leading to social and economic vulnerability. In the face of this shortcoming, functional recognition based on human rights appears to be a suitable way forward. It no longer focuses solely on the formal designation of 'climate refugee', but shifts the debate towards the effective fulfilment of the fundamental needs of those affected. Through the human rights-based functional approach, the protection of climate-displaced persons in Africa becomes part of the universality and indivisibility of these rights. In this context, a just transition in Africa would go beyond mere energy or economic issues to incorporate human mobility as a central issue of social justice. It must therefore integrate climate, poverty, mobility, security and social justice into the African model of just transition. To be effective, functional recognition relies on the institutionalisation of robust procedural guarantees and appropriate operational safeguards. Depending on the specific vulnerabilities of the populations concerned, these instruments must be tailored to avoid reproducing structural inequalities. A transition that aims to leave no one behind in Africa will be one that, beyond ecological adaptation, makes the protection of climate-displaced people a legal and political imperative for more humane and inclusive climate governance.