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Draft Convention on the Protection of Persons Displaced for Environmental and/or Climate Reasons

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Draft Convention on the Protection of Persons Displaced for Environmental and/or Climate Reasons

Preamble

The Contracting Parties,

Aware of the serious global crisis resulting from the adverse impacts of climate change, pollution and biodiversity loss;

Concerned about the weakening of ecosystems, rising global temperatures, soil degradation, drought, sea level rise, floods, hurricanes, cyclones, fires, ocean acidification, reduction and thawing of polar and glacial ice, water stress and, in general, proliferation of environmental and climate risks that accelerate and intensify the occurrence of slow-onset or rapid-onset events that negatively affect people's lives or living conditions;

Noting that this weakening of safe zones for the development of life on the planet and its social and environmental consequences pose a serious threat to international peace and security;

Aware that the effects of climate change and other forms of environmental degradation cause loss and damage which compromise the ecological balance and the well-being and survival of people throughout the world, affecting their human rights;

Considering that the severity of these impacts affects individuals and groups of people, forcing them to move internally or internationally and intensifying humanitarian crises and insecurity;

Recognizing that disproportionate exposure and unequal impacts of environmental and climate risks particularly affect populations with low levels of resilience living in highly vulnerable contexts, due to factors such as geographic location, poverty, gender, age, health status, or belonging to minority groups or indigenous peoples;

Recalling that the 1948 Universal Declaration of Human Rights recognizes the right of all persons to move freely and to choose their residence in the territory of a State, to leave any country, including their own, and to return to their country, and to an adequate standard of living that ensures health and well-being for them and their families;

Recognizing that, despite the existence of numerous international instruments aimed at protecting the environment and human rights, as well as international and regional initiatives related to human mobility in the context of disasters, climate change and environmental degradation, there is currently no binding international legal instrument specifically protecting people displaced by environmental and climate change;

Noting the urgent need for States to adopt a specific international legal regime to recognize and protect persons displaced by environmental and climate change that responds to the current legal vacuum;

Noting that the Human Rights Council Resolution 35/20 of 2017, among other instruments, underlines the urgent need to protect and promote the human rights of migrants and persons displaced due to environmental and climate change;

Guided by the Charter of the United Nations and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action, among other international legal instruments for the protection of human rights;

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Considering the Global Compact for Safe, Orderly and Regular Migration, endorsed by United Nations General Assembly Resolution 73/195 of 2018, especially its goals and targets related to the movement of people caused by environmental and/or climate change;

Considering the Agenda for the Protection of Displaced Persons across Borders in the Context of Disasters and Climate Change;

Considering the United Nations International Law Commission's 2016 Draft Articles on the Protection of Persons in the Event of a Disaster;

Considering the United Nations Convention to Combat Desertification (1994); the Guiding Principles on Internal Displacement (1998); the Sendai Framework for Disaster Risk Reduction 2015-2030 (2015); the 2030 Agenda for Sustainable Development (2015); the Paris Agreement (2015); and the Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise, adopted by the International Law Association (2018);

Considering the report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change: "Providing legal options to protect the human rights of persons displaced across international borders due to climate change" (2023) and that of the Special Rapporteur on the human rights of internally displaced persons, on "Planned relocations of people in the context of the adverse effects of climate change and disasters" (2024);

Considering that international legal protection must include both internally and internationally displaced persons so that their human rights are effectively respected, protected and fulfilled;

Recalling the duties of States to cooperate and protect persons on their territory, and to seek assistance from the international community;

Recognizing that effective response of States to environmental and/or climate-induced displacement and adequate protection of persons in situation of displacement requires the involvement of affected individuals and collaboration with public and private actors and with civil society;

Underlining the importance of gender mainstreaming, promoting gender equality and empowerment for all women and girls, recognizing their independence, capacity to act and leadership, avoiding the perception of displaced persons through the lens of victimization;

Guided by the concept of climate justice, recognized in the Paris Agreement, which acknowledges the unequal current and historical responsibility of countries and communities for climate change;

Reaffirming the principle of common but differentiated responsibilities, as recognized in the United Nations Framework Convention on Climate Change and the Paris Agreement;

Affirming the need to cooperate for the adoption of effective strategies, policies and normative frameworks to prevent, reduce and mitigate environmental and climate changes that affect displacement, in accordance with the Global Compact for Safe, Orderly and Regular Migration;

Convinced of the urgent need to prevent the causes of displacement of people and to assist and protect those already facing a situation of displacement due to environmental and climate change, with particular attention to the plight of especially vulnerable individuals and groups;

Determined to establish a legal status that reflects the rights of people in risk of displacement or in a situation of displacement, as well as the mechanism to make it effective;

Have agreed as follows:

CHAPTER I

PURPOSE, SCOPE AND DEFINITIONS

Article 1. Purpose and scope

1. The purpose of this Convention is to establish a status for persons displaced for environmental and/or climate reasons, which addresses the vulnerable situation in which they find themselves, which guarantees their rights and the obligations of Parties with regard to reception, protection, assistance, return and reintegration, in safety and dignity, in compliance with international human rights law and the principles set out in Chapter II.
2. This Convention applies to environmental and/or climate displacements in accordance with Article 2.

Article 2. Definitions

1. For the purposes of this Convention, “displacement for environmental and/or climate reasons” means the movement, whether internal or international, of a person or group of persons who are compelled or decide to leave their usual place of residence, on a temporary or permanent basis, as a result of both serious risks and sudden or gradual environmental changes which adversely affect their life or living conditions.
2. Is considered to be a “person displaced for environmental and/or climate reasons” (PDEC) any person who, being in the situation described in paragraph 1, has been granted status in accordance with Chapter III.
3. “Sudden changes” means one-off events with a clearly identifiable beginning and/or end. In the context of climate change, they are called extreme weather events.
4. “Gradual changes” means those that take place through gradual, slow-evolving transformations, likely to generate serious, cumulative and potentially irreversible impacts on ecological and human systems.
5. “Risk” means the probability that an event will have negative consequences on people’s lives and living conditions.
6. “Aggravated vulnerability” means the PDECs who are part of such groups as girls, children and adolescents, especially unaccompanied ones, women, persons with disabilities, elderly people, victims of trafficking, racialized persons and members of minority, ethnic and indigenous groups, LGTBQIA+ people, and those living in poverty. Vulnerability is further aggravated when it is multidimensional, due to the combination of two or more of the above conditions.

CHAPTER II

PRINCIPLES

Article 3. Principle of prevention of displacement risks

Parties shall take all necessary measures to anticipate, prevent, avoid and/or minimize the risk of displacement for environmental and/or climate reasons by taking action to address the root causes of displacement.

Article 4. Principles of solidarity and common but differentiated responsibilities

Under this Convention, in accordance with the principle of solidarity, Parties shall admit the PDECs, cooperate with the countries of origin, transit and destination for the purposes of their protection, and contribute to the necessary financial efforts, in accordance with the principle of common but differentiated responsibilities.

Article 5. Principle of cooperation

1. Parties of origin, transit and reception shall cooperate to prevent the risks of displacement and guarantee the human rights, safety and dignity of PDECs.

2. Parties shall take into account the specific needs and particular circumstances of those Parties with greater vulnerability and less resilience, and which may face a disproportionate burden.

Article 6. Principle of protection

This Convention is based on the principle of protection of PDECs, as embodied in the rights provided for in Chapter IV.

Article 7. Principle of equality and non-discrimination

The rights recognized in this Convention shall be guaranteed without discrimination on grounds of age, sex, gender, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, economic status, birth or any other situation.

Article 8. Principle of differentiated attention to groups in a situation of aggravated vulnerability

PDECs in a situation of aggravated vulnerability shall benefit from the protection and assistance required by their condition, and from treatment that takes into account their particular needs, including those arising from the multidimensional vulnerability defined in Article 2, paragraph 6.

Article 9. Principle of progressivity and non-regression

The rights guaranteed to PDECs and to persons at risk of displacement, as well as the level of protection established by this Convention, shall be progressively improved, avoiding any measure which could lead to their regression.

CHAPTER III

GRANTING OF THE LEGAL STATUS OF PDEC

Article 10. Granting of status

1. PDEC status shall be granted upon request of any person, in accordance with paragraph 2 of Article 2 of this Convention.
2. The granting of PDEC status entails conferral of the rights guaranteed by this Convention.
3. The status shall terminate upon the voluntary return of the beneficiary to their place of usual residence or to their country of origin, or by a reasoned decision of the national authority in accordance with applicable legislation. A change of place of residence within the same country will not lead to the termination of PDEC status.

Article 11. Procedure

1. Each State Party shall designate a competent national authority to decide on applications for PDEC status. The authority shall involve, in particular, social organizations specializing in assistance to displaced persons, migrants and asylum seekers, as well as in environmental and climate change matters.
2. Within six months of the entry into force of this Convention, each State Party shall adopt a procedure for granting PDEC status and designate the competent national authority. The established procedure shall distinguish between internal and international displacement. In the case of international displacement, the application may be processed from the country of origin, transit or destination.
3. Throughout the procedure, the applicant shall be guaranteed access to all available information and, if necessary, free assistance to enable their proper participation, including language assistance.
4. In cases of international displacement, the application for PDEC status shall lead, until a final decision is reached, to the issuance of an entry permit into the country and an official temporary residence permit.
5. The non-refoulement of a person applying for PDAC status shall be guaranteed until a final decision is reached on their application.
6. Every person in a situation of environmental or climate displacement has the right to be accommodated in a temporary reception facility which shall be provided by the States Parties with the strictest respect for human dignity.
7. The national authority shall take its decision taking into account the seriousness of the situation which gave rise to the application and the particular circumstances of the applicant, ensuring family reunification wherever possible.
8. The decision shall be subject to judicial review in accordance with national law.

CHAPTER IV

THE RIGHTS OF PERSONS AT RISK OF DISPLACEMENT AND IN SITUATIONS OF DISPLACEMENT

Section 1. Rights common to persons at risk of displacement and in situations of displacement

Article 12. Right to a clean, healthy and sustainable environment

Every person at risk of displacement or in a situation of displacement has the right to have their right to a clean, healthy and sustainable environment protected, guaranteed and respected, individually and collectively, as well as to a stable and safe climate system, as a fundamental and necessary means of preventing displacement.

Article 13. Right to equality and non-discrimination

Any person at risk of displacement or in a situation of environmental or climate displacement shall enjoy, on an equal footing with other persons living in the territory, the same rights and freedoms as recognized by international law and domestic law, without discrimination based on their PDEC status, nor on the ground of race, colour, sex, gender, sexual orientation, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, economic status, birth or any other similar criteria.

Article 14. Right to information, participation and access to justice

1. Every person at risk of displacement has the right to access and receive, as quickly as possible, information relating to environmental and climate risk situations.
2. Every person in a situation of displacement has the right to be informed of the conditions for recognition of PDEC status and the existence of means of compensation and redress for damages suffered during their displacement. The information shall be reliable, understandable and accessible.
3. Everyone at risk of displacement has the right to open and inclusive participation, and groups and communities have the right to consultation, and prior, free and informed consent in decision-making processes that may have a significant impact on their displacement, in particular with regard to the approval of infrastructure projects and/or the authorization of development projects likely to affect habitability conditions and/or exacerbate environmental or climate risk situations.
4. Parties shall guarantee the rights to information and participation in the adoption of public norms and policies, including plans, programmes and projects, so that affected persons can exert effective and meaningful influence on decision-making regarding environmental and climate risk, as well as on displacement processes.
5. Every person in a situation of displacement has the right to participate in the development and implementation of reception, relocation, resettlement, return and/or integration policies.
6. Children and adolescents at risk of displacement or in a situation of displacement have the right to information and participation in decision-making that is appropriate to their age and maturity.

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7. Every person at risk of displacement or in a situation of displacement has the right to access justice and due process to protect their rights.

Section 2. Rights accorded by Parties to persons at risk of displacement within their jurisdiction

Article 15. Right to displacement

1. Any person facing a sudden or gradual environmental or climate change that adversely affects their life or living conditions has the right to move within their country of origin or usual residence, as well as across international borders.

2. Parties shall refrain from obstructing or permitting obstruction of displacement.

Article 16. Right of the person not to be arbitrarily displaced

1. Every person has the right not to be arbitrarily displaced for environmental or climate reasons.

2. Where displacement is necessary and has been justified and planned by the competent authorities, it may be carried out only with the prior consent of the persons concerned.

3. Any duly informed person who decides not to move and/or opposes the displacement does so at their own risk.

Section 3. Rights accorded by Parties to all persons with PDEC status

Article 17. Right to protection and humanitarian assistance

Every PDEC has the right to receive protection and humanitarian assistance wherever they are, during and after their displacement.

Article 18. Right to safe, dignified and planned resettlement and transfer

Every PDEC has the right to voluntary, safe, dignified and planned resettlement, preceded by prior consultation.

Article 19. Right to free movement

1. Every PDEC has the right to freedom of movement, except when their safety and/or physical integrity may be at risk.

2. Any PDEC housed in a temporary accommodation facility has the right to move freely.

3. No PDEC may be subjected to arbitrary arrest or detention.

Article 20. Right to drinking water, sanitation and adequate food

Every PDEC has the right to access to and sufficient supply of drinking water and sanitation, as well as to adequate food.

Article 21. Right to basic necessities

Every PDEC has the right to receive, at a minimum and without discrimination, hygiene products and adequate and decent clothing.

Article 22. Right of access to medical care

1. Every PDEC has the right to access primary health care, essential services, and medical treatment as their health condition requires, including access to psychological and social services.

2. Special attention shall be given to the health needs of women, including their access to women's health services, particularly reproductive health services, and appropriate counselling for victims of sexual and other abuse.

Article 23. Right to decent housing

Every PDEC has the right to decent, adequate and resilient housing, with basic and safe services outside of risk areas.

Article 24. Right to choose residence

Every PDEC has the right to choose their place of residence, except for justified reasons to ensure their safety and health.

Article 25. Right to recognition of legal personality

1. Every PDEC has the right to recognition of their legal personality everywhere, to the recovery of documents necessary for the full exercise of their personal rights, without being subjected to undue hardship, such as returning to their country of origin or usual residence to obtain these documents.

2. All PDECs, including unaccompanied girls, children and adolescents, have the right to obtain and retain the necessary identity documents in their own name.

3. Host States, in cooperation with States of origin, shall facilitate the issuance of new documents or replacement of documents lost during displacement.

Article 26. Right to family life

1. Every PDEC has the right to respect for her family life and not to be separated from their family.

2. Every PDEC has the right to be informed about the whereabouts of their family.

3. Families separated due to displacement have the right to be reunited as soon as possible.

4. Parties shall take urgent measures to reunite children and adolescents with their families.

Article 27. Right to respect for property and domestic animals

1. Every PDEC has the right to respect for their real property in their place of origin and may not be arbitrarily deprived of their individual or collective property, except under the conditions provided for by domestic law and international law.
2. Parties shall facilitate the transport of the movable property of PDECs and of their domestic animals to temporary reception facilities or permanent housing.
3. The State of origin shall, to the extent possible, ensure the welfare of domestic animals left by the displaced person on their territory.

Article 28. Right to work and participate in economic activities

1. Every PDEC has the right of access to work and economic activities.
2. Parties shall guarantee to PDECs safe, healthy and decent working conditions.

Article 29. Right to education and access to training

Every PDEC has the right to receive an education and have access to training that is respectful of their cultural, linguistic and religious identity.

Article 30. Right to maintain one's own cultural identity

Every PDEC has the right to maintain their own cultural identity, religion and language in the host country.

Article 31. Right to voluntary, dignified and safe return

1. Every PDEC has the right to return voluntarily, with dignity and safety, to their place of origin or usual residence.
2. In the event of international displacement, the State of origin, in coordination with the host State, has an obligation to plan for the return of PDECs in safe and dignified conditions and in full compliance with international human rights law.

Article 32. Right to national and international non-refoulement

1. Parties shall refrain from expelling or refouling PDECs to their place of origin when there are reasonable grounds for establishing that environmental and/or climate conditions in their country or place of origin, due to serious risks or sudden or gradual changes in the environment, may pose a real risk to their life or living conditions.
2. Expulsion or refoulement may only be carried out by a reasoned decision of the national authority in accordance with applicable law.

Article 33. Specific rights of PDECs in situations of aggravated vulnerability

1. Parties shall ensure enhanced and appropriate protection for PDECs who, depending on their personal circumstances, find themselves in situations of aggravated vulnerability.
2. Parties of origin and host Parties shall prevent and combat sexual violence, forced prostitution, sexual exploitation, and trafficking in and/or smuggling of PDECs.
3. Parties shall take into account the best interests of children and adolescents in all decisions and actions that may affect their displacement for environmental and/or climate reasons.

Section 4. Specific rights accorded by Parties to persons with PDEC status in situations of international displacement

Article 34. Right to nationality

Every PDEC has the right to retain the nationality of their State of origin. The host State Party shall facilitate naturalization the person concerned upon their request.

Article 35. Civil and political rights

Every PDEC shall retain their civil and political rights. Parties shall ensure that PDECs continue to exercise their civil and political rights in their countries of origin, including the right to vote.

CHAPTER V

INSTITUTIONAL STRUCTURE

Article 36. Conference of the Parties

1. A Conference of the Parties is hereby established, the first meeting of which shall be convened by the Depositary referred to in Article 55 no later than one year after the date of entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at least once every two years.
2. Extraordinary meetings of the Conference of the Parties may be held at any other time if the Conference so decides, or upon written request of a Party, provided that, within six months of its notification by the Secretariat to Parties, this request is supported by at least one-quarter of the Parties.
3. At its first meeting, the Conference of the Parties shall adopt its rules of procedure and its financial management rules.
4. The meetings of the Conference of the Parties are open to non-governmental organizations which have observer status. The International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and other relevant specialized bodies and institutions shall be considered as observers.

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5. The Conference of the Parties shall review and evaluate on a continuous basis the implementation of the Convention, as well as legal and operational measures aimed at ensuring aid and assistance to PDECs and improving their reception conditions.
6. The Conference of the Parties shall have the following functions:
 - a) Elect the members of the Committee provided for in Article 38;
 - b) Establish such subsidiary bodies as it deems necessary for the implementation of this Convention;
 - c) Cooperate, as appropriate, with relevant international organizations and intergovernmental and non-governmental bodies;
 - d) Carry out prospective studies on environmental and climate displacement trends;
 - e) Assess policies for the prevention of environmental and climate displacements and for the reception of PDECs;
 - f) Review the reports of the Committee on the Rights of PDECs on the implementation of the Convention and on the complaints received concerning compliance with the Convention;
 - g) Approve, as appropriate, proposals for amendments to this Convention submitted in accordance with Article 48; and
 - h) Take any other measure necessary to achieve the objectives of this Convention.

Article 37. Secretariat

The secretariat of the Convention is entrusted to the Secretary-General of the United Nations. The Secretariat shall carry out the following functions:

- a) Organizing and servicing the meetings of the Conference of the Parties;
- b) Participate in the election process of the members of the Committee on the Rights of PDECs in accordance with the provisions of Article 38.4;
- c) Provide the human resources and services necessary for the effective performance of the functions of the Committee on the Rights of PDECs;
- d)) Transmit to the Committee on the Rights of PDECs the reports of Parties on measures taken to give effect to the rights recognized in this Convention;
- e) Assist Parties, at their request, in collecting and communicating the necessary information in accordance with the provisions of this Convention;
- f) Prepare reports on its activities and submit them to the Conference of the Parties;
- g)) Ensure the necessary coordination with the secretariats of other relevant international bodies;
- h) Make the necessary administrative and contractual arrangements to effectively carry out its functions, under the overall direction of the Conference of the Parties; and
- i) Perform the other secretariat functions specified in this Convention and any other functions determined by the Conference of the Parties.

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Article 38. Committee on the Rights of PDECs

1. To monitor and promote implementation of the obligations undertaken by Parties to this Convention, a Committee on the Rights of PDECs shall be established to perform the functions set out in the following articles.
2. The Committee shall be composed of 12 experts of high moral integrity and recognized competence in the fields covered by this Convention.
3. The members of the Committee shall be elected by the Conference of the Parties from among nationals of States Parties and shall serve in their personal capacity, with due regard to geographical distribution, the main legal systems, and gender balance.
4. The members of the Committee shall be elected by secret ballot from a list of persons proposed by State Parties. Each State Party may nominate one person from among its nationals.
5. The initial election of the Committee shall be held at the first meeting of the Conference of the Parties, and every two years thereafter. At least four months before the date of each election, the Secretariat shall invite State Parties to submit their nominations within two months. The secretariat shall prepare a list, in alphabetical order, of all proposed candidates, indicating the State Parties that have nominated them, and communicate it to the Conference of the Parties.
6. The persons selected to serve on the Committee shall be those who obtain an absolute majority of the votes cast by States members of the Conference of the Parties, present and voting, and the greatest number of votes.
7. Members of the Committee shall be elected for a term of four years. They may be re-elected if their nomination is re-submitted. The term of office of half of the persons elected in the first election shall expire after two years; immediately after the first election, the names of those persons shall be drawn by lot.
8. If a member of the Committee dies, resigns or declares any other circumstance preventing them from continuing to serve on the Committee, the State Party which nominated the member shall designate from among its own nationals another expert to serve until the end of the term, subject to approval by the Committee.
9. The Committee shall adopt its own rules of procedure.
10. Meetings of the Committee shall generally be held at United Nations Headquarters or any other location determined by the Committee.
11. The Committee shall normally meet every year. The duration of the Committee's meetings shall be determined by its rules of procedure.
12. The Secretariat shall provide the staff and services necessary for the effective performance of the Committee's functions.
13. Subject to the approval of the Conference of the Parties, Committee members shall receive emoluments from funds determined by the Conference of the Parties.

*Draft Convention on the Protection of Persons Displaced for Environmental and/or Climate Reasons***Article 39. Reports of Parties**

1. Parties shall submit to the Committee, through the General Secretariat of the United Nations, reports on the measures they have taken to give effect to the rights recognized in this Convention and on the progress they have made towards the enjoyment of those rights, every two years from the date on which this Convention has entered into force for each Party.

2. Reports under this article shall indicate the circumstances and difficulties, if any, affecting the degree of implementation of the obligations arising from this Convention. They shall also contain sufficient information for the Committee to have a precise understanding of the implementation of the Convention in each country. Parties shall involve civil society throughout the process of drawing up implementation reports.

3. The Committee shall examine the reports submitted by each Party and transmit any observations and/or recommendations it considers appropriate to the Party concerned. That Party may submit to the Committee its comments on any observation made by the Committee under this article. During its review of these reports, the Committee may request additional information from Parties.

4. The Committee shall submit to the Conference of the Parties and the United Nations General Assembly a report on its activities, including observations and/or recommendations on the implementation of the Convention.

5. Parties shall ensure that their reports are widely disseminated to the public in their respective countries.

Article 40. Communications from Parties

1. Each Party to this Convention recognizes the competence of the Committee to receive and consider communications in which a Party alleges that another Party is not fulfilling its obligations under this Convention.

2. Communications received under this article shall be subject to the following procedure:

- a) If a Party to this Convention believes that another Party is not fulfilling its obligations under this Convention, it may, by means of a written communication, bring the matter to the attention of that Party. The Party may also inform the Committee. Within three months of receipt of the communication, the receiving Party shall provide the communicating Party with an explanation or other written statement clarifying the matter and, where possible and appropriate, referring to any domestic procedures and remedies invoked, pending or existing in relation to the matter;
- b) If the matter is not resolved to the satisfaction of both Parties concerned within six months of receipt of the initial communication by the receiving Party, either Party may refer the matter to the Committee by notifying the Committee and the other Party;
- c) The Committee shall consider the matter submitted to it only after ascertaining that all domestic remedies in the matter have been exercised and exhausted in accordance with generally recognized principles of international law. This rule shall not apply where, in the opinion of the Committee, the processing of such remedies is unduly prolonged;

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- d) Subject to subparagraph c) of this paragraph, the Committee shall make its good offices available to the Parties concerned with a view to reaching an amicable settlement of the matter on the basis of compliance with the obligations laid down in this Convention;
- e) The Committee shall hold private meetings when considering communications under this article;
- f) For any matter referred to it under subparagraph b) of this paragraph, the Committee may request the Parties concerned, referred to in subparagraph b), to provide any other relevant information;
- g) Both Parties concerned, as provided for in subparagraph b) of this paragraph, shall have the right to be represented when the matter is considered by the Committee and to make oral or written statements;
- h) The Committee shall, within 12 months of the date of receipt of the notification referred to in subparagraph b) of this paragraph, submit a report as follows:
 - i) If a solution is reached in accordance with subparagraph d) of this paragraph, the Committee shall limit its report to a brief statement of the facts and the solution reached;
 - ii) If no solution is reached in accordance with subparagraph d) of this paragraph, the Committee shall indicate in its report the relevant facts relating to the matter between the Parties concerned. Written statements and a list of oral statements made by those Parties shall be annexed to the report. The Committee may also transmit to the Parties concerned any comments it considers relevant to the matter between them. In all cases, the report shall be transmitted to the Parties concerned.

Article 41. Individual communications

1. Any State Party to this Convention may at any time, in accordance with this article, declare that it recognizes the competence of the Committee to receive and consider communications from individuals within its jurisdiction, or on its behalf, alleging that that State Party has violated their individual rights under this Convention. The Committee shall not accept any communication concerning a State Party which has not made such a declaration.
2. The Committee shall consider inadmissible any communication received under this article, which is anonymous or which, in its opinion, constitutes an abuse of the right to submit such communications or is incompatible with the provisions of this Convention.
3. The Committee shall not consider any communication submitted by an individual under this article unless it is satisfied that:
 - a) The same issue has not been, and is not being, considered in any other international investigation or settlement procedure;
 - b) The individual has exhausted all domestic remedies; this rule shall not apply where, in the opinion of the Committee, the processing of such remedies is unduly prolonged or does not offer any possibility of effective protection of the person concerned.
4. Without prejudice to paragraph 2 of this article, the Committee shall bring communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and in respect of which a violation of a provision of this Convention is alleged. Within six months, the receiving State shall provide the Committee with

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an explanation or other written statement clarifying the matter and setting out, where appropriate, the corrective measures it has taken.

5. The Committee shall consider communications received under this article in the light of all information provided by or on behalf of the person and by the State Party concerned.

6. The Committee shall hold private meetings when considering communications submitted under this article.

7. The Committee shall communicate its views to the State Party concerned and to the person who submitted the communication.

8. The provisions of this article shall enter into force when ten Parties have made the declarations referred to in paragraph 1 of this article.

9. State Parties shall deposit such declarations with the Secretary-General of the United Nations, who shall transmit copies thereof to other State Parties.

10. Any declaration may be withdrawn at any time by notification to the Secretary-General. Such withdrawal shall not preclude consideration of any matter which is the subject of a communication already submitted under this article; after the Secretary-General has received notification of withdrawal of the declaration, no further communications shall be submitted by or on behalf of a person under this article, unless the State Party concerned has made a new declaration.

Article 42. Other measures to promote implementation

In order to promote the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- a) Specialized agencies, IOM, UNHCR and other United Nations bodies shall have the right to be represented at the review of the implementation of the provisions of this Convention which fall within their mandate. The Committee may invite specialized agencies, IOM, UNHCR and other competent bodies which it deems appropriate to provide expert advice and report on the implementation of the provisions of this Convention within their areas of activity;
- b) The Committee shall transmit, as it deems appropriate, to specialized agencies, IOM, UNHCR and other competent bodies, reports from Parties containing a request for advice or technical assistance, or indicating such need, together with the Committee's comments and suggestions, if any, on such requests or indications;
- c) The Committee shall develop a guide of good practices for the procedure for granting PDEC status;
- d) The Committee may decide to develop and adopt general comments addressing specific aspects of the Convention to assist Parties in fulfilling their obligations under the Convention. Such general comments shall be transmitted to the Conference of the Parties and notified to the United Nations General Assembly, together with any comments from Parties.

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- e) The Committee may recommend to the General Assembly that it request the Secretary-General of the United Nations to undertake, on its behalf, studies on specific issues relating to the rights of PDECs.

CHAPTER VI

MISCELLANEOUS PROVISIONS

Article 43. Cooperation

The implementation of this Convention is primarily the responsibility of the Conference of the Parties and other bodies established by it, with the assistance, where appropriate, of universal and regional international organizations, as well as the secretariats and committees of international conventions relating to environmental protection or the defence of human rights.

Article 44. Bilateral and regional agreements

1. Parties are encouraged to enter into bilateral or multilateral agreements at the regional level to fulfil their obligations under this Convention.
2. Parties shall exchange information on lessons learned from the implementation of bilateral and multilateral agreements or other arrangements relating to the subject matter of this Convention, to which one or more of them are Parties.

Article 45. Relationship with other instruments

1. The provisions of this Convention shall not be construed as affecting more favourable rights and guarantees for PDECs contained in other binding national and international instruments that are or will become in force.
2. The provisions of this Convention shall not prejudice the right to seek asylum or the benefit of any other form of national or international protection.

Article 46. Relations with third States

1. Parties shall, if they deem it appropriate, invite States not Parties to this Convention to cooperate in its implementation.
2. Parties shall take appropriate measures, in accordance with international law, to ensure that no activities are carried out contrary to the purpose, objectives, principles and rights guaranteed by this Convention.

Article 47. Settlement of disputes

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the Parties concerned shall endeavour to settle it by negotiation or other peaceful means of their choice, including good offices or mediation by a third party, as well as recourse to conciliation.

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2. If the Parties concerned are unable to settle the dispute by the means referred to in the preceding paragraph, the dispute shall, by mutual agreement, be submitted to arbitration or to the International Court of Justice.

Article 48. Amendments to the Convention

1. Any Party may propose amendments to this Convention. Such amendments shall be adopted by the Conference of the Parties.

2. The text of any proposed amendment to the Convention shall be notified by the Secretariat to the Parties at least six months before the meeting at which the amendment is proposed for adoption.

3. If all efforts to adopt an amendment to the Convention by consensus have been exhausted without agreement, the amendment shall ultimately be adopted by a two-third majority vote of the Parties present and voting.

4. The Depositary shall communicate to the Parties any amendment adopted for ratification, acceptance or approval.

5. The ratification, acceptance or approval of an amendment shall be notified in writing to the Depositary. Any amendment adopted pursuant to paragraph 3 shall enter into force for the Parties which have agreed to be bound by its provisions on the thirtieth day following the date of deposit of the instrument of ratification, acceptance or approval by at least two-thirds of the Parties that were Parties at the time the adoption of the amendment. Thereafter, the amendment shall enter into force with respect of any other Party on the thirtieth day following the date of deposit by that Party of its instrument of ratification, acceptance or approval of the amendment.

Article 49. Voting rights

1. Each State Party to this Convention shall have one vote, subject to the provisions of the following paragraph.

2. In exercising their right to vote in matters within their competence, the regional economic integration organizations shall have a number of votes equal to the number of their Member States which are Parties to this Convention. They shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

**CHAPTER VII
FINAL PROVISIONS**

Article 50. Signature

This Convention shall be open for signature by all Member States of the United Nations, as well as regional economic integration organizations, at (place to be determined) and then at the United Nations Headquarters in New York from (date to be determined) to (date to be determined).

Article 51. Reservations

No reservations are permitted to this Convention.

Article 52. Ratification, acceptance, approval or accession

1. The Convention is subject to ratification, acceptance, approval or accession by States and regional economic integration organizations. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Regional economic integration organizations which become Parties to this Convention, without any of their Member States being a Party thereto, shall be bound by all the obligations set forth in this Convention. Where one or more Member States of such organizations are States Parties to this Convention, the organizations and their Member States shall determine their respective obligations regarding the fulfilment of their obligations under this Convention. In such cases, the organizations and their Member States may not simultaneously exercise the rights arising from this Convention.

3. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations shall indicate the extent of their competence with regard to the matters governed by this Convention. In addition, they shall inform the Depositary, who shall in turn inform all States Parties of any relevant changes concerning the scope of their jurisdiction.

4. States and regional economic integration organizations shall communicate to the Secretariat, at the time of ratification, acceptance, approval or accession, the measures taken to implement the Convention.

Article 53. Entry into force

This Convention shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification, acceptance, approval or accession.

Article 54. Denunciation

1. Any Party may denounce this Convention after the expiration of a period of five years upon giving one year's notice in writing to the Depositary.

2. The denunciation may not have the effect of releasing the Party concerned from its obligations under this Convention in respect of any act which, although it may constitute a breach of those obligations, was performed by it before the date on which the denunciation takes effect.

Article 55. Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 56. Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Convention.

DONE at (to be specified), on (specify the full date in words)

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