Law Review • vol. XIII, issue 1, July-December 2023, pp. 3-13

CLIMATE LAW

Climate changes and migration: an issue more urgent than ever

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Abstract

Climate changes represents, without a doubt, one of the headlines of the current public discourse, whether we are talking about politicians, non-governmental organizations, academia or ordinary citizens. Since the legal implications of climate change, as a fundamental part of the environmental legislative corpus, have been exposed and treated extensively by prestigious representatives of the academic environment[1] *in Romania, in the present study, we propose a slightly different approach to the problem, more precisely from the perspective of its effects on migration and refugee rights.*

Keywords: *migration, refugees, climate changes, persecution, persecutor*

1. Introductory considerations

The play "*The Suppliants*" by the ancient Greek playwright Aeschylus (525 - 456 AD) shows us how old the problem of migration and the right to asylum is[2]. Aeschylus' entire play is centered on the debate between the king and the people of Argos as to whether or not the fifty Danaids should be granted asylum. The judgment is not an easy one, and the king of Argos refrains from making a decision by himself, but submits the issue to the debate of his people. From here, we can highlight two elements with impact in our subsequent reasoning: *the permanence of migration* (the play was written in the 5th century BC) and the *permanence of the debate*. There is a debate between the need to protect individuals and the collective interest of the host society whose security is at risk (in the play, there is a danger that the sons of Aegyptus will start a war against the people of Argos to get back their fifty women).

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[1] M. Duțu, Dreptul climei. Regimul juridic al combaterii si atenuarii incalzirii globale si adaptarii la efectele schimbarilor climatice, Ed. Universul Juridic, București, 2021.

[2] In this play, the Danaids, the fifty daughters of Danaus, flee from North Africa, Syria and Libya to the small Aegean island of Argos to escape forced marriage with their cousins, sons of Aegyptus.

On the other hand, the play "*Antigone*" by Sophocles (ca. 496 - 406 AD), in addition to his considerations about justice, shows us the ancient awareness of the action - sometimes very harmful - of man on nature. Here are four edifying lines from this Sophocles tragedy:

" There are many fearsome things here below
But no one is more fearsome than the human being…
[…]
He is that being who incessantly harasses the supreme creature
The Earth, the imperishable earth.!"[3]

Nowadays, there is more and more talk about "*environmental*" refugees or "*climate*" or "*ecological*" refugees. However, as we will argue in the following, we believe that the term refugees is incorrect and that it would be more appropriate to talk about "*displaced persons*" or *environmental or climate* "*migrants*"[4].

The Parliamentary Assembly of the Council of Europe, by Resolution no. 2307 of October 3, 2019, entitled "A legal status for climate refugees"[5], reiterated the conclusions of its Resolution 1655/2009 and Recommendation 1862/2009, noting that environmental factors, including climate changes, continue to have a significant impact on those who they risk being deprived of their means of livelihood due to natural or man-made disasters, forcing the population to migrate. The Parliamentary Assembly considered that the absence of a legally binding definition of "climate refugees" does not preclude the development of specific policies to protect people who are forced to move as a result of climate change. Member States should adopt a proactive attitude and recognize human migration as a legitimate form of adaptation to climate change, in the context in which it is unavoidable in some cases, and therefore review their migration policies in relation to this factor.

It is certain that, from a historical point of view, the Geneva Convention on the Status of Refugees[6], concluded in Geneva on July 28, 1951 by a Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened by the UN pursuant to AG Resolution 429(V) of December 14, 1950, which defines the concept of a refugee, was not designed for these situations, generated by the effects of climate change or even climate catastrophes. But, in the context of the evolutionary interpretation of the text, can we exclude any possible application of the Geneva Convention, in the hypothesis of climate migrations? The answer is not so simple, being susceptible to various nuances.

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[3] As translated from Sofocle, Antigona, p. 97, https://www.academia.edu/8224039/Antigona-_Sofocle

[4] J.-Y. Carlier, S. Sarolea, Droit des étrangers, Larcier, 2016, p. 441.

[5] https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28239&lang=en

[6] https://www.unhcr.org/3b66c2aa10

2. The concept of "refugee" in the Geneva Convention regarding the status of refugees

2.1 Brief history and limitations

It is undeniable that migration has always existed and will continue to exist. The same is true for forced migration in search of legal protection. The legislation will have to take this into account and adapt. The Geneva Convention is the best example of the evolution of a legal text regarding the reality of migration and the right to asylum.

Two observations should be made regarding the purpose and timing of this conference:

- The original purpose of the conference was to deal with the problem of the stateless: *Heimatlos*, those whom Hannah Arendt called "*outlaws*" because of the link between rights and nationality. Quickly, however, the focus shifted to refugee protection. A separate convention relating to stateless persons was later adopted: the New York Stateless Persons Convention of 28 September 1954.

- Regarding the timing of the conference, we must remember that the Second World War had just ended and the Universal Declaration of Human Rights of 1948[7] had just been adopted. This declaration was mentioned in the first iteration of the Geneva Convention. The main idea in this post-war era was "never again". The world should never experience such extreme violations of human rights as they did during the Second World War.

The Geneva Convention, although it remains a legal instrument still current and as useful today as at the time of its adoption, suffered from a series of limitations, both in time and in space.

The first limitation found in the Geneva Convention is *temporal.* Thus, the term "refugee" is defined in art. 1, section A of the Convention, as follows: "*A. For the purposes of the present Convention, the term "refugee" shall apply to any person who: (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section; (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more*

[7] https://www.un.org/en/about-us/universal-declaration-of-human-rights

than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national."

First of all, art. 1 confirms the old refugee statuses which were granted before the Second World War and which correspond, in historical terms, to the arrangements of 1926 and 1928 and the Conventions of 1933 and 1938.

Secondly, art. 1 provides a definition of refugee that refers to events "*that took place before 1 January 1951*", in the hope that such events will not exist in the future. Unfortunately, subsequent history has shown us that things did not turn out as the initiators of the Geneva Convention hoped and anticipated!

The Protocol on the Status of Refugees, concluded in New York on January 31, 1967, eliminated this limit, considering that since the adoption of the Geneva Convention "*new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention*", respectively that "" *it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951*". This Protocol has a primary role, because by eliminating a few words, it transforms the refugee definition into a legal, general and abstract definition, universally applicable regardless of time: past, present and future.

The definition given to the refugee, by the Geneva Convention, also suffers from a limitation in space. Thus, according to art. 1, section B, point 1 of the Convention, the form valid on the date of ratification, "*(1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either (a) "events occurring in Europe before 1 January 1951"; or (b) "events occurring in Europe or elsewhere before 1 January 1951"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.*" Each state therefore had the discretion to choose to apply the phrase "events occurring before 1 January 1951" either to events occurring "in Europe" or more broadly "in Europe or elsewhere". In principle, the New York Protocol also removed this geographical limitation, although some states decided to keep it.

Even though Geneva Convention is one of the most ratified international conventions in the world (146 countries are parties to the Geneva Convention and the New York Protocol), there still remain some important countries, such as India, which have not ratified these international instruments. Also, the wide majority of countries, party to the convention, have removed the geographical limitation, but some of them (such as Turkey), didn't.

Considering the evolution of the Geneva Convention, from a text limited in time and space, to a text with a universal and timeless purpose, it is clear that the reality of forced migration shows us that the texts and their interpretation must be thought of considering the potential challenges future.

Our role, as lawyers, is to consider, first of all, the applicability of the existing texts to these new situations, and then, if necessary, the elaboration of new texts. Too often, the simplistic statement that an old text, such as the Geneva Convention, could not cope with a new situation, is used as a pretext for abandoning the people affected by the possible new problems that have arisen. The pretext of a so-called "lack" of a new text, which would explicitly regulate the issue under discussion, means that most of the time the saving intervention is not an anticipatory one, but a posteriori, when often "the harm is already done".

Therefore, we believe that at the present time it is more useful and more urgent than ever to discuss the issue of refugees for environmental or climatic reasons.

2.2. The refugee, an evolving concept

Returning to the definition of the refugee, as found in art. 1 of the Geneva Convention, we note that apart from the only objective criterion - "*is outside the country*" -, the definition of refugee enshrined in the Geneva Convention contains only subjective elements: a refugee is "*any person who [...] owing to well-founded fear of being persecuted* ". Moreover, the notion of "persecution", as a defining element of the term refugee, is also the one that generated reluctance regarding the use of the term "*climate refugee*", in the conditions that a climate catastrophe does not automatically constitute a factor generating persecution.

Well founded fear of being persecuted. These words, which are at the center of the definition, show us that the interpretation must be made depending on the protection objective pursued. This is the classical teleological interpretation which does not ignore the literal and historical interpretations but complements them.

This means, as we will see in the case law extracts below, that*:*

a. We should view the Geneva Convention as a living instrument subject to evolving interpretation:

As mentioned by Lord Bingham of Cornhill in the UK House of Lords decision Sepet and Bulbul : "*It is plain that the Convention has a* ***single autonomous meaning, to which effect should be given in and by all member states****, regardless of where a decision falls to be made: R v Secretary of State for the Home Department Ex p Adan [2001] 2 AC 477. It is also, I think, plain that the Convention must be seen as a* ***living instrument in the sense that while its meaning does not change over time its application will****. I would agree with the observation of Sedley J in R v Immigration Appeal Tribunal, Ex p Shah [1997] Imm AR 145, 152: "Unless it [the Convention] is*

seen as a living thing, adopted by civilized countries for a humanitarian end which is constant in motive but mutable in form, the Convention will eventually become an anachronism."[8]

b. Moreover, the concept of "*persecution*" itself is evolving: "*because the Convention is universal,* ***it does not speak only of the grounds of persecution that have been most familiar to Western countries, i.e. those that have derived their culture and history from Europe****. For such countries, in the past, race, religion, minority nationality and political opinions have been the main grounds for persecution.* ***But in other societies, and in modern times, different cultural norms and social imperatives may give rise to different sources of persecution****. The Convention is intended to operate in the context of the problems of refugee displacement which have been such a significant feature of the world, particularly since the events which propelled the international community (including Australia) into the Second World War. It would be an error to construe the definition so as to ignore the changing circumstances of the world in which the Convention now operates.[…] Nowadays, a different content and application of the phrase affords the protection of the Convention deriving from a larger understanding of the "persecution" and the identity of the "particular social group" in question.* ***The concept is not a static one. Nor is it one fixed by historical appreciation****".*[9]

c. A decision should include a well-structured rationale:

"*Experience shows that adjucators and tribunals give better reasoned and more lucid decisions* ***if they go step by step, rather than follow a recital of the facts and arguments with a single laconic statement which others then have to unpick, deducing or guessing at its elements rather than reading them off the page****.*[10]*"*

A jurisprudential decision that would say: "this person is not recognized as a refugee because he does not have a justified fear of being persecuted" is not a properly reasoned decision. It's a truism. It goes without saying: if the person does not have a well-founded fear of persecution (since that is the definition), that person cannot be recognized as a refugee. But the real question is: What are the reasons why this person does not have a justified fear of persecution?

Therefore, we cannot talk about "refugee" in the legal sense, without trying to define what "persecution" and "persecutor" mean.

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[8] Sepet (FC) and Another (FC) v. Secretary of State for the Home Department, [2003] UKHL 15, United Kingdom: House of Lords (Judicial Committee), 20 March 2003: https://www.refworld.org/cases,GBR_HL,3e92d4a44.html [accessed 30 December 2022]

[9] A and Another v Minister for Immigration and Ethnic Affairs and Another, [1997], Australia: High Court, 24 February 1997: https://www.refworld.org/cases,AUS_HC,3ae6b7180.html [accessed 30 December 2022]

[10] Svazas v. Secretary of State for the Home Department, [2002] EWCA Civ 74, United Kingdom: Court of Appeal (England and Wales), 31 January 2002: https://www.refworld.org/cases,GBR_CA_CIV,3fe70ad14.html [accessed 30 December 2022]

2.3. Persecution/persecutor

There is no definition of the word "persecution" in the Geneva Convention. However, according to the Cambridge Dictionary, persecution is "unjust or cruel treatment over a long period of time because of race, religion or political opinion"[11].

Looking at other texts, the use of the word persecution, much less its definition, is rare. However, in the texts of international law the term "persecution" can be found, in particular, in international criminal law, although it is addressed more to the persecutors than to the persecuted.

For example, the term "*persecution*" is defined in art.7, point 2.g of the Rome Statute of the International Criminal Court as "*the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity*".

As stated in the doctrine, two remarks should be made from this point of view:

- "the intentional and severe deprivation of fundamental rights" is somehow similar to the concept of "persecution" in the Geneva Convention. As in international criminal law, refugee law requires a serious level of human rights violation.

- the intentional element is necessary for the criminal conviction of a persecutor. This intentional element is necessary for the criminal conviction of a persecutor. But is it also necessary in the Geneva Convention? We see here a difference between punishing a guilty person and protecting a victim against serious violations of his fundamental rights.

However, there is a difference between punishing a guilty person (as in international criminal law) and protecting a victim against serious violations of his fundamental rights (as in refugee law). Basically, as stated in the *Kupreškić* decision of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the main difference between criminal law and refugee law is that in the later "*the intent of the persecutor is not relevant*"[12] and accordingly, the area of "persecution" is much wider.

Although we will not proceed to an in-depth analysis of the five criteria of persecution regulated by the Geneva Convention (race, religion, nationality, membership of a certain social group, political opinion), since this is not the purpose of our current approach, we will try, however, to determine who is both the passive subject of persecution and the active subject, i.e. the agent of persecution or the persecutor!

If, as regards the passive subject of the persecution, it is relatively easy to identify in the person seeking protection (or his relatives who have been persecuted, in

[11] Cambridge Advanced Learner's Dictionary (Fourth edition), Klett, 2013.

[12] Para.589; https://www.icty.org/x/cases/kupreskic/tjug/en/kup-tj000114e.pdf.

such a way as to induce the respective person a justified fear of future persecution), the problem persecutor is much more debatable.

The persecution may come from an *agent of the state, a public servant* (generally, the refugees persecuted by the authorities of their country), but also from *non-governmental agents* or from *certain private individuals*. In this case, there are two theories : the theory of liability, which is of strict interpretation and considers it necessary to examine whether the State of origin is responsible for the persecution[13] and the *theory of protection*, which examines whether the state can protect against private persecution. The later one is best explained in the *Ward case*[14], where it is menioned that: "*I find that state complicity is not a necessary component of persecution, either under the "unwilling" or under the "unable" branch of the definition. A subjective fear of persecution combined with state inability to protect the claimant creates a presumption that the fear is well-founded. The danger that this presumption will operate too broadly is tempered by a requirement that clear and convincing proof of a state's inability to protect must be advanced. I recognize that these conclusions broaden the range of potentially successful refugee claims beyond those involving feared persecution at the hands of the claimant's nominal government.[…]*".

The theory of protection appears to be better founded legally since, on the one hand, the Geneva Convention does not provide details about who is persecuting Ward and on the other hand, the international protection conferred by the Geneva Convention is subsidiary protection, in the absence of national protection. Also, this theory is regulated in EU law, mainly at art. 6 point c of Directive 2011/95/EU[15]:: "*Actors of persecution or serious harm include: […] (c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7*".

3. Does "climate refugees" really exist?

After briefly analyzing the definition of "refugee" as found in the Geneva Convention, as well as what is meant by persecution and persecutor, it is clear

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[13] See case CE, 27 mai 1983, 42074, Dankha, 42074, France: Conseil d'Etat, 27 May 1983, available at: https://www.refworld.org/cases,FRA_CDE,3ae6b72728.html [accessed 16 February 2023]: "that it does not follow from this text that the persecutions suffered must emanate directly from the public authorities; that persecutions carried out by private individuals, organized or not, can be accepted, since they are in fact encouraged or voluntarily tolerated by the public authority, so that the person concerned is not actually in a position to claim of the protection of it".

[14] Canada (Attorney General) v. Ward, [1993] 2 S.C.R. 689: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1023/index.do.

[15] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=RO

that the integration of climate refugees within the protection mechanisms offered by the Convention Geneva would be difficult.

In this context, we could rightly ask who is the agent of persecution, although, as we have shown above, this is not the fundamental problem, but whether the state is capable of providing protection.

We can also try to frame climate refugees in one of the five persecution criteria regulated by the Geneva Convention. Most of the time, a catastrophe will not affect everyone equally, but will affect a certain nation, a fraction of a nation's population or a certain ethnic group that lives in the affected area. From this point of view, a distinction can be made between those who have the necessary means to protect themselves against disasters and those who do not. In this case, isn't there a common characteristic that allows us to talk about the existence of a "social group", which is a criterion of persecution provided for in the Geneva Convention?

The emphasis must be placed on the very notion of persecution. But, in the case of climate refugees, does this notion require an intentional element? Even if human activity has an impact on climate disasters, some might say that man is not doing it intentionally, but out of ignorance, carelessness or inconsistency.

However, even in such a scenario - without the intentional element - nothing indicates that we are outside the scope of the Geneva Convention. As I have shown above, in the *Kupreškić case*, unlike criminal law, the concept of persecution in refugee law does not require the existence of intent. But there must be an action. And environmental degradation is, to a large extent, the result of human action. Of course, the causal link between human action and damage to the environment can suffer a significant gap in time and space, but that doesn't mean it doesn't exist! Moreover, damage to the environment can also be committed through inaction, namely the situation in which the state, being faced with the effects of a natural catastrophe, either does not want or is unable to protect a certain category of people.

From such a perspective, it is worth highlighting a case instrumentalized by the New Zealand Supreme Court, regarding people who claimed refugee status after leaving the island of Kiribati. Accordinglly, is the *Teitiota case*[16], the Supreme Court of New Zealand did not exclude the possible application of the Geneva Convention and the concept of persecution for environmental refugees: *"[13] That said, we note that both the Tribunal15 and the High Court,16 emphasized their decisions did not mean that environmental degradation resulting from climate change or other natural disasters could never create a pathway into the Refugee Convention or*

[16] Ioane Teitiota v. The Chief Executive of the Ministry of Business, Innovation and Employment, [2015] NZSC 107, New Zealand: Supreme Court, 20 July 2015: https://www.refworld.org/cases, NZL_SC,55c8675d4.html [accessed 30 December 2022].

protected person jurisdiction. Our decision in this case should not be taken as ruling out that possibility in an appropriate case."

Moreover, later on the case was submitted to the United Nations Human Rights Committee (UNHRC)[17]. UNHRC ruled only on the violation of the International Covenant on Civil and Political Rights (ICCPR)[18], and not on the definition of a refugee according to the Geneva Convention: "*9.12. In the present case, the Committee accepts the author's claim that sea level rise is likely to render Kiribati uninhabitable. However, it notes that the time frame of 10 to 15 years, as suggested by the author,* ***could allow for intervening acts by Kiribati, with the assistance of the international community, to take affirmative measures to protect and, where necessary, relocate its population****. The Committee notes that the State party's authorities thoroughly examined that issue and found that Kiribati was taking adaptive measures to reduce existing vulnerabilities and build resilience to climate change-related harms. Based on the information made available to it,* ***the Committee is not in a position to conclude that the domestic authorities' assessment that the measures taken by Kiribati would suffice to protect the author's right to life*** *under article 6 of the Covenant was clearly arbitrary or erroneous in that regard, or amounted to a denial of justice*". However, the UNHCR went further than the New Zealand Supreme Court and emphasized the obligation of the Kiribati state to ensure protection measures, with the support of the international community, because: "*9.11. […] without robust national and international efforts, the effects of climate change in receiving States* ***may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulement obligations of sending States****. Furthermore, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country* ***may become incompatible with the right to life with dignity before the risk is realized****."*

Despite a relatively disappointing result for the person directly concerned, the decision in the case of Teitiota represents an extremely important precedent, as both New Zealand courts and the UNHRC have recognized the possibility of granting protection status to people fleeing the effects of climate change. In international law, the question will always be the same: how will the UNHRC ensure the implementation of these so-called "obligations"? To answer this question, it is necessary to return to the very role of this body. The Committee is a group of experts established by member states of the United Nations to monitor the implementation of the ICCPR. Although its decisions are not binding as such, their authority is undeniable, their violation being tantamount to a violation of

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17 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en

18 https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

the ICCPR itself. However, expectations can only be moderate, given that the basic principle of international law remains the sovereignty of states. States are bound only by the obligations to which they have consented, and the functioning of international systems ultimately depends on their goodwill.

Moreover, although the HRC accepts in this decision that, in principle, the obligation of non-refoulement can apply to persons whose right to life or the right not to be subjected to cruel, inhuman or degrading treatment is threatened by the effects of climate changes, this body omits to clarify what is the limit at which the necessary conditions for triggering the protection mechanisms are considered met.

Finally, we cannot completely rule out the possibility of *subsidiary*[19] or *temporary*[20] *protection*. From this point of view, of the regional (subsidiary) protection mechanisms, we can recall that both the 1968 OAU Convention[21] and the Cartagena Declaration[22] refer to the situation of displaced persons due to "*events that significantly disturb public order*". The coverage area will usually be very large when a disaster occurs. Since there is a large number of affected people, there will be a massive influx, which will bring into question the mechanism of a collective and temporary protection of displaced persons, more than the individual protection of a certain refugee. It is also possible that people, anticipating the disaster, flee before the intervention of the massive influx. In this case, the time element is the one that raises problems, the risk being still hypothetical, which could allow the state in question to take certain measures before it occurs.

Therefore, it is clear that the debate remains open, but in the future, the need for specific texts aimed at climate migration will no longer be ignored. However, we must remember that even the texts still in force can be applied to concrete situations, provided that there is the necessary will in this regard on the part of all the actors involved.

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[19] See Directive 2011/95/EU supra. 17.

[20] For example, at the level of the European Union there is the mechanism regulated by Council Directive 2001/55/EC of July 20, 2001 regarding minimum standards for granting temporary protection, in the event of a massive influx of displaced persons, and measures to promote a balance between efforts member states for receiving these persons and bearing the consequences of this reception, published in J.O. of EU L 212, 07/08/2001, p. 0012 – 0023.

[21] OAU Convention on Specific Aspects of the Refugee Problem in Africa, adopted by the Assembly of Heads of State and Government at its Sixth Ordinary Session, Addis Ababa, 10 September 1969: https://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html

[22] Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees from Central America, Mexico and Panama, Cartagena de Indias, Colombia, 22 November 1984: https://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html