

Ecological Exile after Armed Conflict: Insights from Vietnam, the Kampala Convention, and the United Nations High Commissioner for Refugees Guidelines No. 12 on International Protection

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Abstract

Ecological exile in the aftermath of armed conflict highlights the enduring consequences of hostilities on both human security and the environment, as the legacy of war persists through soil contamination, deforestation, the destruction of essential infrastructure and the prolonged displacement of populations long after the cessation of hostilities. Drawing on the Vietnamese experience while referring to the Kampala Convention on the Protection and Assistance of Internally Displaced Persons and the United Nations High Commissioner for Refugees Guidelines No. 12 on International Protection, this article argues that even in the absence of specific reforms addressing ecological displacement, an evolutive interpretation of existing legal instruments, including the 1951 Refugee Convention, international humanitarian law and international environmental law, can provide a meaningful legal basis for protecting populations forced to leave their homes for environmental reasons in post-conflict settings. The analysis emphasises the urgency of articulating the various normative regimes in order to bridge existing legal gaps and to establish effective, predictable and durable protection mechanisms for persons affected by environmental harm in the aftermath of armed conflicts. It finally calls upon jurists, policymakers and humanitarian actors to integrate environmental considerations into post-conflict protection strategies, thereby ensuring a comprehensive and forward-looking response to one of the most pressing humanitarian and legal challenges of the twenty-first century.

Keywords: ecological exile; armed conflict; environmental displacement; Kampala Convention; United Nations High Commissioner for Refugees Guidelines No. 12; international humanitarian law; international environmental law.

INTRODUCTION

At present, the international community faces a dual crisis of unprecedented complexity that combines security-related challenges with profound environmental disruptions, the consequences of which continuously reinforce one another in a manner that erodes the resilience of affected societies. Armed conflicts, whether international or internal in

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nature, result in the systematic destruction of essential infrastructure such as housing, water supply networks and energy facilities, while simultaneously causing severe environmental degradation through soil contamination, deforestation and the depletion of water resources (United Nations 1951; United Nations 1967). These impacts, far from being confined to the period of active hostilities, persist long after the cessation of fighting and continue to weigh heavily on populations struggling to rebuild their lives.

At the same time, the effects of climate change, including the intensification of natural disasters, the rise in sea levels and the spread of desertification, exacerbate the structural vulnerabilities of territories already weakened by armed violence. The cumulative effect of anthropogenic destruction and climatic pressures undermines the capacity of communities to recover and deprives populations of the environmental conditions necessary for a viable existence (United Nations High Commissioner for Refugees 2016). It is within this combination of war-induced environmental harm and its aggravation through extreme climatic phenomena that the notion of ecological exile in the aftermath of armed conflict emerges, understood as the forced migration of populations compelled to abandon territories rendered uninhabitable by profound and lasting ecological disruption.

The legal recognition of this category of displaced persons nevertheless remains incomplete. Neither the *1951 Geneva Convention Relating to the Status of Refugees* nor its *1967 Protocol* explicitly provides protection for persons displaced for environmental reasons, even when the causes of displacement are directly linked to armed conflict (United Nations 1951; United Nations 1967). The absence of such provisions leaves affected populations in a legal grey area, without specific guarantees and often confronted with restrictive reception policies.

However, a careful analysis of regional instruments and contemporary interpretative practices, drawing in particular on Vietnam's experience in confronting the environmental consequences of war (African Union 2009; United Nations High Commissioner for Refugees 2016), the *Kampala Convention* which explicitly includes environmental causes among the grounds for internal displacement (African Union 2009), and the *United Nations High Commissioner for Refugees Guidelines No. 12* which encourage a more flexible reading of the refugee definition (United Nations High Commissioner for Refugees 2016), reveals the possibility of extending existing protection regimes. Through an evolutive interpretation of the relevant legal frameworks, it becomes possible to address environmental degradation in post-conflict settings as a form of serious harm to fundamental rights, without necessarily awaiting formal treaty reform.

This article therefore pursues a twofold objective: first, to clarify the conceptual and legal framework of ecological exile following armed conflict by distinguishing it from other forms of forced migration, whether linked exclusively to environmental factors or solely to armed violence; and second, to demonstrate that the instruments and practices identified above offer a solid foundation for an evolutive interpretation capable of ensuring effective and predictable protection for these displaced populations in the immediate term, while paving the way for broader recognition aligned with the imperatives of international solidarity and the protection of fundamental rights.

METHODOLOGY

This research adopts a qualitative and normative legal methodology complemented by a contextual analysis of post-conflict settings, aiming to bridge conceptual and doctrinal insights with concrete case studies in order to examine the emerging category of ecological exile and its implications for international protection regimes.

First, the study undertakes a doctrinal analysis of international instruments, including the *1951 Refugee Convention* and its *1967 Protocol* (United Nations 1951; United Nations 1967), the *Kampala Convention* (African Union 2009) and relevant United Nations soft law instruments (United Nations High Commissioner for Refugees 2016), with a view to identifying both normative gaps and interpretative possibilities.

Second, the research employs a comparative approach focusing on three complementary references: the Vietnamese experience with Agent Orange and its legal and humanitarian aftermath (Zierler 2011), the regional framework of the *Kampala Convention* which integrates environmental causes of internal displacement into a binding legal instrument (African Union 2009), and the *UNHCR Guidelines No. 12* which encourage an evolutive interpretation of the refugee definition (United Nations High Commissioner for Refugees 2016). This triangulation of national, regional and international sources provides a robust foundation for assessing the feasibility of extending protection to post-conflict ecological exiles.

Third, the article integrates a contextual analysis that situates legal interpretation within the broader socio-environmental realities of post-conflict settings, examining how structural fragility in governance, long-term ecological harm and the compounding effects of climate change jointly shape forced migration dynamics (Biermann and Boas 2010).

Finally, the methodological framework is grounded in the principle of interdisciplinarity. Drawing upon insights from international refugee law, humanitarian law and environmental law, as well as from relevant humanitarian and scientific reports, the study demonstrates that a cross-sectoral reading of norms is indispensable for understanding and addressing ecological exile after armed conflict. This approach ensures that the analysis remains normatively rigorous while remaining responsive to the empirical complexities of displacement in post-conflict environments, thereby contributing not only to academic debate but also to policy-oriented discussions on the protection of displaced populations.

RESULTS AND DISCUSSION

I. Ecological Exile after Armed Conflict: Conceptual and Legal Foundations

Ecological exile in the aftermath of armed conflict, situated at the crossroads of environmental migration and conflict-induced displacement, raises unprecedented legal challenges. The central issue concerns whether the current framework of international law can accommodate this emerging category of displacement or whether a normative gap persists that necessitates either interpretative evolution or formal legal development (Biermann and Boas 2010; United Nations High Commissioner for Refugees 2016).

I.1. Ecological Exile: Conceptual Boundaries and Key Issues

Ecological exile may be defined as the forced displacement of populations compelled to leave their habitual residence because of significant and lasting environmental degradation. Such degradation may stem from sudden events, including natural disasters or industrial accidents, as well as from gradual processes such as desertification, coastal erosion or chemical contamination of soils (United Nations 1951; United Nations 1967).

In a post-armed conflict context, this notion acquires a distinctive dimension. Environmental alterations are not merely the product of natural factors or unintentional human activity; they frequently constitute a direct consequence of hostilities. Military strategies, ranging from massive bombardments and the destruction of hydraulic infrastructure to the burning of forested areas or the use of chemical weapons, have provoked irreversible harm to ecosystems and natural resources (Zierler 2011). By undermining the subsistence means of affected populations, such ecological destruction translates into a prolonged migratory constraint that endures well beyond the cessation of fighting.

It is essential to underline the hybrid nature of this exile. On the one hand, it differs from purely environmental migrations originating in natural or anthropogenic phenomena unrelated to armed conflict. On the other hand, it cannot be assimilated to displacements strictly linked to military violence, where the immediate imperative is to flee combat zones. Instead, populations affected by ecological exile confront a dual constraint: first, the loss or deterioration of their habitat and vital infrastructure as a result of military action; and second, the impossibility of restoring this environment because of persistent ecological harm, whether through chemical pollution, radioactive contamination or the irreversible destruction of soils.

Environmental destruction thus functions as a multiplier of vulnerability. It confines communities to prolonged displacement even after hostilities have ceased and extinguishes any realistic prospect of voluntary and sustainable return (African Union 2009; United Nations High Commissioner for Refugees 2016). As a result, understanding this phenomenon requires a specific analysis of the post-conflict context, which determines both the scale of displacement and the legal modalities of international protection available to the affected populations.

I.2. Specificity of the Post-Conflict Context

The post-conflict context is marked by structural fragility that simultaneously affects state institutions, the economy and the environment. After years of war, public administrations frequently emerge weakened, disorganized and deprived of essential human, financial and material resources. This institutional vulnerability inevitably reduces the capacity of states to design and implement programmes for environmental rehabilitation, the reconstruction of essential infrastructure and the resettlement of displaced populations (United Nations 1951; United Nations 1967).

On the ecological level, the legacies of hostilities manifest themselves through a series of long-term harms, including persistent chemical and radioactive contamination of soils and groundwater, massive deforestation resulting from strategic military operations or deliberate burning, irreversible loss of biodiversity and the accelerated erosion of agricultural land that renders soils infertile for decades (Zierler 2011). These consequences go far beyond issues of environmental management alone; they directly affect human security by undermining fundamental rights such as the

right to life, the right to health, the right to food and the right to a healthy environment (United Nations High Commissioner for Refugees 2016).

The case of Vietnam after 1975 vividly illustrates this reality. The massive use of chemical defoliants, in particular Agent Orange, by the armed forces of the United States caused deep and lasting contamination of soils, with teratogenic and carcinogenic effects documented across several generations (Zierler 2011). Entire regions saturated with dioxin became permanently uninhabitable, forcing thousands of families into prolonged, and in some cases irreversible, exile. This example demonstrates a fundamental point: the formal cessation of hostilities does not necessarily coincide with the end of migratory constraints. On the contrary, displacement may persist, or even intensify, when environmental conditions preclude any realistic prospect of a safe and sustainable return (African Union 2009; United Nations High Commissioner for Refugees 2016).

This configuration, both historical and contemporary, is not unique to Vietnam. It recurs in other contexts, including northern Angola, where the ecological legacies of war continue to shape human geography long after the cessation of armed violence (Biermann and Boas 2010). These situations raise a crucial question: how can international law, originally designed to address conflict-induced displacement and environmentally induced migration as two separate phenomena, adapt to this dual causality?

It is precisely at this intersection that three normative and practical references acquire particular importance: the Vietnamese experience, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala in 2009, and the Guidelines on International Protection No. 12 issued by the Office of the United Nations High Commissioner for Refugees in 2016. A cross-analysis of these instruments reveals the foundations of an implicit extension of international protection, capable of addressing the complexity of ecological exile in post-armed conflict settings (African Union 2009; United Nations High Commissioner for Refugees 2016).

II. Vietnam, the Kampala Convention and the Guidelines on International Protection No. 12 of the United Nations High Commissioner for Refugees: Three Complementary Pathways Toward an Implicit Extension of Protection

Three references drawn from distinct geographical, historical and normative contexts shed light on the ways in which ecological exile in post-armed conflict situations may benefit from international protection without awaiting the formal amendment of existing legal instruments (African Union 2009; United Nations High Commissioner for Refugees 2016).

II.1. The Vietnamese Experience: Legal and Humanitarian Insights

Vietnam constitutes perhaps the most emblematic example of the profound and lasting environmental consequences generated by armed conflict. Between 1961 and 1971, under the framework of Operation Ranch Hand, the armed forces of the United States engaged in the large-scale aerial spraying of chemical defoliants, most notoriously Agent Orange, a product containing 2,3,7,8-tetrachlorodibenzo-p-dioxin, one of the most toxic and persistent organic pollutants known to science (Zierler 2011). The combined effects of this unprecedented chemical campaign were manifold: the destruction of vast

areas of tropical forest, the irreversible degradation of agricultural lands and the long-term contamination of soils and groundwater (Westing 1984).

The consequences for human health have been extensively documented, including a significant rise in cancers, congenital malformations, neurological disorders and chronic diseases among exposed populations (Stellman et al. 2003). These pathologies affected not only the individuals directly present during the spraying but also subsequent generations due to the persistent presence of dioxin in the environment (Dwernychuk et al. 2002).

Following the cessation of hostilities, the Vietnamese authorities immediately undertook ambitious environmental rehabilitation programmes that combined soil decontamination, large-scale reforestation and the progressive re-cultivation of certain areas (Murray 2021). At the same time, relocation measures were implemented for communities living in the most contaminated zones, supported technically and financially by international organizations including the United Nations Development Programme and the Japan International Cooperation Agency (United Nations Development Programme 2018; Japan International Cooperation Agency 2015).

These efforts clearly illustrate that managing ecological exile in the aftermath of armed conflict cannot be reduced to physical reconstruction alone. It necessarily requires the articulation of multiple public policies: environmental policies addressing rehabilitation, prevention and sustainable resource management; social policies targeting displaced communities with housing, education and reintegration measures; and legal mechanisms providing protection under international humanitarian law, refugee law and human rights law (United Nations High Commissioner for Refugees 2016).

In the case of Vietnam, the recognition of protection needs occurred implicitly, in the absence of any specific legal status for persons displaced by ecological factors. This recognition materialized through relocation programmes, housing assistance and targeted health measures, even though such initiatives were not codified within any international legal framework explicitly dedicated to ecological displacement (Murray 2021).

The Vietnamese experience thus demonstrates the feasibility of developing effective protection regimes without awaiting the creation of entirely new legal instruments. It also highlights the decisive role of political commitment combined with sustained international cooperation in addressing the multifaceted challenges posed by severely degraded environments in the aftermath of armed conflict.

This internal dynamic finds a normative counterpart within the African regional framework, where the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala in 2009, constitutes a major precedent by explicitly integrating displacement linked to environmental disasters into a legally binding regional instrument (African Union 2009).

II.2. The Kampala Convention: Regional Recognition of Environmentally Induced Internal Displacement

Adopted on 23 October 2009 in Kampala, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, widely known as the Kampala Convention, represents a major milestone in the evolution of African regional law. For the first time, a legally binding instrument explicitly incorporates

environmental causes among the grounds for internal displacement, thereby moving beyond a strictly security-centred or politically limited conception of forced migration (African Union 2009).

Article 5 of the Convention is particularly innovative because it imposes a positive obligation on States Parties to protect and assist persons displaced by natural disasters such as floods, droughts and volcanic eruptions, by human-induced disasters including industrial pollution, technological accidents and the intentional destruction of the environment, as well as by armed conflicts where environmental harm is a direct or indirect cause of displacement (African Union 2009). The scope of protection therefore extends both to displacement directly resulting from hostilities and to displacement arising from the environmental damage caused by them.

The Convention goes far beyond a simple declaration of principles since it establishes concrete legal obligations for the signatory States. It requires them to prevent arbitrary displacement through adequate planning and anticipatory measures, to establish mechanisms for rapid response to environmental crises, to guarantee conditions of return, relocation or local integration in conformity with norms of dignity, safety and sustainability, and to integrate environmental rehabilitation measures into post-conflict reconstruction policies (African Union 2009).

Although its scope remains limited to internal displacement and does not in itself confer a formal legal status upon persons crossing international borders, the Kampala Convention nonetheless constitutes a crucial normative precedent. It demonstrates that the integration of environmental factors into the architecture of protection regimes is not only legally conceivable but also politically achievable, provided there is genuine state commitment supported by effective regional cooperation (Biermann and Boas 2010).

In this sense, the Convention contributes to redefining the very notion of protection for displaced persons by affirming that environmental harm, in the same way as persecution or generalised violence, can constitute a serious threat justifying reinforced legal protection. Such a dynamic of progressively extending the circle of protection beneficiaries through interpretation and integration also appears in the practice and orientations of the Office of the United Nations High Commissioner for Refugees, notably in its Guidelines on International Protection No. 12, which encourage the consideration of environmental consequences when assessing international protection needs (United Nations High Commissioner for Refugees 2016).

II.3. Guidelines on International Protection No. 12 of the Office of the United Nations High Commissioner for Refugees: A Broad Interpretation of the Refugee Definition

Published in 2016, the *Guidelines on International Protection No. 12* issued by the Office of the United Nations High Commissioner for Refugees form part of a broader doctrinal movement aimed at promoting a more flexible interpretation of the refugee definition contained in Article 1A(2) of the *1951 Geneva Convention Relating to the Status of Refugees* (United Nations High Commissioner for Refugees 2016). The Guidelines recall that this definition cannot be understood in a strictly static manner; rather, it must be applied dynamically, in light of contemporary developments and the complex realities faced by displaced populations across different regions (Biermann and Boas 2010).

Significantly, the Guidelines explicitly recognize that severely degraded environmental conditions may, in certain circumstances, aggravate pre-existing threats or even constitute, in themselves, a serious violation of fundamental rights, thereby preventing any possibility of safe and dignified return (United Nations High Commissioner for Refugees 2016). This recognition effectively broadens the scope of assessment available to asylum decision-makers by integrating environmental factors into the evaluation of risks of persecution or serious harm, thus creating space for a more comprehensive understanding of protection needs.

In the context of post-armed conflict, these Guidelines acquire particular importance. They make it possible to consider that an environment rendered uninhabitable by hostilities, whether because of chemically or radioactively contaminated soils, the massive destruction of hydraulic infrastructure or the irreversible erosion of arable land, may by itself or in combination with other risk factors justify the granting of international protection. This interpretative approach does not require formal amendments to foundational texts such as the *1951 Geneva Convention Relating to the Status of Refugees*; rather, it relies on the principle of evolutive interpretation aimed at ensuring the broadest possible protection for individuals whose fundamental rights are at risk (United Nations High Commissioner for Refugees 2016).

Moreover, the Guidelines underline the importance of contextual analysis, encouraging decision-makers to consider the magnitude of environmental harm, its direct causal link with armed conflict and its consequences for the fundamental rights of affected populations (United Nations High Commissioner for Refugees 2016). This methodological orientation invites national authorities and courts to articulate environmental considerations together with other classical grounds of international protection, including race, religion, political opinion or membership of a particular social group, whenever these dimensions are also implicated (Biermann and Boas 2010).

Taken together, the Vietnamese experience, the regional recognition achieved through the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, and the interpretative evolution promoted by the *Guidelines on International Protection No. 12* converge to demonstrate that an implicit extension of international protection for persons displaced for environmental reasons in post-conflict settings is not only conceivable but already taking shape within positive law and institutional practice (African Union 2009; United Nations High Commissioner for Refugees 2016).

III. Toward an Implicit Extension of International Protection

The three references examined throughout this study pave the way for an expanded protection of persons displaced for environmental reasons in post-conflict settings, even in the absence of formal amendments to foundational legal instruments.

III.1. Legal Bases for an Extension without Formal Reform

International law already contains several normative anchors capable of encompassing the situation of ecological exiles in post-armed conflict contexts, even without any reform of the existing treaties. An evolutive and contextual interpretation of the *1951 Geneva Convention Relating to the Status of Refugees* makes it possible to consider post-conflict environmental harm within the broader categories of persecution or serious

harm for the purposes of international or subsidiary protection (United Nations 1951; United Nations High Commissioner for Refugees 2016).

This interpretative opening rests on the possibility of viewing environmental degradation as a direct factor infringing fundamental rights, including the rights to life, health and a safe environment; as an aggravating element when a specific social group is disproportionately affected by the ecological consequences of armed conflict; or as an objective impediment to safe and dignified return, even when no immediate military threat persists (African Union 2009; Biermann and Boas 2010).

Regional instruments such as the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* adopted in Kampala in 2009 or the *Cartagena Declaration on Refugees* in Latin America, together with soft law instruments elaborated by international organizations, notably the *Guidelines on International Protection No. 12* of the Office of the United Nations High Commissioner for Refugees, reinforce this approach by offering an interpretative framework authorizing a broader and more inclusive reading of international protection (United Nations High Commissioner for Refugees 2016).

Certain national courts have already begun to apply this interpretative orientation, recognizing that the combination of post-conflict environmental harm and the vulnerability of affected populations may amount to serious harm equivalent to persecution within the meaning of the *1951 Geneva Convention*. This emerging jurisprudence rests upon two key principles: first, the principle of the most extensive protection, which requires interpreting international norms in a manner that maximizes their protective effect; and second, the obligation to safeguard human dignity, which prohibits returning an individual to an environment where survival or physical integrity would be gravely compromised (Murray 2021; Zierler 2011).

These normative foundations clearly demonstrate that an implicit extension of international protection to ecological exiles in post-conflict settings is not only legally conceivable but also consistent with existing interpretative practices and the spirit of international human rights law. Nevertheless, this approach is not without its limits. While its principal advantage lies in its flexibility and its capacity to respond rapidly to new situations without awaiting the lengthy processes of treaty negotiation and ratification, its weaknesses include uneven implementation across States, legal uncertainty for beneficiaries and excessive dependence on political will and the subjective sensibilities of national decision-makers (Biermann and Boas 2010; United Nations High Commissioner for Refugees 2016).

III.2. Advantages and Limits of an Implicit Approach

Among the principal advantages of this interpretative approach, its flexibility and immediate adaptability to realities on the ground deserve particular emphasis. By relying upon existing legal instruments, it becomes possible to respond rapidly to emerging situations without waiting for the often-lengthy processes of treaty reform, which in practice may require several years or even decades before entering into force (Biermann and Boas 2010). The absence of a burdensome procedure for revising foundational texts thus represents a considerable gain in terms of time, an element of particular importance in humanitarian emergencies where each delay may translate into human losses and the aggravation of existing vulnerabilities (United Nations High Commissioner for Refugees 2016).

This interpretative flexibility also fosters jurisprudential innovation, allowing administrative and judicial authorities to elaborate solutions adapted to the complexity of post-conflict ecological displacement. By authorising the integration of environmental factors into legal reasoning, it opens the way for a case-by-case approach, offering more nuanced responses anchored in the specific factual circumstances of each situation (Murray 2021).

Nevertheless, this implicit pathway presents certain structural limitations. It generates, first, a significant degree of legal uncertainty for the persons concerned since the absence of an explicit and uniform framework implies that the recognition of their rights largely depends on the discretionary assessment of national authorities (Zierler 2011). In addition, it produces disparities of application among States, with some adopting a broad and protective interpretation while others remain restrictive or even reluctant to consider environmental degradation as a legitimate ground for international protection (African Union 2009).

Finally, this method increases the dependence upon the political will of national governments. In contexts where migration issues are highly politicised or where public policies are not oriented towards environmental and humanitarian concerns, this dependence may result in a systematic refusal to extend protection to those affected by post-conflict environmental harm (United Nations High Commissioner for Refugees 2016).

To overcome these limitations, it becomes necessary to envisage a more coherent evolution of the normative framework. Such an evolution could take the form of adopting additional protocols to existing instruments, codifying progressive jurisprudential practices or explicitly integrating post-conflict environmental degradation into the recognised grounds for international protection. The objective would be to ensure a uniform and legally secure application of protection norms while preserving the flexibility required to address the changing realities of humanitarian crises in the twenty-first century (Biermann and Boas 2010).

III.3. Perspectives for a Coherent Normative Framework

In the medium term, several reform avenues emerge as essential for consolidating the protection of persons displaced for environmental reasons in post-armed conflict settings.

First, the adoption of additional protocols to the *1951 Geneva Convention Relating to the Status of Refugees* would provide an explicit legal framework, either by broadening the existing refugee definition or by establishing a complementary category covering displacement caused by environmental degradation linked to armed conflict (United Nations 1951; United Nations 1967). Such an initiative would have the advantage of clarifying States' obligations, reducing divergent interpretations across jurisdictions and guaranteeing a uniform baseline of rights for the persons concerned (Biermann and Boas 2010).

Second, strengthening the interconnections between international refugee law, international humanitarian law and international environmental law appears necessary. Such articulation would foster a genuinely integrated approach in which the protection of displaced persons is conceived not in isolation but as intrinsically linked to ecosystem restoration, the prevention of environmental harm during armed conflicts and post-conflict reconstruction processes (African Union 2009; United Nations High Commissioner for Refugees 2016). This would imply, for example, the systematic

inclusion of environmental clauses in peace agreements as well as the establishment of joint mechanisms for reparation, rehabilitation and ecological governance in post-conflict settings (Murray 2021).

Finally, recognition by the United Nations of a specific status for post-conflict ecological exiles would constitute a decisive step. Such a status, enshrined either in a resolution of the General Assembly or in a dedicated international instrument, would provide a coherent legal and institutional framework for assistance, protection and durable solutions, including voluntary return, local integration or resettlement (United Nations High Commissioner for Refugees 2016). It would also fill the current normative gap while conferring high-level legitimacy to the specificity of this category of displaced persons within the broader architecture of international protection (Biermann and Boas 2010).

Taken together, these developments, while building upon existing practices and emerging jurisprudence, would supply a more solid and predictable legal foundation for the protection of ecological exiles. They would also make it possible to move beyond an essentially implicit and discretionary logic toward a formal and binding recognition based upon clear international standards. In this perspective, implicit protection, although indispensable in responding to emergencies, can only constitute a transitional stage. It must ultimately be articulated with formal recognition capable of ensuring predictability, equal treatment and the durability of rights for populations displaced in the aftermath of armed conflicts (United Nations High Commissioner for Refugees 2016).

CONCLUSION

Ecological exile in the aftermath of armed conflict constitutes a paradigmatic illustration of how armed violence and environmental degradation combine to generate forms of displacement that are both prolonged and complex, frequently producing situations of irreversibility for affected communities. By linking the immediate consequences of hostilities, such as material destruction, contamination of soils and the collapse of essential infrastructure, with the long-term deterioration of ecosystems and livelihoods, this phenomenon imposes on populations a migratory constraint extending far beyond the duration of combat (Biermann and Boas 2010; Zierler 2011).

The cross-analysis undertaken throughout this study, focusing on the Vietnamese experience, the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* adopted in Kampala in 2009 and the *Guidelines on International Protection No. 12* issued by the Office of the United Nations High Commissioner for Refugees in 2016, demonstrates that even in the absence of formal reform of foundational instruments, international law already contains interpretative and normative levers enabling the effective protection of populations displaced by post-conflict environmental harm (African Union 2009; United Nations High Commissioner for Refugees 2016). The adoption of an evolutive interpretation of the *1951 Geneva Convention Relating to the Status of Refugees*, articulated with regional frameworks and the soft law developed by international organizations, allows environmental degradation in post-conflict settings to be integrated into the broader notion of persecution or serious infringement of fundamental rights, thereby offering an immediate legal response to humanitarian emergencies (United Nations 1951; United Nations 1967).

Nevertheless, the limits of this implicit approach rapidly become apparent. Its implementation remains uneven, dependent upon national political will, and vulnerable to shifts in governmental priorities or interpretations. To ensure universality, predictability and stability in the protection of ecological exiles, formal recognition through binding instruments becomes indispensable. Such recognition should enshrine the right of persons displaced by post-conflict environmental harm to assistance, protection and durable solutions, irrespective of interpretative uncertainties or national disparities (Murray 2021).

This evolution cannot be confined to a purely legal gesture. It must be embedded within a broader logic of international solidarity, based upon equitable burden-sharing, strengthened cooperation among States and the effective respect for fundamental rights as enshrined in international law (United Nations High Commissioner for Refugees 2016). Only under these conditions can the victims of these singular forms of displacement escape the legal limbo that still marginalises them, and only then can the international community affirm that the protection of displaced persons must be determined not by the causes of their exile but by the gravity of the threats posed to their life, dignity and environment (Biermann and Boas 2010; African Union 2009).

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