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## Climate and migration

Report<sup>1</sup>

Committee on Migration, Refugees and Displaced Persons

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### *Summary*

Climate change has an adverse impact on living conditions of millions of people. Rising sea levels, worsening desertification, lack of drinking water, and other environment-related challenges may also spark conflicts, giving rise to competition for access to resources.

The Committee on Migration, Refugees and Displaced Persons calls upon Council of Europe member States to combat the effects of climate change and natural disasters to prevent mass displacement of populations. Adequate action for climate adaptation (reducing vulnerability to the effects of climate change) and mitigation (curbing greenhouse gas emissions), would help the affected populations feel safe and not forced to flee their homeland.

The Committee stresses that human rights protection for people, who are forced to migrate by climate-change-induced disasters or hardship, should be enhanced. Particular attention should be paid to the needs of the most vulnerable: children, persons with disabilities, women, and the elderly. States should prevent environment degradation that multiply the effects of climate change, such as deforestation or construction of new power plants on rivers that risk drying up. Science and technology should be better used to serve people and save lives. In this regard, States could better assess migration trends and anticipate new developments through dynamic mapping of climate change as compared to dynamic mapping of migration. Development cooperation and emergency support in countries of origin of migrants should also help prevent climate-change-induced migration. European countries could channel their development cooperation efforts to develop resilience to climate disasters in the countries of origin of migrants and to secure the migrants' journey and resettlement when they are forced to move. A Europe-based World Solidarity Fund for Climate Migration could help implement these measures.

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<sup>1</sup> Reference to Committee: [Doc. 15113](#), Ref. 4521 of 26.06.2020.

## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly is deeply alarmed by the dramatic effects of climate change and its impact on the lives of millions of people in Europe and beyond. Extreme events are multiplying. Record temperature levels have been measured on the Antarctic ice sheet, the world's largest freshwater reserve. Its complete melting would cause sea levels to rise considerably. If global warming continues, the consequences are known: flooding of coastal areas and deltas, outright disappearance of many islands, an increase in the territories affected by drought and desertification making life impossible, and pushing tens of millions of poor unfortunates who have lost everything to find food and a more hospitable land within or outside their country. This phenomenon will be destabilising and could lead to tensions, conflicts and even war.

2. Current efforts to sustain climate change are not sufficient. The results will not be seen for decades. Millions of people, however, are forced to migrate already today. They cannot afford to wait until climate change is reversed. We should, therefore, act as a matter of urgency, to prevent mass displacement due to climate change and help those on the move to survive and live dignified lives in their host countries. In doing so, we should also bear in mind the need to do all it takes to secure – in Europe and beyond – *the human right to a safe, clean, healthy, and sustainable environment*. This right should become a reality as soon as possible for people to feel safe enough to live in their homeland, wherever this is.

3. The Assembly welcomes the *Joint Declaration on human rights and the environment* issued on 15 May 2020 by the Georgian, Greek and German presidencies of the Committee of Ministers of the Council of Europe, underscoring that life and well-being on our planet is contingent on humanity's collective capacity to guarantee both human rights and a healthy environment to future generations.

4. Adequate solutions to help meet the challenges related to migration caused by climate change are needed. New human rights protection instruments are necessary for an effective implementation of a "*human right to a safe, clean, healthy, and sustainable environment*", which could also protect migrants moving in search for such a safe, clean, healthy, and sustainable environment.

5. This "new generation" human right should also be embedded in international instruments that influence migration – from disaster preparedness and climate adaptation instruments to economic development strategies, energy production and trade agreements. The actions taken must ensure that a gender-responsive approach is fully integrated into the design and implementation of all projects and programmes. The Green Climate Fund (GCF) provides guidance and has produced a practical manual on "Mainstreaming Gender in Green Climate Fund Projects" that supports the integration of gender equality in climate change interventions and climate finance.

6. The Assembly underscores the importance of joining forces to strengthen human rights protection for those affected by climate-change-induced migration in Europe and beyond, acting on the following pillars: *Ensuring human rights protection for people, who are forced to migrate by climate-change-induced disasters or hardship; Using science and technology to serve people and save lives; Improving development cooperation and emergency support in the countries of origin of migrants, and Preventing environment degradation that multiply the effects of climate change.*

7. *In order to ensure human rights protection for people, who are forced to migrate by climate-change-induced disasters or hardship, the Assembly:*

7.1. Notes the current push in the UN Human Rights Council for the recognition of the human right to a healthy environment, building, inter alia, on the decision of the UN Human Rights Committee in the Kiribati case on cross border movement of individuals seeking protection from climate change related harm;

7.2. Recalls its recommendations formulated in Resolution 2307 (2019) on *A legal status for "climate refugees"* and calls for a legal status for people displaced or migrating for climate-related reasons. It notes that the term "refugee" falls within the remit of the 1951 Refugee Convention and 1967 Protocol, and has a specific legal status linked to persecution on the 5 enumerated grounds of race, religion, nationality, membership of a particular social group or political opinion. However, there is a need for developing specific policies to protect people who are forced to move as a consequence of climate change. In this respect, the "*Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*" issued by the UNHCR provide valuable guidelines for assessing those in need of protection.

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<sup>2</sup> Draft resolution adopted by the Committee on 20 April 2021.

7.3. Calls for a people-centred, human rights-based, and systemic approach to deal with climate migration. Human rights frameworks can effectively guide States in designing policies that prevent displacement, protect people during displacement and allow people to move in safety and dignity;

7.4. Asks member States to provide adequate protection to those who raise awareness about environmental degradation that may lead to mass displacement, whether these be whistle-blowers, civil society organisations, journalists, or other stakeholders. It welcomes the European Union Directive on the protection of persons who report breaches of Union law (Directive EU 2019/1937 of 23 October 2019) and invites non-EU, Council of Europe member States, to implement similar instruments at national level, ensuring the highest possible protection for those who often risk their lives for public good;

7.5. Welcomes the UN Human Rights Council's actions aimed at raising awareness of the world community about the effects of climate change and human rights protection needs of those who are particularly vulnerable and who are pushed to migrate by climate change-induced disasters. Climate change and migration policies and programmes should meet the needs of vulnerable groups, which are disproportionately affected by climate change, such as persons living in coastal areas, indigenous people, minorities, older persons, women and girls, children and persons with disabilities;

7.6. Welcomes the focus of the 2021 edition of the Council of Europe's World Forum for Democracy on the environment and climate change and its effect on human rights and democracy. The Assembly notes the attention paid to disasters, displacement and climate change during the month of February 2021 in the framework of the Forum's "12 Months, 1 Question" campaign, during which the Special Representative of the Secretary General, Ambassador Drahoslav Štefánek called climate change one of the biggest challenges for human mankind and argued that climate change can result in climate refugees, displacing thousands, even millions in the future.

8. *As regards the use of science and technology to serve people and save lives, the Assembly:*

8.1. Calls for a better use of science and technology to improve communication on, and predictability of, migration trends. The States should undertake, both nationally and internationally, a side by side mapping of both climate change and migration, using the latest developments in science and technology. Merging dynamic mapping of climate change with dynamic mapping of migration would help determine migration trends and build reliable predictions. Policy makers would have a clearer picture of where the people are likely to move from (regions/countries), where they are likely to go, in what numbers and when.

8.2. Urges member States to improve responses to major hazards (hydrological, geophysical, meteorological, etc.) and early warning mechanisms and appeals to improve ecosystem services (whether these be provisioning services (fresh water, raw materials), regulating services (water purification, disease regulation), or cultural and economic services (i.e. tourism to ensure protection against job losses));

8.3. Calls for enhancing corporate responsibility and participation of businesses – including those, which are most technologically advanced – in displacement prevention. The role of businesses is crucial: they lead development and technological innovation and provide stable sources of income for migrants and their families;

9. Development cooperation is essential for new initiatives to become reality. Such cooperation requires, however, sufficient resources, expertise, organisation, and commitment from all countries involved in the process. *To improve development cooperation and emergency support in the countries of origin of migrants in Europe and beyond, the Assembly:*

9.1. Invites member States to strengthen development cooperation to respond to security issues that individuals face: from access to food and water security to personal and political security, energy security and global and environmental security;

9.2. Calls for greater support to the relevant world programmes, such as the Sendai Framework for Disaster Risk Reduction 2015-2030, and those implemented under the United Nations Framework Convention on Climate Change (UNFCCC), the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR). The Assembly invites member States to pay particular attention to the work of the UN Secretary General's Special Rapporteur on Human Rights and the Environment;

9.3. Calls upon Council of Europe member States to initiate and contribute to the creation of a *World Solidarity Fund for Climate Migration* that would assist both migrants' countries of origin and host countries. The international community has to step-up development cooperation with the countries that are most at risk of being affected by climate change, such as the countries of Sub-Saharan Africa and the Sahel region, to improve the living conditions of people living there so that they do not feel forced to migrate;

9.4. A Europe-based *World Solidarity Fund for Climate Migration* – which could cooperate with the Green Climate Fund (GCF), following accreditation – would be a major step forward in meeting international commitments of “leaving no one behind”, including migrants, in a world affected by climate change. Specific programmes should be developed, engaging experts from all Council of Europe member States to drive forward technological developments in countries receiving development assistance and in countries providing assistance. The World Solidarity Fund for Climate Migration could also support migrants themselves, in addition to projects designed to improve living conditions in their countries of origin;

9.5. The Assembly reiterates its call for cooperation with the Council of Europe Development Bank (CEB), as referred to in its Resolution 2307 (2019) on A legal status for “climate refugees”, paragraph 5.3.3. To meet the challenges posed by climate-induced migration in Europe, Council of Europe member States can already now use the two trust funds managed by the Council of Europe Development Bank: the Migrant and Refugee Fund (MRF) established in 2015 and the Green Social Investment Fund (GSIF) established in March 2020;

9.6. Members of parliament should remain vigilant to ensure that a gender-responsive approach is integrated into the design and implementation of projects and programmes on climate-change-induced migration.

10. Council of Europe member States should act resolutely to prevent environmental degradation that multiply the effects of climate change and may lead to mass displacement. *To prevent environment degradation, the Assembly:*

10.1. Calls upon all Council of Europe member States to refrain from developing major industrial projects that may have dramatic consequences on peoples' lives, when there is an undeniable risk that these projects could multiply the negative effects of climate change on either their own territory or that of another Council of Europe member State. The respect of a *human right to a safe, clean, healthy, and sustainable environment* should be a primary consideration;

10.2. Underscores, in particular, the importance of access to quality drinking water, as an intrinsic part of a healthy and sustainable environment and a basic human right, and calls upon member States to prevent environment degradation that may endanger access to water on their own territory or on the territory of a neighbouring state. In doing so, all necessary steps should be taken to comply with international obligations on environmental matters in the framework of the United Nations Convention on Environmental Impact Assessment in a transboundary context (Espoo Convention, 1991). When issues related to access to water arise between neighbouring countries or regions, international negotiations should lead to finding appropriate solutions in accordance with international human rights standards and practices.

## B. Explanatory memorandum

### 1. Introduction

1. The Earth is heating up. At the end of 2019 – beginning of 2020 we witnessed the mildest winter on record since readings were first taken at the end of the 19th century. There are more and more extreme climate events. Record temperature readings have recently been taken on the Antarctic ice pack, the largest terrestrial reserve of freshwater. If it melts, sea levels would rise by dozens of meters.

2. Generally speaking, climate change is shifting the distribution of world populations and the movement of people within and across the borders of European countries are responses to slow-onset climate phenomena. We are seeing an increase in the frequency of bushfires in the southern parts of Spain, Portugal and France, sea level rises risk affecting major cities (Hamburg, Amsterdam, Rotterdam, London, Istanbul), and changes are taking place in the ecosystems in Northern Europe (Norway, Sweden, Finland, Russia).<sup>3</sup> There are fears that environmental phenomena could spark conflicts, as populations become increasingly concentrated in certain areas, giving rise to competition for access to resources.

3. As global warming continues, and the nature of the threats become clear, the consequences are known: coastal areas and deltas will become flooded, many islands and land masses will disappear, there will be an increase in the number of areas hit by drought and desertification, etc. The inhabitants of the regions where life will become unviable will be the direct victims of these transformations to their living environment. They will be driven to migrate to find food and another place to live, in their own country or elsewhere. Millions of people will be forced to migrate, and, in this context, it has been estimated that climate change will force nearly 50 million people to leave their homes in African countries by 2050.<sup>4</sup> This phenomenon will have destabilising effects and could lead to tensions, conflicts and even war as people struggle to secure scarce resources. Speaking on 27 February 2020 in Strasbourg as part of a conference organised by the Council of Europe on climate issues, former French Prime Minister Laurent Fabius said that "global warming is a story of war or peace! When a Nobel Prize was awarded to the Intergovernmental Panel on Climate Change (IPCC)<sup>5</sup>, it was awarded the Nobel Peace Prize, not the one for Physics or Chemistry. The Nobel Academy made no mistake."<sup>6</sup>

4. The impact of global warming on water-related issues will be dramatic. The physical repercussions will follow two main scenarios over time: there will be too much water in some areas and water scarcity in others. According to successive reports of the Intergovernmental Panel on Climate Change (IPCC), by the end of the 21st century, the rise in sea level, in response to the melting of the ice, in particular in Greenland, the Arctic and the Antarctic, will increase dramatically in correlated to the intensity of observed global warming. Experts refer to sea levels rising by 50 centimetres at least, but the figures of 1 or 2 meters are also advanced.

5. This will be a catastrophe for hundreds of millions of people living on the immediate seashore, who will see the inexorable rise in water flood their homes and push them to leave. For some, the danger will be episodic massive flooding linked to an extreme climatic event, such as the dramatic consequences of Hurricane Katrina on the American city of New Orleans in 2005. Seashores without sufficient gradient along with deltas – especially the most populated – are under particular threat. Bangladesh is the emblematic example of a region at risk: a large area, highly populated and located in a developing country, without the financial means to be able to withstand climatic hazards. Islands and islets without a sharp coast drop risk being irreparably submerged, a common situation in the Pacific and Indian Oceans.

6. Conversely, the regions of the world, which already today find themselves in a situation of water stress, will see their situation worsen, such as the Near and Middle East or sub-Saharan Africa. The latter region represents a programmed source of substantial migration, because it combines the problems of poverty, an advance of desertification and a demographic explosion. Indeed, the countries that make up sub-Saharan Africa will see their populations double by 2050. These forecasts take into account that the vast majority of African countries have not yet completed their demographic transition. By demographic transition, we mean a fairly general phenomenon of demographic change which corresponds to the slow and delicate transition from a so-

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<sup>3</sup> <https://environmentalmigration.iom.int/maps>.

<sup>4</sup> Resolution 2268 (2019) on *Development co-operation: a tool for preventing migration crises*: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=26467&lang=en>.

<sup>5</sup> Intergovernmental Panel on Climate Change (IPCC): <https://www.ipcc.ch/languages-2/francais/> and <https://www.ipcc.ch/>.

<sup>6</sup> As a reminder, on 12 October 2007, former US Vice-President Al Gore and the Intergovernmental Panel on Climate Change jointly won the 2007 Nobel Peace Prize. See « Sécurité et défense de la Suisse. Casser les tabous, oser les solutions » (Switzerland's security and defense. Breaking taboos, daring solutions) by Pierre-Alain Fridez, 2020 (<https://www.editionsfavre.com/livres/securete-et-defense-de-la-suisse/>).

called traditional regime characterised by a high birth rate and mortality to a so-called modern system, where mortality and birth rate are low, as in the western world today. Africa has seen the overall mortality of its elders, and even more of new-borns, decrease, in line with the progress of care and some improvement in living conditions. A woman in Niger has an average of 6 or 7 children. From 3 million in 1960, this country now has 23 million inhabitants and could number 65 million in 2050. All the countries in the region are facing a comparable situation: growing population, ever poorer, with land less able to feed its children – a sure way to lead to mass migrations in the end.

## 2. Report's aim and structure

7. Climate change will have serious repercussions on migratory phenomena. The Parliamentary Assembly's study of the relationship between climate change and migration is very timely, with a view to arriving at recommendations for mitigating the fall-out and planning ahead for the political and practical developments that will accompany this change. Climate issues being addressed by the Assembly, chiefly from the human rights perspective, need to keep in mind the impact this will have on migration, and on migrants, their countries of origin, countries of transit and countries of destination.

8. This report is part of a wider pan-European mobilisation to limit the dramatic effects of climate change, protecting the environment, on one hand, and the people living on this planet, on the other. The PACE President's initiative to support the Europe-wide political push in favour of a "*human right to a safe, clean, healthy and sustainable environment*" will translate into an unprecedented Parliamentary Assembly joint debate in 2021 with contributions by almost all Committees and their respective Rapporteurs to address climate change and its impact on our future from all perspectives: political, legal, economic, social and – most of all – the human rights perspective. I will refer to this in more detail in the chapter on "The political and legal contexts: Council of Europe actions on environment and human rights". In my report, I shall focus on migration-related aspects, with the aim of responding to current and future challenges of climate-change-induced migration.

9. I was appointed Rapporteur on 7 September 2020. For the purpose of my report, I refer to climate as encompassing various related aspects: climate change, environment evolving without human influence, as well as environment that is affected by human intervention, and the effect that this has on migration.

10. The report presents the interconnections between climate change and environment and migration. It highlights the challenges, starting with demographic developments, and proposes ways of responding to current and future challenges. The report will also widen the perspective. Migration issues – especially those related to climate change – cannot be resolved by acting only at national or European level. We need to act globally.

## 3. The demographic context

11. Despite the UN studies<sup>7</sup> showing an increase in the world population by 2100, some studies also show a sharp population decline, in particular in certain countries of Europe. Population ageing together with decreasing natality rates will have a major social and economic impact in Europe.<sup>8</sup> A sharp decline in the total number of working adults paying taxes will put additional pressure on social security and health systems. The risk of systemic failure of the social security, pensions and health systems could bring further tensions and political unrest. Migration – when it is managed well – can alleviate certain tensions brought by population ageing and decreased natality. However, with climate-induced migration increasing, there will be more people attempting to reach Europe. Today's political choices on whether to accept and embrace migration as a global phenomenon and choices on how best to manage migration flows, or whether to reject migration, will determine how Europe will evolve in the decades to come. As different studies show, liberal immigration could help sustain population size and economic growth.

12. One should also bear in mind that women are at a higher risk of being affected by climate-related migration: in many countries water shortages and severe desertification due to climate change will force women to walk longer distances to find water in order to prepare food, to have adequate conditions to give birth or to take care of their children. The report will also, therefore, highlight the gender impact of climate-induced migration and displacement.

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<sup>7</sup> See World Population Data by the UN: <https://population.un.org/wpp/> and <https://population.un.org/wpp/DataQuery/>.

<sup>8</sup> The IHME study foresees the following decrease in population, if things evolve as they are now: Italy will count 30 million people (compared to 60,48 today), Greece: 5 million (compared to 10,73 million today), Spain: 23 million (compared to 46,80 today), Portugal: 4 million (compared to 10,28 today); with France (67 million) and Germany (66 million, compared to 83,15 million today) almost equal in numbers: <http://www.healthdata.org/news-release/lancet-world-population-likely-shrink-after-mid-century-forecasting-major-shifts-global>. The study suggests that population decline could be offset by immigration, with countries that promote liberal immigration better able to maintain their population size and support economic growth, even in the face of declining fertility rates.

#### **4. The United Nations framework on climate and migration**

13. In migration management, the Global Compact for Safe, Orderly and Regular Migration (GCM) represents a milestone in international policy for recognising and addressing the links between population movements and climate change. The GCM clearly identifies slow onset environmental degradation, natural disasters and climate change as drivers of contemporary migration (objectives 2 and 5 of the GCM in particular). The GCM recognises that climate change mitigation and adaptation measures in countries of origin need to be prioritised to minimize drivers of migration. It also highlights the need for States to design measures for strengthening regular migration pathways, such as visa options and planned relocation, in cases where adaptation to climate change is no longer possible<sup>9</sup>. This is also in accordance with target 10.7 of the Sustainable Development Goals (SDGs) which calls on governments to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies”. The Global Compact on Refugees (GCR) also includes references to mobility and environment.

14. Acting as the coordinator and secretariat of the UN Network on Migration, the International Organization for Migration (IOM)<sup>10</sup> is supporting countries to implement the GCM recommendations at regional and national levels, and to integrate climate and environmental considerations into their migration policies. Several countries already refer to climate and environmental considerations in their national laws, policies and strategies dealing with migration and displacement, such as Ghana, Kenya, Nigeria, or have drafted specialised policies, such as Vanuatu<sup>11</sup> or Fiji<sup>12</sup>. But in many countries, the attention to environmental factors is not mainstreamed in migration policies and more needs to be done in this regard.

15. The UN Conventions on Climate Change (UNFCCC) and Desertification<sup>13</sup> (UNCCD) are also extremely relevant to address human mobility in the context of climate change and important developments have taken place in these global frameworks over the last years, especially within the UNFCCC. IOM has been actively engaged in the UNFCCC discussions since 2008, advocating for the recognition of human mobility dimensions in climate negotiations.<sup>14</sup>

16. In 2015, the Paris Agreement adopted during COP21 established the Task Force on Displacement (TFD)<sup>15</sup> to develop recommendations for integrated approaches to avert, minimise and address displacement related to the adverse impacts of climate change. The TFD recommendations were endorsed at COP24 in 2018, and its mandate extended for another 2 years until 2021. These recommendations are consistent with the GCM objectives, inviting Parties to the UN Conventions on Climate Change (UNFCCC) to facilitate safe and orderly migration and enhance opportunities for regular migration pathways in the context of climate change.

#### **5. The political and legal contexts: Council of Europe actions on environment and human rights**

17. On 27 February 2020, a High-level Conference on Environmental Protection and Human Rights was held in Strasbourg, highlighting the interconnection between the protection of the environment and human rights and the importance of the law in guaranteeing the respect of rights and the implementation of political commitments states willingly accepted.<sup>16</sup>

18. Mr Christos Giakoumopoulos, Director General of Human Rights and Rule of Law (DGI) (Council of Europe), stressed that “environment and human rights, by nature, transcend national borders and thus lend themselves perfectly to international cooperation. The Council of Europe clearly has a role to play in the development of this cooperation, drawing on its standards and instruments, some without equivalent at European and even international level, and taking initiatives to adapt, strengthen or complement them. We have heard voices in favor of an additional protocol to the European Convention on Human Rights; a legally binding instrument dedicated in its own right to environmental protection; ratifications of existing sectoral instruments; and guidelines and specific recommendations to be made to the governments of our member states”.

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<sup>9</sup> <https://environmentalmigration.iom.int/policy/10-key-takeaways-gcm-environmental-migration>.

<sup>10</sup> I should like to express my gratitude for the contributions received and the participation in the exchange of views with our Committee of Ms Dina Ionesco, Head of the Migration, Environment and Climate Change Division at IOM; specific policy instruments are mentioned in the respective chapters.

<sup>11</sup> [https://www.iom.int/sites/default/files/press\\_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf](https://www.iom.int/sites/default/files/press_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf).

<sup>12</sup> <https://www.pacificclimatechange.net/sites/default/files/documents/Displacement%20Guidelines.%20In%20the%20context%20of%20climate%20change%20and%20disasters..pdf>.

<sup>13</sup> <https://environmentalmigration.iom.int/policy/human-mobility-unccd>.

<sup>14</sup> <https://environmentalmigration.iom.int/policy/human-mobility-unccd>.

<sup>15</sup> <https://unfccc.int/wim-excom/sub-groups/TFD#eq-3>.

<sup>16</sup> <https://www.coe.int/en/web/human-rights-rule-of-law/human-rights-and-the-environment>.

19. The major relevant treaties referred to at the conference were the UN Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 1998), which includes a specific reference to “the right of every person of present and future generations to live in an environment adequate to his or her health and well-being” (Art. 1). The other treaties include the following *Council of Europe Conventions*:

- Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 1950)
- European Social Charter (revised) (Strasbourg, 1996)
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)
- Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano, 1993)
- Convention on the Protection of the Environment through Criminal Law (Strasbourg, 1998)
- European Landscape Convention (Florence, 2000); and
- Council of Europe Convention on Access to Official Documents (Tromsø, 2010).

20. It was decided, on that occasion, that the *Manual on human rights and the environment – Principles emerging from the case-law of the European Court of Human Rights*, published by the Council of Europe in 2006/2012, needed to be updated. Indeed, this would be useful, given that there was no reference in that manual to protection of rights of migrants whose migration had been triggered by climate change-related disasters. The protection of the environment is key, given the impact it has on our lives. Moreover, it cannot be underestimated, bearing in mind that it is one of the “push” factors, triggering migration and mass displacement all over the world.

21. The most developed countries in the world should bear greater responsibility, taking into account their ownership of major industries that challenge the natural habitat – mining industries poisoning the soil and challenging water supplies, intensive agriculture responsible for deforestation, international trade that is not protective to the environment, etc. Damaging the environment at local and regional level adds up to have an impact on climate at global level. Things change when legal actions are taken – and civil and/or criminal liability established – to counter environmental damage. Such legal action will ultimately lead to a greater protection of both people and the environment and this will have a positive impact on climate-related migration. In this context I can mention that a report is being prepared by the Committee on Legal Affairs and Human Rights on “Addressing issues of criminal and civil liability in the context of climate change”.

22. The Georgian, Greek and German presidencies of the Committee of Ministers of the Council of Europe, have issued, on 15 May 2020, a *Joint Declaration on human rights and the environment*,<sup>17</sup> “bearing in mind that life and well-being on our planet is contingent on humanity’s collective capacity to guarantee both human rights and a healthy environment to future generations”. The Declaration calls on the Committee of Ministers “to invite its Steering Committee for Human Rights (CDDH) to elaborate a draft non-binding instrument on human rights and the environment for possible adoption by the Committee of Ministers at the latest by the end of next year”.

23. In addition, other Committee’s reports (in preparation) will help shape the pan-European vision of a “*human right to a safe, clean, healthy and sustainable environment*”, as follows: “Inaction on climate change – a violation of children’s rights”; “Climate change and the rule of law: baseline study”; “More participatory democracy to tackle climate change”; “Impact of armed conflicts on transboundary environmental damage”; “Artificial intelligence and climate change, Anchoring the right to healthy environment: need for enhanced action by the Council of Europe”, and “Research policies and environment protection”.

24. Adequate solutions to help meet the challenges related to migration caused by climate change are needed. New human rights protection instruments are necessary for an effective implementation of a “*human right to a safe, clean, healthy, and sustainable environment*”, which could also protect migrants, who have to move for these reasons. This “new generation” human right should also be embedded in international instruments that have an effect on migration – from disaster preparedness and climate adaptation instruments to economic development strategies, energy production and trade agreements. Furthermore, actions taken must ensure that a gender-responsive approach is fully integrated into the design and implementation of all projects and programmes.

## **6. Parliamentary Assembly’s recent work on environment and migration**

25. The recently adopted Resolution 2307 (2019) on *A legal status for “climate refugees”* highlighted the need to take specific action to increase local communities’ thresholds of resilience, to improve the capacity to react and cope with disasters at national level, and to enhance co-ordination, mediation and funding. It is clearly

<sup>17</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809e59f9](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809e59f9).



stated in the report, that the term “refugee” is in the remit of the Geneva Conventions. This being said, as you can find it in the Resolution, “The Assembly considers that the absence of a legally binding definition of “climate refugees” does not preclude the possibility of developing specific policies to protect people who are forced to move as a consequence of climate change”. Based on this, my report will look into new developments and possible solutions.

26. In addition, I should recall the earlier Resolutions that highlight the interaction between environmental changes and migration: Resolution 2115 (2016) on “Forced migration: a new challenge” and Resolution 1655 (2009) on “Environmentally induced migration and displacement: a 21st century challenge”.

## **7. Ways of responding to current and future challenges**

27. Following the call for action the Assembly made in its Resolution 2307 (2019) on “A legal status for ‘climate refugees’”, a series of additional measures should be introduced aimed at alleviating the consequences of climate change on populations at risk of being forced to migrate.

28. This report will contribute to the Parliamentary Assembly’s debate that will shape its vision and engagement to finding adequate solutions. After having focused on the challenges of migration triggered by environment degradation due to climate change or man-made disasters, I shall outline a series of measures that could be implemented at national, European and world levels.

29. There are two types of solutions that need to be considered: the first, solutions that protect people – including those who are most vulnerable, such as children – from the devastating consequences of climate change; the second, solutions that protect the environment and the need to also consider human rights implications when taking climate action.

### **7.1. Improving communication on and predictability of migration trends**

30. Mapping climate change and comparing the results of mapping ongoing migration could improve predictability of future migration trends. Climate change affects all regions of the world, but regional and local impacts are uneven, and hard to predict accurately. The local effects and vulnerability of populations will depend greatly on local exposure, development and adaptive capacity, future demographic and economic changes, as well as on mitigation and adaptation policies that will or will not be undertaken in the coming years. Disaster preparedness is a key issue, as noted by the Assembly in its Resolution 2307 (2019) on *A legal status for “climate refugees”*. Predictability of migration trends is another one. The Environmental Migration Portal (by IOM) is a tool that can help predict environmental mobility in the future.<sup>18</sup> Today it maps:

- *the key climatic risks and impacts* (increased or decreased precipitation, increased monsoon precipitation extremes, increasing frequency of cyclones, desertification, increased frequency of wildfires, melting of glaciers and permafrost, coral bleaching);
- *the main consequences* (depletion of fisheries and biodiversity loss, negative agricultural changes, reduced water availability);
- *changes in ecosystems* (including in mountain regions);
- *related social challenges* (vulnerable indigenous populations, major cities, and densely populated areas affected by sea-level rise and other hazards).

31. The maps also identify climate change “hotspots” – areas which experience a combination of several extreme climatic risks, and which are expected to be affected particularly severely.

32. Merging dynamic mapping of climate change with dynamic mapping of migration would help determine migration trends and build reliable predictions. Policy makers could have a clearer picture of where the people are likely to move from (regions/countries), where they are likely to go, in what numbers and when. Such early warning systems are crucial for protecting the lives of those who risk being forced to embark on perilous journeys.

33. Dynamic mapping of climate change is already done through various programmes, for example the Copernicus Climate Change Service (C3S)<sup>19</sup>. The modelling of climate change is also often used in modern business analysis. In this context, the dataset on “Climate hazards data to prepare financial institutions for the future” should be available at the end of 2020<sup>20</sup>.

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<sup>18</sup> <https://environmentalmigration.iom.int/maps>.

<sup>19</sup> <https://climate.copernicus.eu/> and <https://vito.be/en/news/copernicus-monitoring-state-world%E2%80%99s-climate>.

<sup>20</sup> <https://climate.copernicus.eu/index.php/climate-hazards-data-prepare-financial-institutions-future>.

34. The current mapping of migration by the OECD (International migration database<sup>21</sup>) is also a valuable tool, but it is mainly based on post-factum reporting and does not allow for the predicted likelihood of mass movements of people driven by climate change. The IOM's Missing Migrants Project, even though it is also based on post-factum reporting, includes dynamic mapping tools which are important for emergency response actions.<sup>22</sup>

35. Finally, predicting mass displacements following conflicts is possible. Predicting such movements due to climate change with sufficient accuracy, however, is not yet possible. There is an urgent need, therefore, for greater intersectoral cooperation and access to a high degree of technological advancements, bringing them to the service of human rights protection.

## **7.2. Acting on “migration drivers” in climate migration**

36. More needs to be done to structure policy responses around the main “migration drivers”,<sup>23</sup> especially regarding climate migration. This requires reflection based on accurate research data and comparative analysis of both climate change and migration trends. Countries could up-date their response by:

- *acting positively on mobility drivers*, which are determined by individual's feelings of security: food security, water security, economic security, personal and political security, energy security and global and environmental security;
- *preventing mass displacements* due to environmental events by improving responses to major hazards: hydrological hazards (floods, landslides), geophysical hazards (earthquakes), meteorological hazards (extreme temperatures, heat waves, climatological hazards (droughts, forest fires), coastal processes (sea level rises, coastal erosion), ecosystem change (deforestation, land degradation, ocean acidification, overfishing), and environment degradation by infrastructure projects (roads, dams, mining).
- *acting to improve ecosystem services*: provisioning services (food, fresh water, raw materials), regulating services (climate regulation, water purification, disease regulation), and cultural and economic services (i.e. tourism to ensure protection against job losses).

37. To act on “migration drivers”, some countries develop structured programmes in geographical areas most affected by climate change. This is the case, for example, in the Republic of Moldova in the Southern part of the country, a country for which I am rapporteur for the Monitoring Committee, where the frequency of droughts is higher, and the desertification is becoming more intense in comparison with other regions.<sup>24</sup> A series of infrastructure adjustment projects to enhance adaptation to climate change and improve access to water have been implemented through development cooperation programmes.<sup>25</sup> Access to water has become an even greater issue in the country since a major industrial project developed by Ukraine in Novodnestrovsk – a cascade of six hydropower plants at the top of the Nistru/ Dniester River – had led to a substantive decrease in water supply to the Republic of Moldova. This has reportedly also changed water quality and temperature, affecting the ecosystem, and endangering the overall water supply for people living in the Nistru/Dniester River basin. As with other problems of this nature, the best solution is to deal with it through a negotiated settlement with the involvement of international observers.

38. The Council of Europe had stressed, in the past, the importance of access to quality drinking water, as an intrinsic part of a healthy environment and a basic human right. Environment degradation or other deliberate actions that lead to water scarcity are extremely dangerous. These matters were raised in its Resolution 1809 (2011) on water as a source of conflict<sup>26</sup>, Resolution 1940 (2013) calling to ensure access to water for the Arab

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<sup>21</sup> [https://www.oecd-ilibrary.org/social-issues-migration-health/data/oecd-international-migration-statistics/international-migration-database\\_data-00342-en?parentId=http%3A%2F%2Finstance.metastore.ingenta.com%2Fcontent%2Fcollection%2Fmig-data-en](https://www.oecd-ilibrary.org/social-issues-migration-health/data/oecd-international-migration-statistics/international-migration-database_data-00342-en?parentId=http%3A%2F%2Finstance.metastore.ingenta.com%2Fcontent%2Fcollection%2Fmig-data-en).

<sup>22</sup> <https://missingmigrants.iom.int/region/mediterranean>.

<sup>23</sup> <https://environmentalmigration.iom.int/infographics>.

<sup>24</sup> Specific actions were taken under the programme “Climate Forum East” (CFE II) financed by the European Union, Austrian Development Cooperation and the Austrian Red Cross. Local action plans on adaptation to climate change were implemented in a few villages, including Slobozia Mare (Cahul District), in the Southern part of the country.

<sup>25</sup> Local action plan on adaptation to climate change, Slobozia Mare, Cahul District, Republic of Moldova, Programme coordinated by the public association “Wisdom” with the support of the public association “EcoContact”. Another programme was implemented in the Palanca village, Stefan Voda district.

<sup>26</sup> Resolution 1809 (2011) “Water - a source of conflict”.

population in Palestine<sup>27</sup>, Resolution 2085 (2016) about the Sarsang and Madagiz dams<sup>28</sup>, and Resolution 2142 (2017) warning about deficiencies in water supply to Gaza<sup>29</sup>. The Assembly would need to prepare a new report on access to water, from the perspective of the new *human right to a safe, clean, healthy, and sustainable environment*, since this issue remains critical in several countries.

39. Man-made environmental alterations, as one can see, will add to the challenges related to climate change, multiplying its negative effects. Specific measures should be taken to prevent environment alterations that could limit access to water. When issues related to access to water arise between neighbouring countries or regions, international negotiations should lead to finding appropriate solutions in accordance with international human rights standards and practices. These measures should be guided by the international obligations on environmental matters set by the United Nations Convention on Environmental Impact Assessment in transboundary context (Espoo Convention, 1991).

### **7.3. Assisting those who are “on the move” to prevent loss of lives**

40. In 2018, the Task Force on Displacement acting at world level, had formulated a series of recommendations to countries with a view to assisting climate migrants who were forced to leave their homes. The Task Force “emphasized the need for collective measures that reach across policy areas to i) minimize forced and poorly managed forms of human mobility, ii) provide assistance and protection to migrants moving in the context of climate change, iii) facilitate migration in the context of climate and environmental changes; iv) foster regular pathways for migration taking into account labour market needs; and v) promote decent work and job creation, including creation of green job opportunities.”<sup>30</sup>

41. In 2019, the Parliamentary Assembly also decided that the absence of a legally binding definition of “climate refugees” does not preclude the possibility of developing specific policies to protect people who are forced to move as a consequence of climate change.<sup>31</sup> Member States were called upon to take a more proactive approach to the protection of victims of natural and man-made disasters. Resolution 2307 (2019) mentions a series of specific actions in this respect:

“5.3.1. [...] implementation of mechanisms such as the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) should be promoted through European development co-operation programmes;

5.3.2. the obligation to protect internally displaced persons (IDPs) for environmental reasons must be considered as the first level of legal protection in the legislation of each member State. The reception of natural disaster victims in the territory of member States should be foreseen in domestic law, inter alia by the granting of temporary residence status;

5.3.3. consideration should be given to the establishment of an international solidarity fund to provide protection to people forced to migrate due to climate disasters. Co-operation with the Council of Europe Development Bank (CEB) could be considered, in accordance with the Declaration on European Principles for the Environment signed by the CEB on 30 May 2006 together with the European Commission and several other international financial organisations (the European Investment Bank, the European Bank for Reconstruction and Development, the Nordic Environment Finance Corporation, the Nordic Investment Bank) in a joint effort to implement the fundamental right of present and future generations to live in a healthy environment.”

42. To meet the challenges posed by climate-induced migration in Europe, Council of Europe member States can already now use the two trust funds managed by the Council of Europe Development Bank: the Migrant and Refugee Fund (MRF)<sup>32</sup> established in 2015 and the Green Social Investment Fund (GSIF)<sup>33</sup> established in March 2020.

43. Migrants in Europe are also at a greater risk of being exposed to environmental stressors, such as poor indoor air quality, heat and cold stress or air pollution, because they are usually socially disadvantaged and live in deprived neighbourhoods.<sup>34</sup> This should not be overlooked in the current policy-making aimed at promoting the “*human right to a safe, clean, healthy and sustainable environment*”. It should be taken into account in future

<sup>27</sup> Resolution 1940 (2013) “The situation in the Middle East”.

<sup>28</sup> Resolution 2085 (2016) “Inhabitants of frontier regions of Azerbaijan are deliberately deprived of water”.

<sup>29</sup> Resolution 2142 (2017) “The humanitarian crisis in Gaza”.

<sup>30</sup> Task Force on Displacement, report of 17 September 2018, page 23: <https://environmentalmigration.iom.int/iom-pdd-task-force-displacement-stakeholder-meeting>.

<sup>31</sup> Resolution on 2307 (2019) on *A legal status for “climate refugees”*.

<sup>32</sup> [Migrant and Refugee Fund \(MRF\) | CEB \(coebank.org\)](https://www.cebank.org/en/donors-and-trust-funds/ceb-green-social-investment-fund/).

<sup>33</sup> <https://coebank.org/en/donors-and-trust-funds/ceb-green-social-investment-fund/>.

<sup>34</sup> <https://www.eea.europa.eu/publications/healthy-environment-healthy-lives>.

Council of Europe actions, including in any new Protocol to the European Convention of Human Rights or a new Convention establishing this right and the conditions to be met for it to be effective.

44. The UN Human Rights Council had forewarned the world community about the slow onset effects of climate change and human rights protection needs for cross-border migrants<sup>35</sup>. It stressed that climate change and migration policies and programmes should meet the different needs of vulnerable groups, taking into account the protection of all people, without any discrimination on the grounds of migration status and nationality. Some groups are particularly vulnerable, given that they are disproportionately affected by climate change, such as persons living in coastal areas, indigenous people, minorities, older persons, women and girls, children and persons with disabilities.

#### **7.4. Developing a people-centred, human rights-based, systemic approach**

45. Climate change must be tackled by entire systems, through viable platforms bringing together businesses, cities and other non-state actors, who are rallying together and collaborating to support governments and accelerate the systemic change required to reduce emissions and build populations' resilience.

46. Migration and remittances can positively contribute to climate change adaptation in countries of origin. It could therefore be of interest to explore the impact of migration management policy decisions in the international climate negotiations.

47. People-centred policies applied at systemic level could help alleviate the pressure and find better solutions for all. The International Organization for Migration (IOM) emphasised that human rights approaches are key at all stages of the migration process and for all types of migration. Human rights frameworks can effectively guide States in designing policies that prevent displacement, protect people during displacement and allow people to move safely and in dignity. Some national and regional initiatives already follow a human rights-based approach and can be presented as good practices:

- The Intergovernmental Authority on Development (IGAD) Free Movement Protocol (2020) marks a significant step in addressing some protection gaps for people displaced by disasters across borders. It allows citizens of IGAD Members States to cross borders "in anticipation of, during or in the aftermath of disaster" and to stay in another country as long as return to the country of origin "is not possible or reasonable".<sup>36</sup>
- Fiji Displacement Guidelines in the context of climate change and disasters (2019) cover interventions needed before, during and after displacement and are based on holistic, human-centred, human-rights-based and inclusive approaches.<sup>37</sup> These guidelines are accompanied by another document focused on planned relocation.<sup>38</sup>
- The 2015 Bangladesh National Strategy on the management of disaster and climate induced internal displacement and its 2020 revised version are the result of a consultative process with all relevant stakeholders. The Strategy follows a rights-based approach spelling out programmatic interventions to protect people during disaster displacement, as well as adopting both preventive and adaptive measures to minimize its environmental change drivers.

48. The human-rights-based approach requires also an active participation of those affected by climate-change-induced migration. Civil society should be able to convey the voice of these migrants. The UN Secretary General's Special Rapporteur on the human rights of migrants (2011-2017), Mr François Crépeau, noted that a striking feature of the contemporary debate on climate-change-induced migration is the absence of a voice from migrants themselves. In part, this comes from the lack of self-awareness: climate-change-induced migrants rarely consider themselves as such (and many of them have simply never heard about the notion). In part, this also comes from the general reluctance of migrants (especially if they are irregular or vulnerable migrants) to voice their concerns or to denounce the human right violations that they suffer. It is, therefore, highly desirable that States actively support the development and sustainability of organisations representing migrants and giving them a voice, at the earliest opportunity, including by providing training and capacity-building at the local level.<sup>39</sup>

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<sup>35</sup> "The slow onset effects of climate change and human rights protection for cross-border migrants" (2018) [A/HRC/37/35](#).

<sup>36</sup> <https://news.trust.org/item/20200228175003-4k8dq>.

<sup>37</sup> <https://www.pacificclimatechange.net/sites/default/files/documents/Displacement%20Guidelines.%20In%20the%20context%20of%20climate%20change%20and%20disasters..pdf>.

<sup>38</sup> <https://www.refworld.org/docid/5c3c92204.html>.

<sup>39</sup> A/67/299, Note by the Secretary-General, United Nations General Assembly, para 87.

## **7.5. Enhancing corporate responsibility and participation of businesses in displacement prevention**

49. The role of businesses is crucial: they lead development and technological innovation. Since migration flows are heading towards the stable sources of income, the roles of businesses should be acknowledged as they provide that stable income. Businesses – including those, which are most technologically advanced – should participate in displacement prevention. The expectations are that on one hand, the businesses should use environment-friendly approaches and on the other hand, they should bear in mind the impact of their work on migration. This issue may need to be further investigated in one of the Assembly's future reports.

## **7.6. Improving migration management**

50. Developing a systemic approach means also rethinking migration management to bring it in line with new objectives. Migration, if properly managed, can play a positive role to support climate action in Europe, notably through remittances and technical knowledge transfer. Well managed migration can also help address some of Europe's future challenges, including sustaining its population size and economic growth and bringing new resources and added value in labour intensive agricultural projects.

51. Migrations management could also benefit from an improved integration of gender equality in all its aspects taking inspiration from the UN Security Council Resolution 1325 on Women, Peace and Security. Members of Parliaments should remain vigilant to ensure that a gender-responsive approach is integrated into the design and implementation of projects and programmes on climate-change-induced migration. In doing so, they could initiate a series of specific measures, such as those put forward by the Green Climate Fund (GCF). They decided to condition access to funding for climate adaptation and mitigation projects, making it dependent on the availability of specific gender action plans. Furthermore, the practical manual on “Mainstreaming Gender in Green Climate Fund Projects” helps applicants integrate gender equality in climate change interventions and climate finance, overall. As a result, Gender Action Plans have been established with specific goals and benchmarks for each request for funding for all projects, and this can be seen on the GCF website<sup>40</sup>.

## **7.7. Strengthening development cooperation and emergency support**

52. Council of Europe member States should work globally to limit climate change and its consequences. As I mentioned in my earlier report on “*Development co-operation: a tool for preventing migration crises*”, development co-operation reduces inequalities, but it could also help prevent a sharp increase in migration flows in the future.<sup>41</sup> Investing in protecting those who have not yet left their country, but who are “about to move”, would help prevent brain-drain and loss of labour in the countries of origin, which ultimately could lead to better development prospects and sustainability of economic reforms in these countries. Resolution 2268 (2019) on “*Development co-operation: a tool for preventing migration crises*” underscores that European governments should continue and step up their development co-operation and diversify funding, “putting emphasis on sustainable programmes for education, health services and infrastructure”.

53. In addition, emergency support should be provided in a timely manner. Such support should not be limited to food supplies. Sometimes, other types of support may be necessary. I refer here to the recent episode that plunged some regions of Ethiopia into dramatic loss of crops. This comes in addition to the conflict in Northern Ethiopia and Tigray region<sup>42</sup>. A million people face food shortage due to an extreme proliferation of locusts as a result of rising temperature<sup>43</sup>. Nearly 200,000 hectares of cropland were damaged by insects, leading to the loss of over 356,000 tons of grain including sorghum, maize and wheat. The reports show that the proliferation of locusts could be stopped if there were enough pesticides used. To compare with European norms, they used only 10 percent of the necessary dose. As a result, new displacements are likely to occur in the near future, pushing more people away from their homeland if states do not have the resources to deal with these issues. Overall, the World Bank has estimated that 500 million dollars is necessary for the fight against the proliferation of locusts in Africa and the Middle East and has now initiated a new programme for dealing with this.<sup>44</sup>

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<sup>40</sup> <https://www.greenclimate.fund/>.

<sup>41</sup> <https://pace.coe.int/en/news/7384/more-development-co-operation-to-prevent-migration-crises>.

<sup>42</sup> [Ethiopia: International humanitarian aid must be allowed into Tigray refugee camps amid food shortage warning | Amnesty International](#).

<sup>43</sup> [A Million People Face Food Shortage in Ethiopia Due to Locusts - Bloomberg](#).

<sup>44</sup> [Invasion de criquets pèlerins : 500 millions de dollars pour soutenir la lutte antiacridienne, préserver la sécurité alimentaire et protéger les moyens de subsistance - Ethiopia | ReliefWeb](#).

## **7.8. Prosecuting those responsible for major environmental degradation**

54. Environmental degradation may trigger migration. Prosecuting those responsible for major environmental degradation is important for preventing similar cases in the future. There is a need for both civil and criminal liability. Moreover, it helps raise awareness and strengthen the responsibility of decision-makers. To cite a recent example, as a result of a decision of the Conseil d'Etat of the French Government<sup>45</sup> measures have been ordered to reduce air pollution.

55. The issues of criminal and civil liability with regard to environment degradation will be addressed by the Committee on Legal Affairs and Human Rights. A pan-European Study has been initiated through the European Centre for Parliamentary Research and Documentation (ECPRD) to assess the current situation in Council of Europe member States.

## **7.9. Protecting whistle-blowers and environmental rights defenders**

56. One could ask why we speak about environmental rights defenders in a report on migration. The link is, however, strong. Every time there is a major environmental or man-made disaster, evidence exists that warning signals were there, often coming from civil society organisations or individuals concerned, which the authorities chose to ignore. Mass displacements that occur, could have been avoided if actions were taken to respond to those early warning signals. Deforestation in the Amazon region was raised by local civil society organisations, who were silenced by the authorities, often due to high levels of corruption. This has often been the case in Asia, Africa, Latin America but also to an extent in Europe. As a result, mass movements of people in search of a place to live becomes inevitable.

57. The civil society organisations or citizens raising public attention to climate-change and environment protection should have adequate channels of communication to formulate their concerns before it is too late. Moreover, attempts to silence environmental rights defenders should be punished, and measures of redress should be taken as soon as possible.

58. I, therefore, welcome the adoption of the new European Union Directive on the protection of persons who report breaches of Union law (Directive EU 2019/1937 of 23 October 2019), that covers those who alert against wrongdoing that can harm the public interest, for instance by damaging the environment, public health and consumer safety and public finances. I hope that non-EU countries could implement similar instruments at national level to ensure the highest possible protection for those, who often risk their lives for public good.<sup>46</sup>

## **7.10. Integrating migration considerations into the European Green Deal**

59. While migration matters for European climate action in different ways, it does not feature significantly in the European Green Deal (EGD) documents released so far. Migrants are not recognised as potential stakeholders, beneficiaries or facilitators of the EGD achievements. Including migration in the EGD would ensure consistency with global commitments made under the Paris Agreement, the Global Compact for Migration or the Sendai Framework.<sup>47</sup>

60. In this context national parliaments of the Council of Europe member States that are EU members could contribute to facilitating the integration of migration policies in the EGD, notably in the three following areas:

- Safe, orderly and regular migration could be a useful mechanism to support the green transition and to address climate drivers of migration. Remittances can support adaptation and build resilience in communities of origin. Circular or seasonal migration can be used as a risk management strategy for households exposed to climate change but also to fill labour market gaps.
- The Just Transition Mechanism (JTM) and Just Transition Fund (JTF) should acknowledge the role of migrants, their families and communities in the workforce and supply chain and ensure that migrants have access to adequate social protection and opportunities for reskilling.

The EU could promote the principles and practices of the EGD in its external action, including those pertaining to the nexus between migration, climate change and the green transition.

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<sup>45</sup> Decision of the Conseil d'État, Article 1: A penalty payment shall be imposed on the State if it cannot demonstrate that it has, within six months of the notification of this decision, complied with the decision of the Conseil d'État of 12 July 2017, for each of the zones listed in paragraph 11 of the reasons set out in this decision, and until the date of such compliance. The rate of this penalty payment shall be set at €10 million per six-month period, with effect from the expiry of the six-month period following notification of this decision. <https://juricaf.org/arret/FRANCE-CONSEILDETAT-20200710-428409>.

<sup>46</sup> <https://www.consilium.europa.eu/en/press/press-releases/2019/10/07/better-protection-of-whistle-blowers-new-eu-wide-rules-to-kick-in-in-2021/>.

<sup>47</sup> <https://environmentalmigration.iom.int/blogs/migration-and-european-green-deal>.

### 7.11. Supporting the relevant world programmes

61. The Platform on Disaster Displacement (PDD), a state-led initiative established in 2016 to follow-up on the work initiated by the Nansen initiative, had launched a series of actions to offer better protection for people displaced across borders in the context of disasters and climate change.<sup>48</sup> With IOM and UNHCR as key partners, the PDD has worked since its creation with interested States to implement the recommendations of the Nansen Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. This Agenda offers States a toolbox to better prevent and prepare for displacement before a disaster strikes. The European Union is one of the most active members of the Steering Group of the PDD. All Council of Europe member States should be encouraged to take an active part in its work.

62. Relevant developments also exist in the field of disaster management and most of the disaster risk reduction (DRR) strategies developed to implement the Sendai Framework for Disaster Risk Reduction 2015-2030, refer to human mobility issues (displacement, migration, evacuation, relocation).<sup>49</sup> The IOM, in cooperation with several international partner, developed the “Words into Action” guidelines on Disaster Displacement<sup>50</sup>, to help governments integrate disaster displacement and other related forms of human mobility into regional, national, sub-national and local DRR strategies, in accordance with the Sendai Framework.

63. Some regional policy frameworks are also relevant to human mobility in the context of climate change and disasters. This is the case of the Kampala Convention that includes climate change as a cause of displacement in the regional definition of an Internally Displaced Person (IDP), or the aforementioned IGAD 2020 Protocol on Free Movement. The South American Conference on Migration (SACM) and the Regional Conference on Migration have developed a non-binding regional instrument on the protection of people displaced across borders and on migrants in countries affected by disasters.<sup>51</sup> Important regional efforts are ongoing in the Pacific region to reduce the risk and impact of disaster on persons at risk of being displaced in developing small islands states<sup>52</sup>, empower communities affected by climate change through training and skills development activities, and increase the capacity of governments to promote labor mobility in the context of climate change.<sup>53</sup>

64. The IOM, however, had called for more coherence and consistency between these different global policy frameworks, in particular the Paris Agreement, the Global Compact for Migration and the Sendai Framework for Disaster Risk Reduction. The Council of Europe should, therefore, ensure that its work is consistent with the relevant associated working processes, such as the work of the Task Force on Displacement under UNFCCC and the operationalisation of the “Words into Action” Guidelines on Disaster Displacement. Moreover, with slow-onset effects of environmental change expected to further drive global urbanisation trends, IOM also encourages the development of migrant-inclusive urban policies to prevent the creation of future risks and build more sustainable societies.

65. The need to act promptly was once more underscored recently by the Climate Ambition Summit 2020<sup>54</sup> held on 12 December, co-convened by the United Nations, the United Kingdom and France in partnership with Chile and Italy. Leaders across government, business and civil society gathered online to call for action to limit the rise in global temperature to 1.5C degrees. Countries set out new and ambitious commitments under the three pillars of the Paris Agreement: mitigation, adaptation and finance commitments, including new nationally determined contributions, long-term strategies setting out a pathway to net zero emissions; climate finance commitments to support the most vulnerable; and ambitious adaptation plans. The Summit provided also a platform for civil society, young people and indigenous peoples representatives, many of whom disproportionately experience the impacts of climate change.

<sup>48</sup> <https://environmentalmigration.iom.int/policy/platform-disaster-displacement>.

<sup>49</sup> Michelle Yonetani, Mapping the baseline. To what extent are displacement and other forms of human mobility integrated in national and regional disaster risk reduction strategies?, October 2018, study carried out under the PDD workplan 2016-2019, [https://www.preventionweb.net/files/65230\\_07052019mappingthebaselineweb.pdf](https://www.preventionweb.net/files/65230_07052019mappingthebaselineweb.pdf).

<sup>50</sup> <https://www.undrr.org/publication/words-action-guidelines-disaster-displacement-how-reduce-risk-address-impacts-and#:~:text=The%20development%20of%20this%20Words,as%20set%20out%20in%20the>.

<sup>51</sup> [https://disasterdisplacement.org/wp-content/uploads/2019/06/CSM-Lineamientos-regionales-personas-desplazadas-por-desastres\\_compressed.pdf](https://disasterdisplacement.org/wp-content/uploads/2019/06/CSM-Lineamientos-regionales-personas-desplazadas-por-desastres_compressed.pdf).

<sup>52</sup> This is the objective of the Pacific Response to Disaster Displacement (PRDD) project, funded by the European Union and led by IDMC, with IOM and PDD as key partners, <https://environmentalmigration.iom.int/projects/pacific-response-disaster-displacement-prdd>.

<sup>53</sup> IOM is leading a multi-partner project funded by the UN Trust Fund for Human Security to enhance protection and empower migrants and communities affected by climate change and disasters in the Pacific region, <https://environmentalmigration.iom.int/projects/enhancing-protection-and-empowerment-migrants-and-communities-affected-climate-change-and>.

<sup>54</sup> <https://www.climateambitions summit2020.org/index.php#home>.

66. Overall, member States should provide greater support to the relevant world programmes, such as the Sendai Framework for Disaster Risk Reduction 2015-2030, and those implemented under the United Nations Framework Convention on Climate Change (UNFCCC), the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR), and pay particular attention to the work of the UN SG Special Rapporteur on Human Rights and the Environment<sup>55</sup>.

### **7.12 Securing funding for Europe-led development cooperation**

67. Council of Europe member States should be able to set up specific programmes to help meet the challenges related to climate-induced migration. A *World Solidarity Fund for Climate Migration* should be created to assist countries concerned. The international community had to step-up development cooperation with the countries that were most at risk of being affected by climate change phenomena, such as the countries of the Sahel region, to improve the living conditions of people living there so that they do not feel forced to migrate. Those who would have to migrate, given that they have no other choice, would need to be assisted to prevent loss of life. Safe migration routes would need to be available so that these people be properly welcomed. Europe must be prepared to play its part in dealing with this phenomenon.

68. Several initiatives were launched in recent years to help states introduce changes to support green transition. The Green Cities Facility of the EBRD – with a total of 87 million euro agreed in 2019 – is an example of this. The Facility is financed by the Green Climate Fund (GCF), which was established within the framework of the United Nations Framework Convention on Climate Change (UNFCCC), as an operating entity to assist developing countries in their adaptation and mitigation practices to counter climate change. The GCF is based in Incheon, South Korea<sup>56</sup>. The EBRD project is an excellent example, but it does not cover the costs necessary to meet the needs of climate migrants reaching Europe, nor the projects in their countries of origin that might allow them to live decently in their respective countries.

69. The GCF has financed projects that assist countries in Asia and Africa, Eastern Europe, but not all Council of Europe member States have a say in the negotiations held in Incheon. We could learn a lot from some of the projects financed by the GCF. Some are designed to assist countries to improve resilience to climate change, which might prevent disaster-driven migration. The GCF 2021 work programme targets the goal of USD 1,78 billion to USD 2,26 billion in programming.<sup>57</sup> This being said, there is a need for a European body to deal with these issues, bearing in mind the geo-strategic importance for Europe of certain programmes implemented in other parts of the world – especially as regard their impact on migration into Europe.

70. A Europe-based *World Solidarity Fund for Climate Migration* – which could cooperate with the Green Climate Fund, following accreditation<sup>58</sup> – would be a major step forward in meeting international commitments of “leaving no one behind”, including migrants, in a world affected by climate change. Specific programmes could be implemented, engaging experts from all Council of Europe member States driving forward technological developments in countries receiving development assistance and countries providing assistance. The *World Solidarity Fund for Climate Migration* could also support migrants themselves, in addition to projects designed to improve living conditions in countries of origin. Mechanism to protect the people, who were forced to move due to climate change, should be available. This will be, indeed, a truly European contribution to protecting human rights and dignity of the most vulnerable populations worldwide.

## **8. A case study: the Kiribati case**

71. The UN Human Rights Committee published in January 2020 (a few months after the adoption of PACE Resolution 2307 (2019) on *A legal status for “climate refugees”*) its decision on a case that will pave the way for future climate-related claims. The ruling marks the first decision by a UN human rights treaty body on a complaint by an individual seeking “asylum” protection from the effects of climate change.<sup>59</sup> I should like to stress the importance of this decision, notwithstanding that I would have preferred a different outcome.

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<sup>55</sup> <https://www.ohchr.org/en/Issues/environment/SREnvironment/Pages/SREnvironmentIndex.aspx>.

<sup>56</sup> The Green Climate Fund (GCF) was established by 194 governments to limit or reduce greenhouse gas (GHG) emissions in developing countries, and to help vulnerable societies adapt to the unavoidable impacts of climate change. It is governed by a Board of 24 members and supported by a Secretariat. <https://www.greenclimate.fund>.

<sup>57</sup> [Work programme of the Secretariat for 2021 and administrative budget | Green Climate Fund](https://www.greenclimate.fund/boards/secretariat/2021-administrative-budget). All documents approved by the GCF Governing Board are available online under each meeting reference: <https://www.greenclimate.fund/boardroom/meetings>.

<sup>58</sup> <https://www.greenclimate.fund/document/gcf-b27-03>.

<sup>59</sup> The Human Rights Committee: <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> and [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/127/D/2728/2016&Lang=en).



72. The Committee – rightly so – noted that “environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life”; it “can compromise effective enjoyment of the right to life, and ... can adversely affect an individual’s well-being and lead to a violation of the right to life”. [Para 9.4 and 9.5]. The Committee admitted that in Kiribati, the applicant’s homeland, “freshwater lenses had been depleted due to saltwater contamination produced by sea level rise and recognized the hardship that may be caused by water rationing” [para 9.8.]. It also admitted that “both sudden-onset events (such as intense storms and flooding) and slow-onset processes (such as sea level rise, salinization, and land degradation) can propel cross-border movement of individuals seeking protection from climate change-related harm” [para 9.11].

73. The Committee, decided, however, that in Mr. Teitiota's specific case, New Zealand's courts did not violate his right to life at the time of the facts, and therefore, he and his family could be sent back to Kiribati. Despite accepting the author’s claim that sea level rise is likely to render the Republic of Kiribati uninhabitable, the Committee noted that the timeframe of 10 to 15 years, as suggested by Mr. Teitiota, could allow for intervening acts by the Republic of Kiribati, with the assistance of the international community, to take affirmative measures to protect and, where necessary, relocate its population. Moreover, the Committee also notes the New Zealand’s Tribunal’s statement that the author appeared to accept that he was alleging not a risk of harm specific to him, but rather a general risk faced by all individuals in Kiribati.

74. I regret that Mr. Teitiota and his family were not given the opportunity to choose whether to stay in New Zealand or return to Kiribati. I am positive better solutions could have been found. In my opinion, Mr. Teitiota acted more as whistle-blower attempting to alert the international community about the imminent danger and risks to the right to life for the indigenous populations on the Pacific Ocean islands.

75. The dissenting opinions expressed by two Committee members are good indicators of the fact that the current lack of legal protection for climate refugees under the Refugee Convention and the UN Covenant on Civil and Political Rights should be overcome. As stated by the Committee member Duncan Laki Muhumuza in his individual (dissenting) opinion, “while it is laudable that Kiribati is taking adaptive measures to reduce the existing vulnerabilities and address the evils of climate change, it is clear that the situation of life continues to be inconsistent with the standards of dignity for the author, as required under the Covenant. The fact that this is a reality for many others in the country, does not make it any more dignified for the persons living in such conditions. New Zealand’s action is more like forcing a drowning person back into a sinking vessel, with the “justification” that after all there are other voyagers on board. Even as Kiribati does what it takes to address the conditions; for as long as they remain dire, the life and dignity of persons remains at risk”.<sup>60</sup>

76. I should like, therefore, to call for a more positive approach and forward-looking climate-change policies and disaster preparedness strategies that could protect people in future.

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<sup>60</sup> Historic UN Human Rights Committee case opens door to climate change asylum. claims: <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=25482&LangID=E>.