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## Environmentally induced migration and displacement: a 21<sup>st</sup> century challenge

Report  
Committee on Migration, Refugees and Population  
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### *Summary*

The impacts of climate change on the environment and human mobility are becoming increasingly worrying: the number of natural disasters has doubled over the past two decades. Every year 30 million people worldwide are forced to move because of serious degradation of environmental conditions, natural disasters and depletion of natural resources. This figure is expected to soar by the middle of this century. Moreover, international protection and operational frameworks are deficient, leaving several categories of people forced to flee or seeking safer existence without effective national or international protection.

The report argues for the development of inclusive definitions of environmentally induced migration and environmental migrants/displaced persons, taking into account the full range of human mobility caused by environmental factors, the length of displacement and possibility to return. New concepts should not be feared, yet they should not limit the applicability of universally recognised protection standards prescribed in international law and normative frameworks.

The report calls for a further investigation of existing gaps in law and protection mechanisms with a view to an eventual elaboration of a specific framework for the protection of environmental migrants, either in a separate international convention or as parts of relevant multilateral treaties.

Europe needs to take a pioneer role in this area. The Council of Europe should contribute by elaborating its own Framework Convention for the Recognition of Status and Rights of Environmental Migrants and introduce an additional Protocol on the right to a healthy and safe environment to the European Convention on Human Rights. Meanwhile, member states are encouraged to interpret and apply the obligation of *non-refoulement* under Articles 2 and 3 of the European Convention of Human Rights in an inclusive manner and grant complementary or temporary protection to environmental migrants.

The Parliamentary Assembly further encourages an effective co-ordination structure to be established that would pull together the various international agencies and stakeholders focusing on risk reduction, humanitarian response, adaptation and development.

## A. Draft resolution

1. Migration is one of the oldest coping strategies for dealing with a degradation of environmental conditions. However, the increase in the magnitude and geographical scale of environmental change caused or exacerbated by both climate change and human activity have led many in the academic circles and in the international community to refer to environmentally induced migration as a new type of phenomenon, and a new challenge for the 21<sup>st</sup> century.
2. The Parliamentary Assembly recognises that natural disasters and environmental degradation will increasingly determine the nature of human mobility as well as its humanitarian and human security dimensions, which will need to be urgently assessed.
3. It notes with concern the drastic estimates predicting unmanageable environmental migration flows. Already today, over 30 million people worldwide are being displaced because of the increase in desertification, droughts, sea-level rise, and extreme weather events, and this figure is rising sharply. Alarming, this figure already exceeds the number of those obliged to flee because of armed conflicts and persecution.
4. Most in danger are vulnerable groups in the least developed countries whose capacity to adapt to the effects of climate change is extremely poor, those residing in low-lying coastal areas and areas of considerable over-population. Europe is not immune to the consequences of climate change and environmentally induced migration either.
5. Environmentally induced migration is rarely mono-causal. The cause-consequence relations are increasingly complex and multi-factorial. A growing number of people flee because of multiple causes of injustice, exclusion, environmental degradation, competition for scarce resources and economic hardship caused by dysfunctional states. Some leave voluntarily, some flee because there is no other choice; and some may make the decision to move before they have no other choice but to flee. The different degrees of force and the complex set of influencing factors blurs the traditional concepts of migration and displacement, creating confusion among the academia and the international community about whether to talk about migration or displacement in the case of people fleeing disasters and environmental degradation.
6. The interaction between the environment and migration is a two-way process: besides sudden or slow on-set environmental disasters leading to both internal and cross-border movements of people, massive migration for environmental reasons may in turn affect environmental conditions both in areas of origin and destination and the transit routes in between, notably when large concentrations of people are forced to seek refuge in other ecologically fragile areas. The Assembly deems it an urgency to develop better understanding of the net impact of migration on the environment in areas of concern.
7. Migration can also be a positive and proactive diversification and development strategy that households, individuals and sometimes whole communities adopt to improve their lives and reduce risk and vulnerability. Mass migration can however have negative impacts, including escalating humanitarian crisis, rapid urbanisation, associated slum growth and stagnated development.
8. One of the most fundamental issues in climate change and environmentally induced migration is that it is a global process, not a local crisis. Hence it is the responsibility of the global community and not only that of local and national authorities to engage in proactive intervention. Adequate measures for prevention, adaptation and mitigation need to be taken by the global community in order for the "hotspot" countries to reduce their vulnerability to the impacts of environmental disasters and manage the evolution of environmental processes.
9. Mass population flows, caused by scarcity of resources coupled with state mismanagement and poor governance can lead to instability and provoke conflict situations. Such conflicts could result in population displacement and, more generally, could reduce global political stability and human security. The Assembly believes that, in order to avoid such negative scenarios, Europe should be at the forefront in addressing the growing and shared challenge of environmentally induced migration and displacement.
10. Vulnerable groups such as women, children, the elderly, persons with disabilities and indigenous peoples in the poorest countries are exposed to cumulative vulnerabilities and require special consideration. The Assembly particularly observes that, due to traditional female roles and activities in many societies, women are more vulnerable to the effects of climate change than men. It underlines the importance of recognising gender specific impacts of climate change from the outset of policy setting.

11. The majority of migratory movements prompted by climate change and environmental degradation are expected to occur within countries, although increased cross-border movement of people will also occur. The Assembly maintains that all the affected persons, whether or not they leave their country, need to be properly protected as regards their human, social and economic rights. Furthermore, this protection should include reliance on effective support from the international community if national support is lacking or insufficient.

12. The Assembly is concerned about the lack of consensus within the international community as regards the applicable international legal terminology concerning human mobility associated with environmental disasters and degradation. The variety of terms interchangeably used today hinders the much-needed progress on the recognition and legal protection of environmental migrants.

13. The difficulty arises from different approaches to the concept of migration, which itself lacks a universal definition. The humanitarian organisations advocate the need to maintain a distinction between cross-border migration and internal displacement, voluntary and forced movements, in fear of undermining the existing categories they are mandated to protect. They argue that the definition of internally displaced persons as stipulated in the 1998 United Nations Guiding Principles on Internal Displacement already includes persons or groups who have been forced or obliged to flee or leave their homes or places of habitual residence as a result or in order to avoid natural or human-made disasters.

14. Various development agencies focusing on broader population and development issues, on the other hand, prefer to talk about environmental migration as an overarching concept, inclusive of all persons who have an environmental factor as the major driver for movement. They maintain that migration includes both international and internal, voluntary and forced categories of movement, and everything in between.

15. The Assembly welcomes the recent efforts undertaken by the informal United Nations Inter-Agency Standing Committee in aspiring to establish commonly accepted terminology and concepts. From its own perspective, it sees the need to cover the full range of human mobility caused by environmental factors implying any length of time and degree of possibility of return, while upholding the universally adopted protection standards prescribed in international law and normative frameworks.

16. The Assembly observes that whereas there exists a large body of well-established international, regional and national legal instruments, conventions and norms to protect the rights of people forcibly displaced by conflict and persecution, and to some extent by natural disasters or conflicts over resources, many gaps remain in the existing protection frameworks. Particularly for those considered to have moved due to gradual environmental degradation, there may be normative and operational protection gaps, internally and internationally. In addition, when it comes to the small island states that risk becoming submerged, there may be a serious gap in the existing international treaties on statelessness.

17. Whereas these gaps need to be more thoroughly researched, and while emphasising the need to recognise existing protection instruments (for example, for environmentally displaced persons under the Guiding Principles), the Assembly observes that no legal framework or defined policy exists that would cover the full scope of environmentally induced migration in the widest sense of the term. It therefore calls upon international organisations active in this field to consider the elaboration of a specific framework for the recognition and protection of environmental migrants, either in a separate convention or as parts of multilateral environmental treaties, or as both.

18. Alternatively, the Assembly encourages the respective United Nations agencies to consider extending the Guiding Principles on Internal Displacement to include persons displaced by gradual environmental degradation, while in parallel creating a similar synthesis of existing international law on external displacement in the form of principles.

19. In this context, and in particular with reference to its Recommendation 1631 (2003) on internal displacement in Europe, the Assembly expresses its continued support to the humanitarian action and normative frameworks developed over the last decade to protect the internally displaced persons through the Guiding Principles on Internal Displacement. Ten years after the adoption of this unique source of guidance for providing assistance and protection to people forced to move within the borders of their countries, it is time to question whether time has come to enhance its impact not only by ensuring that its principles are enshrined in national legislation but also through working it into a binding instrument, as is presently being done by the African Union.

20. The Assembly remains concerned by the fact that there is not a single international organisation today that explicitly focuses on the problems and protection of people moving or having to move their places of habitual residence mainly or exclusively for environmental reasons. It recognises the leading role that the United Nations agencies, particularly the United Nations High Commissioner for Refugees (for example in the humanitarian protection cluster), have to play in providing protection and humanitarian assistance to those fleeing environmental disasters.

21. In addition to humanitarian action, the Assembly encourages an effective co-ordination structure to be established that would pull the various international agencies and stakeholders together. To this end, it invites a co-ordinating commission for environmental migration to be created with a mission to co-ordinate the work of international organisations that focus on different aspects of the problem of environmentally induced migration, including through risk reduction, humanitarian response, adaptation and development.

22. The Assembly regrets that, when natural disasters occur, consequent environmental displacement and migration do not figure in disaster statistics. In the absence of an overarching organisation collecting or assembling statistics on non-conflict displacement, it urges the international humanitarian community and all countries falling victim of natural disasters to include - to the extent possible - the internally displaced and cross-border migrants in disaster statistics.

23. The adaptation policies aimed at the protection of health and livelihoods of developing countries' populations are essential in dealing with those impacts of climate change that became unavoidable. Such policies must be strengthened and supported through international development assistance.

24. In the light of the above, the Assembly calls upon its member states to:

24.1. support the adoption of a clearly defined and inclusive working definition that covers all forms of movement from voluntary to forced and includes the full range of human mobility caused by environmental factors to be applied by state institutions and humanitarian organisations involved in the assistance to and effective protection of those concerned;

24.2. take adequate measures to reduce the vulnerability of developing countries to the impacts of environmental disasters and manage the evolution of environmental processes;

24.3. undertake a comprehensive study, including primary data collection, and develop policies assessing the complex interaction of environmental change, migration, displacement and conflict;

24.4. contribute, through active participation in the work of the international organisations dealing with this issue, to the investigation of existing gaps in law and protection mechanisms with a view to an eventual elaboration of a new international convention providing internationally assured protection to people displaced because of environmental degradation and natural and man-made disasters when return is impossible;

24.5. pre-empt the work at international level by elaborating national legislation that would recognise environmentally induced migrants and their protection needs not only through the principle of non-refoulement under Articles 2 and 3 of the European Convention of Human Rights but also through subsidiary protection, e.g. granting them a status of temporary humanitarian residence or a permanent status in case of impossibility of return;

24.6. promote multi-disciplinary research involving climate science, geography, migration, development studies, disaster studies, environmental studies, social cohesion and health with a view to improved understanding and recognition of the links between the movement of people and environmental factors;

24.7. take into account a gender perspective when elaborating national and international policies and protection frameworks on environmentally induced migration.

25. The Assembly further calls upon the European Union to take the above into consideration while elaborating their comprehensive immigration policy strategy. This strategy is needed at pan-European, regional, national and local levels. It should improve risk anticipation and management and disaster response, offer adequate protection to the victims of climate and environmental disruptions and provide instruments for compensation and resettlement. It should also encourage awareness raising and sensitivity of the populations and authorities concerned.

26. The Assembly further calls upon the European Union to create an appropriate system of funding, at European level, supporting adaptation strategies, development and migration management projects as well as improved humanitarian response.

27. The Assembly is convinced that the time to address the dangerous environmental degradation including climate change is now. Action for this must be co-ordinated and swift: policy makers, the scientific community, civil society and other actors - at both national and international levels - must seek common solutions for those people who are currently or who may be induced to migrate in order to seek safe and sustainable existences.

## B. Draft recommendation

1. Referring to its Resolution ... (2008) on “Environmentally induced migration and displacement: a 21<sup>st</sup> century challenge”, the Parliamentary Assembly draws attention to the numerous activities carried out by the Council of Europe in relation to the environment and migration.
2. It welcomes the work the Committee of Ministers has previously undertaken in elaborating the European Convention on the Legal Status of Migrant Workers (ETS No. 093) as well as in promoting the United Nations Guiding Principles on Internal Displacement, leading to the adoption of Committee of Ministers Rec(2006)6 on Internally Displaced Persons. These recommendations are in line with the 1998 United Nations Guiding Principles on Internal Displacement, which include also “*persons displaced from their homes or places of habitual residence due to natural or man-made disasters*”.
3. The Assembly recalls the Council of Europe's duty to promote the universal protection of human rights of all vulnerable groups and to improve, whenever necessary, the legislation to this end. It encourages member states to assume a pioneering role in standard setting in the field of protection of people compelled to leave their homes mainly or exclusively for environmental reasons.
4. The Assembly is concerned about the various gaps in international human rights and refugee law, which leaves various categories of people fleeing environmental disasters internally or by crossing international borders, including European borders, without adequate legal protection.
5. It is equally concerned that people in Europe have no specific legal remedy against human-induced environmental degradation and climate change that affects their health and safety.
6. Consequently, the Assembly invites the Committee of Ministers to:
  - 6.1. launch a dialogue among its member states with a view to promoting understanding of the existence and scale of the problems related to environmentally induced migration and encouraging concerted action. This action should aim at either improving the existing international protection framework or complementing the latter by elaboration of new binding instruments, and prioritise the challenges of prevention, adaptation and development as integral elements of the international response;
  - 6.2. set up a working group, in co-operation with other European institutions, to carry out a comprehensive legal study on the gaps in existing international law and normative regulations with a view to an eventual elaboration of a European framework convention for the recognition of status of environmental migrants, should this be deemed necessary;
  - 6.3. consider adding an additional protocol to the European Convention on Human Rights, concerning the right to a healthy and safe environment;
  - 6.4. continue to urge member states to incorporate the United Nations Guiding Principles on Internal Displacement and the thirteen principles elaborated in Recommendation Rec(2006)6 of the Committee of Ministers in their national legislation;
  - 6.5. encourage its United Nations and other relevant partners to seek avenues for extending the Guiding Principles to include people displaced by gradual environmental degradation processes, and to consider developing similar Guiding Principles to cover the rights of those moving across international borders for compelling environmental reasons (“external displacement”);
  - 6.6. avail its expertise on legal, environment and migration issues to the United Nations Inter-Agency Standing Committee working group or any other international co-operation body set up for the purpose of setting standards for the protection of environmental migrants;
  - 6.7. encourage dialogue between environmental, migration and demographic research centres in Council of Europe member states to widen and deepen the understanding of root causes of environmentally induced migration;
  - 6.8. prioritise the actions of the Council of Europe Development Bank that contribute to protecting and improving the environment. Projects that provide appropriate responses to urgent needs and to sustainable prevention action of environmental deterioration in a long-term perspective should be particularly supported.

## C. Explanatory memorandum by Mrs Acketoft, rapporteur

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### I. Introduction

1. Climate change, environmental degradation and migration are among the key topics that dominate the international and national political arena today. The complex interdependence between these phenomena and the potential consequences of the failure to tackle them in time are beginning to attract increasing public and scientific attention. Yet manifested political commitments to the pursuit of sustainable development, environmental protection and the respect, protection and fulfilment of human rights - and even more so to their inter-linkages – are often limited by narrow geopolitical interests when action becomes necessary.

2. It is estimated that 60,000 deaths from climate-related natural disasters occur every year<sup>1</sup> and that 30 million people worldwide are being displaced because of serious degradation of environmental conditions, natural disasters and depletion of natural resources. This figure is expected to soar by the middle of this century. While there are no authoritative global figures on the number of people who will move for environmental reasons in the future, the Stern Review provides an estimate of 150-200 million becoming permanently displaced due to the effects of climate change by the year 2050<sup>2</sup>. However, the international community is largely ignoring the issue that may potentially become one of the greatest global demographic and humanitarian challenges for the 21<sup>st</sup> century.

3. Throughout human history, migration has been a coping strategy for people facing environmental changes<sup>3</sup>. What is different today is the role of human activity in contributing to this change, the effects of climate change on the climate itself and on the ecosystems upon which it depends, the scale of its impacts and the urgency of the challenges the environment and migration nexus poses, and the speed.

4. Already in the 90s, the Intergovernmental Panel on Climate Change (IPCC) noted that the greatest single impact of climate change might be on human migration. Successive reports of the IPCC and other publications addressing the impacts of climate change have spurred a general recognition of the fact that gradual or sudden environmentally induced migration will dramatically increase over the next decade, posing major challenges for human security, peace and social and economic development on an international scale<sup>4</sup>. Indeed, the Asian Tsunami in December 2004 alone displaced more than 2 million people, many of whom remain in camps. Hurricane Katrina in August 2005 displaced 1.5 million persons, some 300,000 of whom are expected never to return to their homes. The very recent disasters in Burma and China have displaced another estimated 7 million persons temporarily<sup>5</sup>. In fact, today more people flee due to environmental problems than because of war.

5. Despite the huge number of people already affected and even greater numbers potentially involved in the future, there is no international consensus about how to define the environment-migration phenomenon. Various labels are invariably used, including “environmental migrants”, “environmental refugees”, “climate migrants”, “environmentally forced migrants”, “environmentally induced migrants”, etc. There is no single organisation either that focuses explicitly on the problems of people compelled to leave their natural habitat

<sup>1</sup> UN agencies highlight climate change’s impact on human security, health, UN News service, 5 June 2007.

<sup>2</sup> Stern, N., 2006, p.77, *The Economics of Climate Change – The Stern Review*, Cambridge, Cambridge University Press

<sup>3</sup> Archaeological evidence suggests that human settlement patterns have responded repeatedly to changes in the climate. The need to organise densely packed populations in order to manage scarce resources in restricted areas has been identified as one of the main driving forces behind the development of the first civilizations of Egypt and Mesopotamia. There is growing DNA evidence that throughout human history, migration has been also a coping strategy for people facing climate change

<https://www3.nationalgeographic.com/geneographic/index.html>

<sup>4</sup> Brown, O., *Migration and Climate Change*, International Organization for Migration, IOM Migration Research Series, N°31, Geneva, 2008, p. 9

<sup>5</sup> Warner, K. et al., *Human security, climate change, and environmentally induced migration*, United Nations University, Institute for Environment and Human Security, Bonn, 28 June 2008

because of environmental degradation. Nor is there any agreed policy; and the legal and normative frameworks are deficient, leaving several categories of people seeking safe and sustainable existence without protection. This contributes to the difficulty, on the one hand, of measuring the number of persons moving as a result of environmental degradation and, on the other, their legal protection. Thus many environmental migrants fall through the cracks of international refugee and immigration law and policy, often being dismissed as migrant workers or irregular migrants in the absence of proper legal mechanisms to protect them.

6. The goal of the present report is to contribute to the global debate on environmental change and migration. It aspires to help pan-European and European national policy-makers to understand the nature of the challenge and the urgency needed to deal with the complex relationship between climate change, environmental degradation, human security and various forms of human mobility. It sheds light on the current universal policy-making context and how organisations dealing with human mobility in its many forms approach environmental change. The paper also looks at the existing international legal and normative frameworks for the protection of persons affected by environmental degradation as well as the gaps hindering full-scale protection of those who decide upon their own free will or are forced to move either internally or across international borders. Finally, your rapporteur proposes some short- and long-term solutions that the Council of Europe could offer within its own mandate to fill the existing gaps.

7. The information presented in this report draws from the work carried out on the subject matter by various international humanitarian and development organisations as well as from the discussions of a hearing organised on the issue by the Committee on Migration, Refugees and Population in Paris on 20 May 2008. Your rapporteur extends her particular gratitude to many useful comments and suggestions she received, *inter alia*, from the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons, the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the International Organisation for Migration (IOM) and the Norwegian Refugee Council (NRC).

8. Finally, because of the absence of internationally agreed-upon terminology, your rapporteur has chosen to use the recently coined term “environmentally induced migration”, which she regards as the most comprehensive and inclusive term for defining the global phenomenon, reflecting best the Council of Europe human rights approach to this issue. This term refers to migration of all persons for whom the environmental factor is the major drive for migration. It also supports your rapporteur’s conviction that there is a need for the status and rights of all environmental migrants to be properly determined in international law.

## II. Nature of the issue

### *i. Main causes and effects of environmentally induced migration*

9. The causes of environmental deterioration or devastation forcing persons to move from their natural habitat are many and varied. They are due to events that may, or may not, be linked to global warming, the incidence of which may be episodic or cyclical, or which manifest themselves over a long period.

10. Climate change related impact could be divided into two distinct drivers of migration:

- long-term climate processes (sea-level rise, salinisation of agricultural land, desertification, soil erosion, water scarcity) and
- short-term extreme climate events and extreme weather events (flooding, hurricanes, storms, etc).

11. The world has been losing 60,000 square kilometres of productive cropland each year to desertification processes and 1% of all irrigated lands to water logging and salinisation.<sup>6</sup> The International Federation of the Red Cross and Red Crescent Societies estimates that since 1996, the average number of people affected annually by natural disasters has totalled about 210 million.

12. The number and scale of natural disasters have increased markedly: their recorded number has doubled from some 200 to over 400 over the last two decades. 9 out of every 10 disasters are today climate related<sup>7</sup>. These are often human-induced, emanating from deforestation and salinisation of agricultural land, or more generally from deforestation, environmental degradation or simply demographic pressures.

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<sup>6</sup> Myers, N., *Environmental Exodus: An Emergent Crisis in the Global Arena*; Climate Institute, 1995

<sup>7</sup> Holmes, J., *The Need for collaboration*, Foreword, *Forced Migration Review*, Issue 31, October 2008, p. 4



13. Projects such as dams, irrigation canals, and urban construction also force vast populations to resettle. Dam projects in India, for instance, have displaced an estimated 33 million. Toxic contamination (Bhopal 1984) and nuclear disasters (Chernobyl 1986) have also contributed to massive displacement of people.

14. Non-climate drivers, such as state mismanagement and bad government policy, population growth, over-exploitation of natural resources and community-level resilience to natural disaster, also contribute to the degree of vulnerability people experience. Failed states and repressive regimes which hold their own population hostage, such as North Korea, Burma, Zimbabwe or Somalia are among the biggest producers of environmental migrants.

15. An additional responsibility for inducing environmental migration lies on the western world and its trade policies in terms of agricultural export subsidies and import restrictions, which are undermining the livelihood of small hold farmers in marginalised regions. Also, the European and American agribusinesses and their policies, such as the patenting of genetically modified seeds, are destroying local livelihoods without providing sustainable local returns.<sup>8</sup>

16. Often, these are combined effects and one may lead to another. Both prevention and mitigation of climate change need to take into account and address such coincident causes.

17. Decisions to migrate are very complex and depend on many factors. Therefore isolating environmental and especially climate-change related forces from other reasons for migration is difficult both in theory and in practice. Nevertheless, migration provoked by environmental change can be differentiated according to its major causes and duration. Recently, the United Nations Inter-Agency Standing Committee (IASC)<sup>9</sup> Informal Group on Migration, Displacement and Climate Change has offered a classification of four categories of climate change impacts<sup>10</sup>:

- hydro-meteorological disasters (flooding, hurricanes/typhoons/cyclones, mudslides, etc.)
- environmental degradation and slow onset extreme hazard events (e.g. reduction of water availability, desertification, recurrent flooding, salinisation of coastal zones, etc.);
- significant permanent losses in state territory as a result of sea level rise etc. (e.g. the case of “sinking” small island states); and
- armed conflict over shrinking natural resources (e.g. water, food) owing to climate change.

18. The effects of climate change on peoples’ lives may not be experienced uniformly. It is well known that the burden of providing for climate migrants will be borne by the poorest countries that are heavily dependent on agriculture, lacking resources and possibilities to prevent further environmental crisis.

19. At present, the great majority of environmental migrants originate in rural areas of least developed countries. This trend is expected to shift slightly in coming years, as densely populated coastal zones become increasingly affected by sea-level rise and more frequent storms, and mountainous areas are affected by heavy rains and subsequent floods and landslides<sup>11</sup>.

20. Most environmental migrants move and settle in urban centres within their home countries, with smaller proportion migrating to neighbouring countries. An even smaller fraction of people migrate long distances to developed countries, contributing to the “brain drain” phenomenon of skilled migrants. The burden thus falls overwhelmingly on least developed countries<sup>12</sup>.

<sup>8</sup> Scheske, G. (UNHCR Strasbourg), intervention at the PACE Committee on Migration, Refugees and Population hearing on environmental refugees, Paris, 20 May 2008

<sup>9</sup> The Inter-Agency Standing Committee (IASC) is a unique inter-agency forum for coordination, policy development and decision making involving the key UN and non-UN humanitarian actors. The IASC was established in June 1992 in response to UN General Assembly Resolution 46/182 on the strengthening of humanitarian assistance. The current members include: FAO, OCHA, UNDP, UNFPA, UN Habitat, UNHCR, UNICEF, WFP, and WHO. The standing invitees include: ICRC, ICVA, IFRC, InterAction, IOM, OHCHR, RSG on Human Rights of IDPs, SCHR and the World Bank. [www.humanitarianinfo.org/iasc](http://www.humanitarianinfo.org/iasc).

<sup>10</sup> IASC, “Climate Change, Migration and Displacement: Who will be affected?”, Working paper submitted by the informal Group on Migration/Displacement and Climate Change, to the IASC Working Group, pp. 2-3

<sup>11</sup> Morton, A., Boncour, P. and Laczko, Human security policy challenges, *Forced Migration Review*, Issue 31, October 2008, p.6

<sup>12</sup> Idem.

21. It is possible that certain low-lying Small Island Developing States (Tuvalu, Kiribati) may disappear altogether, raising difficult questions of statelessness. Other particularly vulnerable areas are the Sahel belt, the Bay of Bengal, dry land South and Central America, and dry land regions in Central Asia. Already today, in Sub-Saharan Africa alone, more than 10 million people have been obliged to migrate in search of food and water. More than 90% of all deaths from natural disasters occur in the developing world, notably in Sub-Saharan Africa, the Indian Subcontinent, China, Mexico and Central America.

22. That being said, Europe is not immune to climate change and environmentally induced migration either. It is already feeling the increasing pressure from victims of deteriorating climate conditions in North Africa. In addition, the coming decades are likely to see higher flood risk in Europe and greater economic damage. Between 1998 and 2002, Europe suffered about 100 damaging floods, which affected 1.5 percent of its population, causing 700 fatalities, half a million displaced persons and EUR 25 billion in insured economic losses<sup>13</sup>. Sea level rise in the long term will cause considerable displacement of coastal populations, the Netherlands and Denmark being the countries most in danger.

*ii. Consequences of environmentally induced migration*

23. Not all consequences of environmentally induced migration are negative. Leaving environmentally degraded and agriculturally unsustainable regions can be seen as a legitimate coping strategy for affected populations. In addition, migration could potentially help slow the process of environmental degradation and allow those who remain in affected communities to adjust their livelihood strategies by changing their agricultural practices or, for instance shifting to non-agricultural activities. Remittances, if channelled into schemes to make local livelihoods more sustainable, might help to reduce environmental degradation caused by human activity. Temporary or circular migration can also bring and develop skills needed to reduce negative impacts of human activity on vulnerable environments and to improve environmental protection in areas of origin<sup>14</sup>.

24. The main impacts of environmentally induced migration, however, are overwhelmingly negative. These include escalating humanitarian crises, rapid urbanisation and associated slum growth, and stalled development. In the absence of successful corrective action, the future for many developing countries is likely to be a very difficult combination of widespread land degradation, food insecurity, unmanageable and impoverished mega-cities and large-scale migration<sup>15</sup>.

25. Proactive intervention by the international community is therefore essential. Adequate measures for prevention, adaptation and mitigation need to be taken in order for the countries to reduce their vulnerability to the impacts of environmental disasters and manage the evolution of environmental processes. For instance, orderly return migration to areas of origin after conflict or disaster-induced displacement can reduce the impact on the environment and, if coupled with sound ecological restoration/reconstruction and rehabilitation, could have a net environmental benefit<sup>16</sup>.

*iii. Vulnerable groups*

26. Different people in a community are affected in different ways: gender, age, socio-economic status all affect environmentally induced migration. The most vulnerable groups such as women, children, the elderly, persons with disabilities and indigenous peoples will be affected the worst because of their low adaptive capacities.

27. In the face of gradual environmental degradation process those who are able to move – those with money, social networks, and alternative livelihoods – will tend to migrate independently. The vulnerable poor, those with no capacity to move, the very young and the elderly may be left behind initially, and forced to resettle later.

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<sup>13</sup> Vag, A., Flooding in Eastern Europe, conference presentation “Climate migrations”, European Parliament, Brussels, 11 June 2008

<sup>14</sup> Background paper prepared by the Greek Chairmanship of the Human Security Network and IOM for a conference on “Climate Change, Environmental Degradation and Migration: Assessing Vulnerabilities and Harnessing Opportunities”, 19 February 2008

<sup>15</sup> Morton, A., Boncour, P. and Laczko, Human security policy challenges, *Forced Migration Review*, Issue 31, October 2008, p.6

<sup>16</sup> Idem.

28. By the same token, small-scale farmers in Africa and Asia, as well as indigenous peoples in every continent and the Roma population in Europe – those who do not have access to safe drinking water, sanitation, healthcare and social security – will suffer the consequences of climate change earlier and disproportionately<sup>17</sup>.

29. Gender and demographic structure also play a role in environmentally induced migration patterns. Women are likely to be more severely affected than men by climate change. The traditional female roles in many societies – such as collecting water - are largely dependent on weather and climatic conditions. In many parts of the world, especially the poorest, women are overrepresented in agriculture, a sector that will be hardest hit by climate change.

30. On the other hand, studies show that when rural families attempt to address environmental stress by having a member of family migrate to the city to earn an income and thus shift direct reliance on climate-dependent natural resources, the effect on women and gender dynamics is complex. Women left behind by male migrants may experience more autonomy and acquire stronger decision-making power as *de facto* household heads. Male out-migration can also enhance the economic situation of families when they send more resources back home. At the same time, male out-migration can also exacerbate the poverty of rural women. However, when faced with environmental disasters and a diminishing resource base, women may seek to migrate as well, usually to urban centres. While lone women migrants will face similar challenges to their male counterparts in finding employment, affordable housing, and accessing social services, they are likely to face more difficulties due to gender-based discrimination<sup>18</sup>.

31. It is difficult to predict how sending and receiving communities will adapt to climate change and environmentally induced migration, and the resulting repercussions on gender dynamics; it is essential nonetheless to recognise that climate change will have gender specific impacts, and to mainstream a gender perspective into climate change induced migrations discussions from the outset<sup>19</sup>.

*iv. The two-way process: impact of climate change on migration and of migration on the environment*

32. Environmental migration is a two-way process: on the one hand, gradual environmental changes as well as environmental disasters can lead to both internal and cross-border movements of people; on the other, migration can directly affect environmental conditions in areas of origin and destination, particularly when large concentrations of people (in some cases, with even larger numbers of livestock) are forced to seek refuge in ecologically fragile areas.

33. The influx of environmental migrants into urban areas with limited infrastructure and absorption capacity can have negative environmental effects. Already, one-third of the world's urban population – about 1 billion people – live in slums and this number is expected to rise to 1.7 billion by 2030. In these urban areas, the newly arrived often end up settling in locations where a lack of security of tenure, and inadequate basic services, as well as a perpetually looming threat of forced evictions, compound and perpetuate the vicious cycle of abuse and deprivation. Waves of new slum dwellers will thus swell the ranks of the urban poor who live in precarious shelters vulnerable to landslides and flooding, and are harshly exposed to the risks of extreme weather conditions and consequent displacement.

34. Regardless of it often being a survival strategy for those who move, sudden displacement caused by extreme environmental events or conflicts can contribute to further environmental degradation and security challenges in countries of destination.

*v. Environmentally induced migration and human security*

35. Resource mismanagement by environmental migrants in areas of destination can increase the likelihood of conflicts. Contention can arise over diminishing resources available, including fishing waters, freshwater supplies and fertile land, and increase disputes over rights of property use. Frustration, despair and hostility can easily explode into violence in countries comprised of a patchwork of different ethnic, linguistic, religious and ideological groups. Since most environmental migrants are likely to remain in their

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<sup>17</sup> Climate Change, Migration and Human Rights: Address by Ms Kyung-wha Kang, Deputy High Commissioner for Human Rights Office of the United Nations High Commissioner for Human Rights, Conference on Climate Change and Migration Addressing Vulnerabilities and Harnessing Opportunities, Geneva, 19 February 2008

<sup>18</sup> Brown, O., Migration and Climate Change, International Organization for Migration, IOM Migration Research Series,

N° 31, Geneva, 2008, p. 34-35

<sup>19</sup> Idem.

home countries, such conflicts are more likely to be internal than international. However, also international conflicts as a consequence of climate-related migration have been ascertained as a potential risk<sup>20</sup>.

36. It is therefore regrettable that the implications of inter-linkages between environmental degradation, migration and potential for increased conflicts have not been taken fully into account. These implications are difficult to assess because of their interaction with other social, economic and political factors, which affect human vulnerability to environmental change and its migratory and other consequences<sup>21</sup>.

37. Africa, which holds 10 percent of the world's population, has 25 percent of its refugees. It is no coincidence that those parts of the continent which are most affected by the environmental crisis, are also the main theatres of conflicts, recurrent famine and consequent refugee movements.

38. The Darfur crisis in Sudan is a major illustration of the link between environmental crisis and armed conflict. During the last 20 years, the Darfur region has suffered from two important droughts, which have heavily undermined its agriculture. The numerous tribes living in Sudan were in constant rivalry for the access to natural resources. In 2003, when the conflict started, Sudan had faced terrible environmental degradation with a large drop in rainfall and desertification of the soil. Such climate changes forced thousands of people to move southwards looking for water and food. Tensions between farmers and herders over disappearing pasture and evaporating water holes reignited the war between Northern and Southern Sudan.<sup>22</sup>

39. The armed conflict in Darfur contributed to the accentuation of the degradation of the environmental situation in the region with limited natural resources. With massive refugees movements provoked by this situation to neighbouring Chad, the war in Darfur has raised important environmental issues, which have led to an unprecedented humanitarian catastrophe.

40. Should more crises occur similar to that in Darfur, the world may face a threat of global conflict, as massive displacements of people would cause instability in destination and transition countries and fuel the politics of resentment between those most responsible for climate change (i.e. western industrialised states) and those most affected by it. Impacts of climate mitigation policies (or policy failures) will thus drive political tension nationally and internationally. A recent report by the High Representative and the European Commission to the European Council points out that "climate change is best viewed as a threat multiplier which exacerbates existing trends, tensions and instability"<sup>23</sup>.

41. The German Advisory Council on Global Change maintained in a recent (2007) study, "If global temperatures continue to rise unabated, migration could become one of the major fields of conflict in international politics in future"<sup>24</sup>. Likewise, the British Government's Ministry of Defence Development, Concepts and Doctrine Centre suggested that "abrupt climate change" could lead to "societal collapse, mega migration and intensifying competition for much diminished resources and widespread conflict"<sup>25</sup>.

### **III. Protection, assistance, adaptation and development: different institutional approaches**

42. Within the current debate on climate change, environmental degradation and subsequent migration, different schools and institutional approaches have emerged as regards their understanding of terminology, typology and protection mechanisms needed for facing the future challenges discussed in the previous chapter.

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<sup>20</sup> Biermann, F. and Boas, I., Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees, Global Governance Working Paper N°33 – November 2007, p. 21, <http://www.glogov.org/images/doc/WP33.pdf>

<sup>21</sup> Background paper prepared by the Greek Chairmanship of the Human Security Network and IOM for a conference on "Climate Change, Environmental Degradation and Migration: Assessing Vulnerabilities and Harnessing Opportunities", 19 February 2008

<sup>22</sup> António Guterres, UN High Commissioner for Refugees, confirmed this in a recent article, "In Darfur, a Janjaweed attack on a village may appear to be motivated by politics, but at a deeper level it may be about a water shortage that has set herders against farmers" - Foreign Affairs, Sept / Oct 2008, page 99

<sup>23</sup> High Representative and the European Commission to the European Council, "Climate change and international security" S113/08, 14 March 2008, p. 2

<sup>24</sup> Climate Change as a Security Risk, German Advisory Council of Global Change (WBGU), Earthscan, London & Sterling, VA, 2008, [http://www.wbgu.de/wbgu\\_jg2007\\_engl.pdf](http://www.wbgu.de/wbgu_jg2007_engl.pdf)

<sup>25</sup> quoted in Biermann, F. and Boas, I., Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees, Global Governance Working Paper N°33 – November 2007, p. 21, <http://www.glogov.org/images/doc/WP33.pdf>

43. A significant number of scholars and policy-makers consider those forced to migrate as a result of environmental change as “refugees” and advocate for the expansion of the definition of a refugee in the 1951 Refugee Convention in order to include them. Others call for the adoption of new instruments to provide them with protection similar to that provided for refugees. Their opponents maintain that the existing concepts and legal-normative frameworks are sufficient and caution against undermining the current international protection regimes. Yet another group maintains that any notion of the existence of ‘environmental refugees’ and their need for refugee-like protection is at best exaggerated and at worst politically motivated and dangerous, likely to play into the hands of those – governments – who wish to classify all as economic migrants and thereby avoid their obligation to provide refugee protection.

44. The debate today recalls much the fierce arguments twenty years ago over the existence, definition and need for protection of internally displaced persons. Similarly in today’s context, there were those at the time who vehemently opposed the “creation” of this category of people because they considered that it would provide an excuse for governments to contain these persons in their own country<sup>26</sup>. Yet the subsequent success and adoption of the UN Guiding Principles on Internal Displacement shows that bringing issues to the surface and giving them a name may serve a good purpose.

45. To this end, your rapporteur welcomes the recent discussions held within the informal UN humanitarian Inter-Agency Standing Committee (IASC) Working Group as well as the recently founded Climate Change, Environment and Migration Alliance (CCEMA)<sup>27</sup> with a view to defining a shared understanding about the main areas of concern and proposing appropriate typology and terminology on migration and displacement induced by environmental changes.

46. Your rapporteur considers that the Council of Europe should contribute to this debate by:

- aspiring to find a best possible solution for the protection of rights of all individuals
  - affected by any form of environmental degradation and natural and man-made disasters,
  - who are either choosing or being forced to quit their own natural habitat,
  - who are moving either internally or across international borders
  - who may or may not be able to return to their places of origin
- striving to cover protection needs at all stages of movement, i.e. in areas of origin, transit and destination, and for any length of time necessary
- upholding the currently existing provisions of international human rights law and normative framework and proposes new legislation where gaps are identified
- promoting, in addition to the highly necessary humanitarian action, climate change/environmental degradation adaptation (and risk reduction), mitigation and development as integral elements of the international response.

*i. Terminology challenges: Refugees? Displaced? Migrants?*

47. One may argue whether terminology matters to those in flight or in search for safer livelihood or shelter. Also, human migration rarely has a single cause, which complicates any classification or typology. In addition, there is always a risk of excluding someone and creating more gaps with new labels and categories. Nevertheless, from legal protection and policy setting perspectives, without at least an agreed working or descriptive definition, targeted levels of protection are impossible to achieve.

48. Whether people displaced by environmental change impacts should be defined as “refugees”, “displaced” or “migrants” has serious implications for the obligations of the international community under international law. Hence the keen interest by different institutional groups to defend their respective mandates by having it reflected in relevant terminology.

<sup>26</sup> Stavropoulou, M., Drowned in definitions ?, Forced Migration Review, Issue 31, October 2008, p. 11

<sup>27</sup> The Climate Change, Environment and Migration Alliance (CCEMA) was established in April 2008 in Munich, Germany, by the United Nations University (UNU), the International Organization for Migration (IOM), the United Nations Environment Programme (UNEP) and the Munich Re Foundation (MRF). CCEMA is a multi-stakeholder global partnership bringing together key international organizations, groups of interested state parties, the private sector, the scientific and professional communities, and representatives of civil society. Its main objective is to mainstream environmental and climate change considerations into migration management policies and practices, and to bring migration issues into global environmental and climate change discourse.

49. The current terminology debate is flavoured by two dominant groups - the international humanitarian agencies on one side and development/migration management agencies on the other – being led by their respective institutional concerns. The fear for the humanitarian agencies is the potential dilution or overlapping of emerging new concepts with existing categories they are mandated to protect; the concern of the development agencies is arriving at as broad and as comprehensive an approach as possible. Both are supported by considerable numbers of scholars, researchers, civil society groups and other actors. In addition, various other solutions are proposed by researchers in the field.

a. *Environmental/climate refugees*

50. The term “climate refugee” was coined before internally displaced persons (IDPs) were recognised as a group with rights to protection and assistance. With the increasing public awareness on issues related to climate change and global warming, both “climate refugee” and “environmental refugee” are widely used in public discourse. Campaigners use the term to convey added urgency to the issue. They argue that such people need to “seek refuge” from the impacts of climate change, and that “environmental migrant” emphasises the “pull” factor of the destination over the “push” of the source country and carries negative connotation, especially after the 2001 terrorist attacks.

51. Based on this logic, there have been several attempts to promote the idea of a need for the creation of a new category of refugees who have to move because of environmental factors, the most well-known definitions having been presented by El Hinnawi in 1985<sup>28</sup>, Myers in 1993<sup>29</sup> and Crisp in 2006<sup>30</sup>. However, the appropriateness of the term “environmental refugee” is much disputed. It is also rejected by key international agencies dealing with migration and protection issues. UNHCR, IOM and more recently the UN-IASC Working Group have spoken out against the use of this term. This for many reasons:

52. First, they consider the term inaccurate under international law. The UN 1951 Convention and 1967 Protocol Relating to the Status of Refugees (known as the Geneva Refugee Convention) have a number of criteria to define the status of a refugee. Only persons with a well-founded fear of persecution due to their race, religion, nationality, membership of a particular social group or political opinion, are considered to be “refugees” and are granted the rights that belong to this status. In the context of environmental refugees, the fear of persecution is difficult to define.

53. Second, the term “refugee” implies a cross-border movement, while most environmentally induced migration happens so far mostly within national borders. Thus restricting the definition to those who cross international borders may seriously understate the extent of the problem.

54. Third, the concept of a “refugee” tends to imply the universal right of return once the persecution that triggered the original flight has ceased. This may be impossible under certain conditions of environmental changes, e.g. in the case of “disappearing” small island states because of rising sea level.

55. Fourth, the UNHCR is concerned that expanding the current definition of “refugee” would possibly lead to an erosion of the currently valid international refugee protection regime. According to them, a modification of the refugee definition may have as a consequence a renegotiation of the 1951 Geneva Refugee Convention, which, in the current political environment, may lead to a lowering of protection standards for refugees under the present definition.

56. Finally, here is a different moral and possibly legal responsibility involved. Whereas political and war refugees are victims of their home state or of a regionalised conflict, with no direct responsibility for their plight with the countries that eventually offer refuge, the moral responsibility for climate change is different.

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<sup>28</sup> El-Hinnawi defined environmental refugees as: “those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) and jeopardized their existence and/or seriously affected the quality of their life”. By “environmental disruption” in this definition is meant any physical, chemical, and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently unsuitable to support human life.

<sup>29</sup> Myers defined environmental refugees as: “people who can no longer gain a secure livelihood in their erstwhile homelands because of drought, soil erosion, desertification, and other environmental problems. In their desperation, they feel they have no alternative but to seek sanctuary elsewhere, however hazardous the attempt. Not all of them have fled their countries; many are internally displaced. But all have abandoned their homelands on a semi-permanent if not permanent basis, having little hope of a foreseeable return”.

<sup>30</sup> Crisp (UNHCR) defined environmental refugees as “people who are displaced from or who feel obliged to leave their usual place of residence, because their lives, livelihoods and welfare have been placed at serious risk as a result of adverse environmental, ecological or climatic processes and events.”

As almost all people moving as a result of the effects of climate change are likely to come from countries that are least responsible for climate change and least able to finance and implement adaptation programmes, many developed countries in Europe and North America fear that accepting the term refugee would compel them to offer the same protection as political refugees; a precedent that no country has yet been willing to set. Meanwhile, the international institutions currently charged with providing for refugees, principally the UNHCR, are already overstretched and are unable to cope with their current “stock” of refugees. The UNHCR itself is taking on an expanded role in the provision of care to IDPs and so is resistant to any further expansion of its mandate<sup>31</sup>.

57. The advocates of “climate/environmental refugees”, on the other hand, argue that as there is no set definition for the term “persecution” in the 1951 Convention, there is place for evolution. Nevertheless, there is an increasing consensus among international actors that the 1951 Geneva Refugee Convention should not be touched. During an international congress in October 2008 on this issue<sup>32</sup>, no one proposed (any longer) to expand the current definition of ‘refugee’ under the 1951 Geneva Refugee Convention<sup>33</sup>.

58. There are however two contexts in which the notion of “environmental/climate refugee” is or could potentially be accepted: in regional instruments and in extension of environmental treaties.

59. First, in certain regional instruments the refugee definition has been broadened to encompass other people who have fled events that pose a serious threat to their life and liberty. For instance, the 1969 Organisation of African Unity (OAU) Convention Governing Refugee Problems in Africa states that refugees are also persons who are compelled to flee owing to events seriously disturbing public order, which could be reasonably understood to include situations related to environmental disasters, in particular, if these lead to a collapse of public order<sup>34</sup>. The 1994 Arab States Refugee Convention accepted ‘natural disasters or devastating incidents’ as a cause of refugees.

60. Second, Biermann and Boas, supported by the Global Governance Project of eleven European research institutions<sup>35</sup>, argue for extending the notion of “refugee” through a *sui generis* regime specifically tailored for climate refugees, which would offer the latter exactly the same type of protection but not by subjecting this protection to the 1951 Geneva Convention. The *sui generis* regime would build on a set of five core principles: planned re-location and resettlement; resettlement instead of temporary asylum; collective rights for local populations; international assistance for domestic measures; and international burden sharing.

#### b. *Environmental displacement*

61. Most environmental migrants (will) differ from the refugees for an important reason: they move inside the country. Therefore the majority of humanitarian agencies prefer to refer to “displacement” when talking about human mobility caused by natural or man-made disasters, and regard the affected persons as falling within the category of internally displaced persons (IDPs) protected by the 1998 United Nations Guiding Principles on Internal Displacement and the 2006 Operational Guidelines on Human Rights Protection in Situations of Natural Disasters.

62. Indeed, according to the descriptive definition in the Guiding Principles, “internally displaced persons” are “[...] persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”<sup>36</sup>.

63. The inclusion of disasters is recognition that persons displaced by environmental disasters also have protection needs requiring international attention.

<sup>31</sup> Brown, O., Migration and Climate Change, International Organisation for Migration, IOM Migration Research Series, N°31, Geneva, 2008, p. 14

<sup>32</sup> International Conference on Environment, Forced Migration and Social Vulnerability (EFMSV), held in Bonn, Germany, from 9 – 11 October 2008

<sup>33</sup> Wijnberg, H, Environmental Refugees, where to go?, 13 the International Metropolis Conference Workshop: Environment and Forced Migration: Policy Relevant Research Approach, 28 October, Bonn, Germany

<sup>34</sup> Scheske, G. (UNHCR Strasbourg), intervention at the PACE Committee on Migration, Refugees and Population hearing on environmental refugees, Paris, 20 May 2008

<sup>35</sup> Biermann, F. and Boas, I., *Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees*, Global Governance Working Paper N°33 – November 20 07, p. 21,

<http://www.glogov.org/images/doc/WP33.pdf>

<sup>36</sup> Guiding Principles online at [www.brookings.edu/projects/idp/gp\\_page.aspx](http://www.brookings.edu/projects/idp/gp_page.aspx)

64. However, the term “environmental displacement/environmentally displaced” as currently applied has two major flaws. First, it only implies internal movement, leaving those fleeing same disasters by crossing international borders without similar protection. Second, the IDP definition only refers to “natural and human-made disasters”, implying sudden effects similar to conflict or generalised violence contexts. However, it is not clear whether those who move due to more gradual environmental degradation are covered by the Guiding Principles. The latter group is estimated to cause more population movement overall in the future than disasters.

65. In your rapporteur’s view the concerns of those who do not favour a displacement based concept could be overcome by ensuring that separate displaced categories are added and by including the victims of both gradual environmental degradation and cross-border movement within the descriptive and non-exhaustive definition of the Guiding Principles.

c. *Environmentally induced migration*

66. The International Organization for Migration (IOM) has proposed a working definition of “environmentally induced migration/ environmental migrants” to encompass people who move as a result of natural or man-made disasters as well as those who migrate because of deteriorating environmental conditions.

67. According to this definition, environmental migrants are “*persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions are obliged to leave their homes or choose to do so, either temporarily or permanently, and who move either within their country or abroad*”.

68. This definition is inclusive of all persons who have an environmental factor as the major cause of migration and acknowledges that environmentally induced migration can be: internal as well as international; short-term or long-term phenomenon, due to sudden or gradual environmental change without ignoring other intervening political, economic and social factors.<sup>37</sup>

69. Several international humanitarian agencies, including the UNHCR, have opposed this definition, arguing that the definition is both overly broad to be of any use, and also potentially overlaps with existing well-defined terms such as “refugee” and “internally displaced persons”<sup>38</sup>.

70. Similarly, in a letter addressed to your rapporteur on 30 October 2008, the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons Mr Walter Kälin, drew attention to the fact that “international legal terminology reserves the term “migrant” to persons who go abroad”. The letter further argues that “this understanding is not only enshrined in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but is also implicit in the definition of “migrant worker” in the European Convention on the Legal Status of Migrant Workers (ETS No. 093)” and that the notion of internal displacement “would also retain the psychological advantage of not suggesting that persons displaced within their own country should somehow be equated with “migrants” who, as foreigners, do not enjoy the same rights as the local population”.

71. While your rapporteur fully understands the concerns of both UNHCR and Mr Kälin, she also hears those who underline that there is no universally accepted definition of “migrant”. And that those who stick to the term “migration” also have defined categories of “international migration” and “internal migration” in their constitution.

72. The terminology problem and the existing gaps have been discussed by the IASC Informal Group on Migration, Displacement and Climate Change. There was a discussion on whether to differentiate between “environmental migration/migrants” as signifying voluntary movement and “environmental displacement/environmentally displaced” as that of forced movement. However, no consensus was achieved on this issue.

73. There are thus two significant debates currently on the table around the definition of “environmental migrant”:

- should it only refer to cross-border movement or also include internal movement, and

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<sup>37</sup> Discussion Note on Migration and the Environment, IOM, 2008, MC/INF/288

<sup>38</sup> UNHCR comments to the previous draft of this report, compiled by Mr J. Riera



- should it be reduced only to voluntary movement or include both voluntary and forced – plus everything in between.

74. As regards the first debate, the discussion surpasses the scope of the environmentally induced migration issue as it concerns the (lack of) definition of migration in general. The IOM points out that the essence of migration is a population movement and such movement can take place both within and across international borders. Its constitution refers to “international migration” (as do most of the international instruments) on the understanding that what happens inside the country is usually not the focus of international co-operation but a prerogative of the country concerned to deal with. The very fact that the reference is made to “international migration” implies that there may be other types of migration and the notion of migration in general may be broader. Terms such as “internal migration”, “rural-to-urban migration” and “rural-to-rural migration” are widely used, in particular by UN-HABITAT, UNFPA, UNECE<sup>39</sup> and academia.

75. Based on this approach, the term “migrant” is difficult to be limited to the category of international migrants only. Likewise, while those involved in the migration process are often considered to be aliens or foreigners within the territory of a host state, this is not necessarily the case with internal migration or return migration. Attempting to understand persons involved in migration through the prism of nationality alone would overlook the fundamental element of migration, i.e. its dynamic characteristic.

76. The second contentious issue is also closely linked to the focus of different stakeholders on their mandates. Many humanitarian agencies concentrating on one aspect of human movement (i.e. forced movement) prefer to separate the concepts of forced and voluntary movement. The development agencies as well as agencies working on broader population issues, on the other hand, argue that environmental migration covers a whole continuum of movement from voluntary to forced. They agree that there are some clear cases of forced environmental migration; in practice, however, most people will be in situations where it would be hard to determine whether their movement was forced or not. Therefore attempting a clear-cut classification of environmentally induced movements as voluntary or forced, may lead to a situation where the majority of the affected will fall somewhere in-between. To ensure inclusiveness, the definition of “environmental migrant” covers the full range of human mobility caused by environmental factors.

77. Another important point is that, while the majority of environmental migrants will be internal, it is not certain whether the majority of these future migrants will be forced (or displaced). The difficulty of distinguishing between forced and voluntary movement applies not only to cross-border but also to internal movements. Environmentally induced internal migration (including voluntary) is very important for instance in the context of the discussions on urbanisation. Therefore, the discourse on internal movements linked to the environmental factors should not be limited to IDPs.

78. That being said, from her own institutional perspective, your rapporteur sees the advantage of using the IOM or a similar broad-spectrum definition. This working definition is inclusive, sufficiently robust and flexible enough to allow a differentiated discussion about environmental change and human mobility, while also being pragmatic and allowing space to take action immediately. The terms “voluntary” and “forced” may be used as sub-categories of migration; however, any new segmentation into “voluntary” (migration) and “forced” (migration) movements is artificial and would only create a need for further categorisation of “semi-voluntary” and “semi-forced” migrants and displaced.

## ii. *Applicability of the existing protection framework*

79. There exists a large body of well-established international, regional and national legal instruments, covenants and norms to protect the rights of people forcibly displaced by conflict, persecution, natural disasters and development projects. Unfortunately, a similar framework to protect the rights of people forced

<sup>39</sup> The UNECE defines “internal migrants” as “persons who are usually resident in a particular geographical area and who have previously been resident in another geographical area in the country. In operational terms the geographical area is identified as the smallest civil division.// Internal migrants are, therefore, defined as those who are usually resident in a civil division at the time of the census and who have previously been resident in another civil division within the country, where the civil division is identified at the smallest civil level. In order to provide relevant information on internal migrants, a detailed classification should distinguish local, intraregional or inter-regional moves. Movements within smallest civil divisions should be considered as residential mobility, not as internal migrations.// Persons who are international immigrants – who, regardless of country of birth or citizenship, have at some point in their lives been usually resident in another country – may also be counted as internal migrants if, in addition to their international move, they also moved internally and they were resident elsewhere in the country prior to the census” - UNECE\_CES\_Recommendations for the 2010 Censuses of Population and Housing\_2006, paragraphs 371-372

to move because of environmental change does not exist. Several existing legal and normative instruments can nevertheless be applied in the case of migration for environmental reasons.

80. First, in the context of international cross-border movement, international human rights law applies in general. The 1948 Universal Declaration of Human Rights protects freedom of movement and other social, cultural and economic rights which can be enjoyed under international human rights law and international humanitarian law but which might be threatened when people are forced to migrate by climate-induced environmental degradation.

81. In cases of severe environmental degradation and sudden disasters, the human rights principle of *non-refoulement* may apply. When there is a risk of certain ill treatment, people are protected against return. This principle is clearly established under Articles 2 and 3 of the European Convention of Human Rights and Fundamental Freedoms and its case law, as well as in Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the Convention Against Torture. The *non-refoulement* protection may be relevant in situations of environmental change-induced forced migration, notably if persons are fleeing conflict situations with an environmental element (e.g. conflict over scarcity of resources)<sup>40</sup>.

82. Although the case may be weak for extending the 1951 Convention and 1967 Protocol to include so-called "environmental refugees", they may nevertheless qualify as refugees in the legal sense in cases of "environmental persecution"<sup>41</sup>, i.e. if their own governments are intentionally destroying their environment, are discriminating against them in the provision of assistance and/or are using the consequences of the disaster in ways that amount to persecution for one or more of the reasons of the 1951 Refugee convention. The environmental degradation or disaster cannot be considered as a persecution ground, but it could be considered as a form of persecution<sup>42</sup>.

83. There are also various 'subsidiary' norms and instruments which afford different forms of human rights protection for migrant groups either directly or indirectly, e.g. the 1966 Covenant on Economic, Social and Cultural Rights and the 1996 International Convention on Civil and Political Rights, as well as a range of international conventions dealing with specific social groups, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and members of their Family, the 1989 Convention on the Rights of the Child, the 1981 Convention on the Elimination of All Forms of Discrimination against Women and the 1991 ILO Convention on the Rights of Indigenous People<sup>43</sup>.

84. Given that statelessness is a danger for citizens of small island states, which will be submerged by rising sea levels, their protection is a critical challenge under the 1954 UN Convention Relating to the Status of Stateless Persons, the 1961 UN Convention on the Reduction of Statelessness and the protection mandate of UNHCR for stateless people<sup>44</sup>.

85. Second, many of the environmental migrants are likely to be internally displaced. Disaster displacement is recognised in the 1998 United Nations Guiding Principles on Internal Displacement and the 2006 IASC Operational Guidelines on Human Rights Protection in Situations of Natural Disasters.

86. The Guiding Principles provide a unique normative framework for developing assistance and protection response strategies. They have become a practical tool identifying the rights and guarantees relevant to the protection and assistance of IDPs in all phases of displacement regardless of the cause. It is a synthesis, drawing out relevant parts of human rights law, refugee law by analogy and international humanitarian law. Arguably, the principles should be considered legally binding to the extent that they reflect existing, binding international law. This approach has been considered an innovation in international normative development<sup>45</sup>.

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<sup>40</sup> Kolmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.28

<sup>41</sup> "Environmental persecution" has been defined as occurring "when governments knowingly induce environmental degradation and that degradation harms people by forcing them to migrate". - Cooper, J., Environmental Refugees: Meeting the Requirements of the Refugee Definition", 6 N.Y.U. 4nv-l. L.J. 483 1997-1998, quoted in Kollmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.27

<sup>42</sup> Kolmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.31

<sup>43</sup> Zetter, R., Legal and normative frameworks, Forced Migration Review, Issue 31, October 2008, p.63

<sup>44</sup> Idem.

<sup>45</sup> Kolmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.29

87. Third, as mentioned above, regional instruments such as the 1969 Organisation of African Unity (OAU) Convention Governing Refugee Problems in Africa<sup>46</sup>; the 1984 Cartagena Declaration on Refugees, and the 1994 Arab States Refugee States Convention provide certain protection to refugees – victims of environmental disasters, in particular if these lead to a collapse of public order.

88. In Europe, the European Convention of Human Rights and Fundamental Freedoms, its additional Protocols and case-law offer the strongest protection mechanism for the protection of environmentally induced migrants, both for those moving within the zone of Council of Europe member states as well as those cross-border environmental migrants arriving in Europe from other regions. Although the case law of the European Court of Human Rights has not so far dealt directly with the protection of environmental migrants, in two recent judgments (*Öneryildiz vs. Turkey*<sup>47</sup> and *Budayeva vs. Russia*<sup>48</sup>), the Court has made it clear that a state becomes liable for failure to protect life if deaths have occurred because of the authorities' neglect of their duty to take preventive measures when a natural hazard had been clearly identifiable and effective means to mitigate the risk were available to them.

89. Although not explicitly recognised, in certain cases environmental migrants could probably trigger temporary protection according to the 2001 EU Council Temporary Protection Directive<sup>49</sup> and 2004 EU Council Qualification Directive<sup>50</sup>, subject to the positive majority decision by the Council that a natural disaster calls for invoking these mechanisms.

90. Fourth, at national level, only Sweden and Finland so far grant subsidiary protection on the grounds of natural disasters. The Swedish Aliens Law (Chapter 4 Section 2) includes a person who "is unable to return to the country of origin because of an environmental disaster" in the category "person otherwise in need of protection". Similarly, the Finnish Aliens Act Section 88 grants persons who cannot return "because of an armed conflict or environmental disaster" protection and issue them with residence permits.

### *iii. Gaps in existing protection frameworks*

91. The IASC Working Group has recently identified three major potential legal and operational gaps<sup>51</sup>:

- Those moving across international borders as a result of hazard events (and subsequent designation of prohibited areas) are protected by international human rights law, which however, does not entitle them to admission and stay in another country. They are not automatically protected by the 1951 refugee convention, unless they meet established criteria. In some cases they might be in need of protection and assistance temporarily, pending return.
- There is a lack of criteria to distinguish between voluntary [migration] and forced [displacement] movements in hazard related disaster settings
- Should a state lose its entire territory, one of the constituent elements of statehood, it is not clear whether its statehood would continue to be recognised by the international community. There is a risk that its population would be rendered stateless. Specific arrangements will need to be forged which permit for their movement elsewhere and prevent statelessness.

<sup>46</sup> The 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa expands the definition to include persons who were compelled to leave their country not only as a result of persecution, but also « owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality ».

<sup>47</sup> EctHR, *Öneryildiz v. Turkey* Application 48939/99, judgment of 30 November 2004

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=708579&portal=hbkm&source=externalbydocnumb er&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>48</sup> EctHR, *Budayeva and others v. Russia*, Applications nos 15339/02, 21166/02, 20058/02 and 15343/02, judgment of 20 March 2008

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=830135&portal=hbkm&source=externalbydocnumb er&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>49</sup> EU Council Directive 2001/55/3C of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

<sup>50</sup> EU Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals of stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

<sup>51</sup> IASC, *Climate Change, Migration and Displacement : Who will be affected ?*, Working paper submitted by the Informal Group on Migration/Displacement and Climate Change to the IASC Working Group

92. Regarding the first concern, not only that cross-border environmental migrants would not qualify as refugees who are entitled to international protection within the existing international refugee framework, they would not be necessarily classified as labour migrants either. While benefiting from the applicability of human rights norms, their status remains unclear. At the same time states have no specific obligations with regard to the treatment of environmental migrants, and until now there is no international legal document which can oblige rendering international assistance to environmentally displaced persons when their state cannot afford such protection.

93. Regarding the second concern, indeed environmentally induced migration covers the whole continuum of movement from voluntary to forced. What is lacking in today's IDP-humanitarian normative framework, covered by the Guiding Principles, is a protection framework of a whole significant segment of persons migrating across international borders or because of gradual environmental degradation. Many face challenges and have needs similar to conflict-induced displaced persons; however, protection and assistance will largely depend on whether or not the international organisations include them in their mandates (so-called operational protection gaps<sup>52</sup>).

94. Regarding the third, several difficult questions arise concerning the rights of the affected population and who would be responsible for protecting them. Not only in the case of "disappearing" small island states but many of those displaced by the consequences of climate change may never be able to return home because their places of origin have been destroyed or inundated<sup>53</sup>. A serious issue of concern is who will accept these forced migrants when they can no longer live in their own countries. New approaches to durable solutions will be needed.

95. It is also noteworthy that there are gaps in environmental law: neither the UN Framework Convention on Climate Change, nor its Kyoto Protocol includes any provisions concerning specific assistance or protection for those who will be directly affected by the effects of climate change.

96. Your rapporteur joins the IASC Working Group's call on the need for significant further research and analysis regarding the scale, nature and patterns of climate related population mobility, and regarding those who do not and cannot move. Also existing law and protection possibilities should be further investigated in order to determine how best to remedy the already identified and potentially other protection gaps. Furthermore, the extent people displaced by environmental factors are subject to violations of basic human rights in the way that refugees and IDPs are, should be further explored.

97. Finally, current protection frameworks suffer from a significant implementation gap, in most cases because of lack of capacity and in some cases because of lack of political will. How to plug this implementation gap remains an important debate to resolve<sup>54</sup>.

*iv. Need for new legislation?*

98. The various identified gaps indicate a need for new protection frameworks. Two areas imperatively call for additional legal measures:

- the potential statelessness in the "disappearing states" scenario; and
- the need for a prohibition of deportation of people from countries hit by a natural disaster or from areas known to have suffered severe environmental degradation or not providing environmentally safe livelihood, who are not refugees under the 1951 Convention yet should not be returned for humanitarian reasons. This need could be met, for instance, by granting humanitarian protection or another protected status.

99. Whether the international community is ready for more, remains to be seen: negotiating a convention is time-consuming; significant consensus around a convention that ultimately concerns an issue of state sovereignty is not evident; even binding conventions sometimes have little impact because of lacking enforcement mechanisms; whereas the Guiding Principles are increasingly being incorporated into national laws and policies, despite their non-binding character.

100. On the other hand, the accumulative effects of climate change, increased incidence of natural disasters, rising food and energy prices as well as the global financial crisis on most vulnerable states and

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<sup>52</sup> Kolmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.32

<sup>53</sup> Koser, K., Gaps in IDP protection, Forced Migration Review, Issue 31, October 2008, op.17

<sup>54</sup> Idem.

regions may turn the scale for adopting new legal protection instruments. In a recent policy document<sup>55</sup>, the UNHCR states that “[...] additional tools, standards or agreements will be needed if the basic principles found in the international human rights instruments are to be translated into tangible forms of protection and support for the populations concerned”.

101. Various forms of binding or non-binding protection mechanisms could be envisaged as climate and environment-induced migratory processes increase.

102. One way to address the protection gap could be to draft and adopt a completely new and separate international convention. This could draw upon environmental law as well as on human rights and refugee law. Weaknesses that need to be overcome in the environmental branch of international law relate to enforcement, and the difficulties in establishing liability, making protection based on responsibility difficult<sup>56</sup>.

103. Another option could be to extend the descriptive definition the Guiding Principles on Internal Displacement to include persons displaced by slow-onset environmental disasters, while in parallel creating a similar synthesis of existing international law on External Displacement in the form of principles.

104. Alternatively, the idea of negotiating a binding convention on internal (and possibly external) displacement may be worth revisiting. The scheduled adoption in spring 2009 of the new draft Organisation for African Union (OAU) Protocol for the Protection and Assistance of Internally Displaced Persons in Africa, a first legally binding instrument for the protection of internally displaced persons in the world, may signal a new horizon for that. Not only would the OAU convention be binding upon signatories but it also increases the scope of the protection found in the Guiding Principles (e.g. to include persons displaced as a result of a lack of development) and provides the OAU with the right to intervene in member states in order to protect displaced persons<sup>57</sup>.

105. Yet another legally binding alternative has been proposed by Biermann and Boas who oppose the idea of independent international convention as requiring too lengthy a negotiation process to answer the urgency to act today. They propose an alternative new legal instrument specifically tailored to the needs of climate refugees – a Protocol on Recognition, Protection and Resettlement of Climate Refugees to the United Nations Framework Convention on Climate Change (UNRCCC) – as well as a separate funding mechanism, the Climate Refugee Protection and Resettlement Fund, and a network of “implementing agencies” under the authority of the meeting of the parties to the new Protocol<sup>58</sup>. They also maintain that the new legal instrument would require some terminological adjustment within the UNHCR regime, but is legally and practically unproblematic as it would not touch the 1951 Geneva Convention definition. The Protocol could also theoretically be incorporated into a broader adaptation protocol as long as key elements of its principles and financial support were preserved.

106. Needless to say, in all those proposed cases, much more research would be needed before any concrete measures could be delivered. The international community has yet to have to hold a meaningful debate on what kind of instruments are needed to face new challenges. However, the point of departure for any of these solutions should be the same, i.e. that all individuals who are clearly forced to move by environmental degradation processes, even if mixed with other socio-economic factors, should be protected adequately by an international mechanism that would afford them certain rights.

#### v. *The "guardians" of environmental migrants*

107. There is no common position as yet within the international community as to who is actually going to handle this issue at the level of protection and assistance, standard setting or adaptation and development. Nevertheless, the question is being raised whether the current architecture of humanitarian action is adequate, or whether new institutions, new coalitions and new partnerships are needed. These questions understandably need to be collectively reflected on.

108. As regards the humanitarian dimension, the UN institutions indisputably have a leading role to play. In the framework of the so-called humanitarian reform, the UN has engaged in strengthening the protection of

<sup>55</sup> UNHCR, Climate change, natural disasters and human displacement: a UNHCR perspective, 23 October 2009

<sup>56</sup> Kolmannskog, V.O., Future floods of refugees: a comment on climate change, conflict and forced migration, Norwegian Refugee Council, 2008, p.31

<sup>57</sup> Koser, K., Gaps in IDP protection, Forced Migration Review, Issue 31, October 2008, op.17

<sup>58</sup> for detailed reading, see Biermann, F. and Boas, I., *Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees*, Global Governance Working Paper N°33 – November 2007, p. 21, <http://www.glogov.org/images/doc/WP33.pdf>

IDPs through a “cluster approach”<sup>59</sup>. The cluster approach is regarded as having improved division of labour, filled gaps and strengthened the protection of IDPs in many emergencies. Strengthening the cluster approach may be one way to improve the institutional response mechanisms to environmentally induced migration.

109. There is however still not one mandated agency for the protection of and assistance to IDPs, even if UNHCR now has a special role and accountability as protection cluster lead on IDPs from conflict. “This challenge remains enormous and more must be done, through UNHCR’s protection cluster leadership, to ensure a more predictable, accountable and effective protection response in natural disaster context”<sup>60</sup>.

110. Where it comes to standard-setting and notably “decision-making related to the questions of protection of populations forced to move due to the impacts of environmental degradation and disruptions”<sup>61</sup>, the informal Inter-Agency Standing Committee is undeniably the most competent body, whose role and status merit to be reinforced and extended.

111. Your rapporteur nevertheless believes that the international response to the challenges of environmental migration should go beyond the humanitarian action and therefore equally welcomes the recent establishment of the Environment, Climate Change and Migration Alliance, the aim of which is to serve as a focal point and platform for future policy and science exchange. In the long run, however, she would see the benefits of an effective co-ordination structure to be established that would pull various international agencies and stakeholders together, including the currently existing co-ordination structures. To this end, a Co-ordinating Commission for Environmental Migration could be created with a mission to co-ordinate the work of international organisations that focus on different aspects of the problem of environmentally induced human mobility, including through risk reduction, humanitarian response, adaptation and development.

#### **IV. Ways forward for Europe**

112. Industrialised countries, including most Council of Europe member states, have higher capacities to adapt, which makes climate-induced migration for these countries either less likely or less problematic. Likewise, most of the environmental migrants and displaced persons in the world today and in the near future do not or cannot arrive at European borders.

113. However, it is evident that the costs of prevention are immensely lower than those of mitigation, and that the industrialised and capital/resource-rich world has to take the largest part of the burden of responsibility: it is the acknowledged major cause of climate change and it has the technology and the resources to respond. European countries, alongside the United States, will therefore have the leading responsibility not only in intensifying measures to cut down on their greenhouse gas emissions to meet the Millennium Goals but also in moving towards greater disaster risk reduction measures, including prevention, vulnerability analysis, early warning and preparedness.

114. In order to prevent a potential increase in security risks caused by environmentally induced migration, there is a need for elaborating both strategies directed at the causes of environmentally induced migration, and measures for managing it where it is unavoidable. More international co-operation is needed in strengthening the adaptive capacities of communities at risk from climate change impacts.

115. At European level, the key determinant for the successful management of environmentally induced migration will be the elaboration of a comprehensive immigration policy strategy, together with encouraging more liberal economic and trade policies vis-à-vis third world countries. This strategy should anticipate the migratory flows, offer adequate protection to the victims of climate disruptions, provide instruments for

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<sup>59</sup> The “cluster approach” is a method designed by the UN within its humanitarian reform, aimed at addressing gaps and strengthening the effectiveness of humanitarian response through building partnerships among the UN agencies, other organizations and NGOs at different levels (headquarters, regional, country and operational). It replaces the earlier “collaborative approach”, which was criticised for its ineffectiveness. According to the cluster approach, individual agencies are designated as ‘sector leaders’ to coordinate operations in specific areas to try to plug identified gaps. At the global level, the approach is meant to build up capacity in eleven key ‘gap’ areas by developing better surge capacity, ensuring consistent access to appropriately trained technical expertise and enhanced material stockpiles, and securing the increased engagement of all relevant humanitarian partners. *Source: Wikipedia*

<sup>60</sup> Holmes, J., The relevance of the Guiding Principles when addressing internal displacement caused by natural disasters and climate change, Keynote presentation at a Conference “Ten Years of Guiding Principles on Internal Displacement”, Oslo 16 October 2008, p.6

<sup>61</sup> OCHA position on climate change, migration and displacement, 29 October 2008

compensation for the harm suffered by these displaced persons (social, economic, cultural), and encourage raising awareness and sensitivity of the populations and of the authorities concerning these issues.

116. An appropriate system of funding, at European-level, should be created for the compensation of the displaced persons and supporting development and migration management projects.

117. Migration policy should be better integrated into the national development agendas as well as the development co-operation. Development co-operation can help vulnerable communities living in absolute poverty to mitigate the impacts of environmental degradation and climate change and to reduce their vulnerability to the effects of such phenomena. However, development strategies must in the future also pay more heed to the sustainability of development plans in light of foreseeable climate impacts at local level. For example, the agricultural development of a region likely to be strongly affected by drought in the future should be re-evaluated.

118. In terms of legal status and protection of environmentally induced migrants, European states could support the idea of elaboration of a new international convention, which would provide internationally assured protection to people displaced because of environmental degradation and or climate change, as well as of inclusion of these provisions in other existing international legal instruments.

119. Nevertheless, as the above is likely to be a lengthy process, Europe should assume a pioneering role in standard setting in the field of legal protection of victims of environmental displacement and develop its own provisions to protect and assist environmental migrants through regional protection programmes. Existing EU and Council of Europe instruments serve as a good reference point here.

120. In the Council of Europe context, member states should be continued to be encouraged to continue to adopt the Guiding Principles on Internal Displacement as well as the Committee of Ministers Rec (2006)6 into national legislation. The Finnish and Swedish national legislation and case-law granting subsidiary protection on the grounds of natural disasters should also be looked into to see whether it could serve as best-practice for national protection mechanisms.

121. With regard to enhancing the human rights protection mechanisms vis-à-vis the challenges of climate change and environmental degradation processes, a *separate Protocol to the European Convention of Human Rights on the right to a healthy and safe environment* could be added.

122. In addition, a comprehensive legal study on the gaps in existing international law and normative regulations could be undertaken with a view to an eventual elaboration of a *European Framework Convention for the Status and Rights of Environmental Migrants*.

123. A working group on the questions of the protection and accommodation of populations forced to move due to the impacts of environmental disruptions should be put in place by the Council of Europe in co-operation with the EU institutions.

124. In addition, broad-based co-operation should be established in areas of multi-disciplinary research, including climate science, geography, migration, development studies, social cohesion and health with a view to improved understanding and recognition of the links between the movement of people and environmental forces. Furthermore, multi-disciplinary initiatives of NGO's on public awareness raising and initiatives to incorporate solutions for environmentally-induced human migration in the development aid community need to be welcomed.

*Reporting committee:* Committee on Migration, Refugees and Population

*Reference to committee:* Doc. 11084, Reference No. 3297 of 22 January 2007, modified by Reference No. 3317 of 16 March 2007

*Draft recommendation and draft resolution* unanimously adopted by the committee on 11 December 2008

*Members of the committee:* Mrs Corien W.A. **Jonker** (chairperson), Mr Doug **Henderson** (1<sup>st</sup> vice-chairperson), Mr Pedro **Agramunt** (2<sup>nd</sup> vice-chairperson), Mr Alessandro Rossi (3<sup>rd</sup> vice-chairperson), Mrs Tina **Acketoft**, Mr Francis **Agius**, Mr Ioannis Baniias, Ms Donka Banović, Mr Márton Braun, Mr André Bugnon, Mr Mevlüt **Çavuşoğlu**, Mr Sergej Chelemendik, Mr Vannino Chiti, Mr Christopher Chope (alternate: Mr Bill **Etherington**), Mr Boriss Cilevičs, Mrs Minodora Cliveti, Mr Telmo Correia, Mrs Claire **Curtis-Thomas**, Mr Ivica Dačić, Mr Taulant Dedja, Mr Nikolaos Dendias, M. Arcadio **Díaz Tejera**, Mr Mitko **Dimitrov**, Mr Karl Donabauer, Mr Tuur Elzinga, Mr Valeriy Fedorov, Mr Oleksandr Feldman, Mme Doris Fiala, M. Bernard Fournier, Mr Paul Giacobbi, Mrs Gunn Karin Gjøl, Mrs Angelika Graf, Mr John Greenway (alternate: Mr Humfrey **Malins**), Mr Tony Gregory, Mr Andrzej Grzyb, Mr Michael **Hagberg**, Mrs Gultakin Hajiyeva, Mr Davit Harutyunyan (alternate: Mrs Hermine **Naghdalyan**), Mr Jürgen Herrmann, Mr Bernd Heynemann, Mr Jean Huss, Mr Ilie Ilaşcu, Mr Tadeusz **Iwiński**, Mr Mustafa **Jemiliev**, Mr Tomáš Jirsa, Mr Reijo Kallio, Mr Hakki Keskin, Mr Guiorgui Kandelaki (alternate: Mr David **Darchiashvili**), Mr Egidijus Klumbys, Mr Ruslan Kondratov, Mr Dimitrij Kovačič, Mr Andros Kyprianou, Mr Geert **Lambert**, Mr Younal Loutfi (alternate: Mrs Aneliya **Atanasova**), Mr Andrija Mandić, Mr Jean-Pierre Masseret (alternate: Mr Denis **Jacquat**), Mr Slavko Matić, Mrs Ana Catarina Mendonça, Mr Gebhard Negele, Mr Hryhoriy **Omelchenko**, Mr Morten Østergaard, Mr Alexey Ostrovsky, Mr Grigore Petrenco, Mr Cezar Florin Preda, Mr Milorad Pupovac, Mr Frédéric Reiss, Mrs Mailis **Reps**, M. Gonzalo Robles Orozco (alternate: Mr Gabino **Puche**), Mr Giacomo Santini, Mrs Michaela Sburny, Mr Samad Seyidov, Mr Steingrímur J. Sigfússon, Mrs Miet Smet, Mr Giacomo Stucchi, Mr Vilmos **Szabó**, Mr Tuğrul **Türkeş**, Mrs Özlem Türköne, Mr Michał Wojtczak, Mr Marco Zacchera, Mr Yury Zelenskiy, Mr Andrej Zernovski, Mr Jiří Zlatuška

N.B.: The names of the members who took part in the meeting are printed in **bold**.

*Secretariat of the committee:* Mr Lervik, Mr Neville, Mrs Odrats, Mr Ekström