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The challenges posed by climate change

Committee Opinion¹

Committee on Migration, Refugees and Population

Rapporteur: Mr Christopher CHOPE, United Kingdom, European Democrat Group

A. Conclusions of the committee

1. The Committee on Migration, Refugees and Population wishes to congratulate the rapporteur, Mr Prescott, United Kingdom, on his timely report ahead of the forthcoming United Nations Climate Change Conference in Copenhagen in December 2009, where states are expected to sign a new global agreement on climate change to succeed the Kyoto Protocol.
2. The report presents a thorough overview of the progress made to date towards the new agreement, and maps the negotiation positions of major groups as well as potential obstacles to concluding the new agreement. It draws attention to the remaining areas of disagreement in some key areas, such as the scale of collectively agreed greenhouse gas reductions, burden sharing in mitigation, length of next commitment periods or agreement on adaptations. It also underlines the need for unprecedented international co-operation in cutting CO₂ emissions.
3. The report focuses primarily on the challenges that the world faces in climate change mitigation. The Committee on Migration, Refugees and Population is of the opinion that the rapporteur could have elaborated more on the various positions that exist as regards immediate, medium- and long-term adaptation to the adverse effects of global warming and means of implementation of adaptation action, all this constituting part of the negotiated text. Furthermore, although the link between climate change and human rights is mentioned in the summary, there does not appear to be much expansion in the text of the report. On the adaptation side of the climate change debate, the recognition of human rights for all persons may become especially pertinent in the context of displacement and migration as a result of environmental degradation induced by global warming. This issue could have been expanded upon in the report as it is one of the key challenges (specifically a protection challenge), which global warming poses to the international community.
4. From its own perspective, the committee is anxious to see that the humanitarian and human rights impacts are adequately addressed both in the successor agreement to the Kyoto Protocol in Copenhagen, as well as in the activities of Council of Europe. With regard to the latter, it particularly welcomes that the draft recommendation presented by the Committee on the Environment, Agriculture and Local and Regional Affairs calls on the Committee of Ministers to explore the linkages between climate change and human rights in Europe.
5. The Committee on Migration, Refugees and Population regrets that neither the United Nations Framework Convention on Climate Change, nor its Kyoto Protocol include any provisions concerning specific assistance or protection of those who will be directly affected by the effects of global warming. It welcomes the recent inclusion of the recognition of migration among vulnerable communities in the current draft negotiating text.

1. See [Doc. 12002](#) tabled by the Committee on the Environment, Agriculture and Local and Regional Affairs.



6. The Copenhagen agreement presents an opportunity to shape the international response to the humanitarian consequences of global warming, including migration and displacement, over the next decade. With the right approach, which needs to build on a coherent policy between mitigation, adaptation, humanitarian response and development, many of these consequences could be averted or reduced. In this regard, while fully supporting the draft resolution and recommendation put forward by the Committee on the Environment, Agriculture and Local and Regional Affairs, the committee wishes to propose a few amendments – or rather additions – to emphasise the need to ensure that the humanitarian consequences are recognised and duly addressed by the member states of the Council of Europe in Copenhagen in December later this year.

B. Explanatory memorandum by Mr Chope, rapporteur

1. At the forthcoming meeting of the parties to the United Nations Framework Convention on Climate Change (COP-15) in Copenhagen in December 2009, states are expected to reach a new binding global agreement on climate change action. This agreement will replace the Kyoto Protocol which expires in 2012.

2. As long ago as 1990, the Intergovernmental Panel on Climate Change (IPCC) wrote that the gravest effects of climate change might be those on human migration.² In its report of 2007, the panel further substantiated these findings by providing indications that climate change will raise the risk of humanitarian emergencies, as a result of, *inter alia*, increasing intensity of natural hazards.³ However, the issue was only very recently introduced in climate change negotiations and agreements. The international community has focused primarily on the scientific aspects of climate change, with the aim of understanding the processes at play and mitigating the impact of human activity. This is also reflected in the report prepared by Mr Prescott on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs.

3. Yet global warming and subsequent environmental degradation are likely to pose serious humanitarian and human rights challenges as well as challenges in terms of human security, which should be the core concerns to the Council of Europe. In this context, the rapporteur recalls the Assembly's recent [Recommendation 1823 \(2008\)](#) on global warming and ecological disasters and [Resolution 1655 \(2009\)](#) on environmentally induced migration and displacement: a 21st century challenge. The latter emphasised that the movements of persons who are compelled to move as a consequence of natural disasters and other environmental events caused by global warming will be among the major challenges facing countries in the decades to come. It called for a better co-ordination at international level for working towards a common action plan that would include risk reduction, humanitarian response, adaptation and development. It also encouraged improved identification of the existing gaps in operational and normative protection of those forced to move because of environmental degradation.

4. The rapporteur is pleased to note that a certain breakthrough in this direction, albeit a modest one, has been achieved in the current process of negotiations of the post-Kyoto agreement. While the 1997-2012 Kyoto Protocol commitments focus primarily on climate change mitigation, the new draft negotiation text for Copenhagen addresses the consequences that can no longer be avoided, and the need for climate change adaptation.⁴ Several UN and non-UN aid agencies have been negotiating to include an established link between the effects of climate change and human mobility in the agreed outcome, including these as part of the adaptation activities.⁵ It is to be welcomed that the latest draft negotiating text⁶ makes a reference to migration (national and international) in the context of adaptation action. The humanitarian community requests that displacement should be explicitly mentioned along with migration, arguing that the majority of movements prompted by changes in climatic conditions and environmental degradation will occur within the borders of countries, and that people forced to move internally fall under a specific protection mechanism.

2. Kolmannskog, V "Towards a humanitarian climate change agreement", *Forced Migration Review* September 2009.

3. Climate change, migration, and displacement: impacts, vulnerability, and adaptation options, submission by IOM, UNHCR, UNU, NRC and the RSG on the HR and IDPs to the 5th Session of the Ad hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 5) in Bonn, 29 March-8 April 2009, 6 February 2009.

4. Kolmannskog, V "Towards a humanitarian climate change agreement", *Forced Migration Review* September 2009.

5. "Comments and Proposed Revisions to the Negotiating Text Prepared by the Chair of the UNFCCC Ad Hoc Working Group on Long-Term Cooperative Action", 5 June 2009, www.unfccc.int/resource/docs/2009/smsn/igo/055.pdf.

6. Available at www.unfccc.int/resource/docs/2009/awglca6/eng/inf01.pdf (as per July 2009).

5. In addition to a paragraph recognising migration as means of adaptation, the draft agreement includes language on risk management and disaster risk reduction. There is also text suggesting that priority be given to the needs of the most vulnerable people (rather than states). The rapporteur considers that this is a good first step in the right direction; however, given the opportunity that the Copenhagen agreement presents, more should be aimed at.

1. Consequences of global warming on human life, livelihood and mobility

6. Whereas migration is known to be one of the oldest coping strategies for dealing with a degradation of environmental conditions, it is the role of human activity in contributing to global warming and environmental degradation, and the scale of its impacts, that calls for urgent action.

7. Natural disasters and gradual environmental degradation – such as floods, storms, droughts, rising sea levels and desertification – are impacting on an increasing number of people each year, adversely affecting human lives and livelihoods in many communities. Nine out of ten disasters today are estimated to be climate related, which does not necessarily mean that they are caused by global warming but are a consequence of adverse weather conditions. The total number of people affected by these disasters has risen sharply over the past decade with an average of 211 million people directly affected each year, nearly five times the number affected by conflict in the same period.⁷

8. An estimated 50 to 200 million people will have to move by the middle of the century as a result of degrading environmental conditions, either within their countries or across borders, on a permanent or temporary basis. Already today, according to some estimations, over 30 million people worldwide are being displaced because of the increase in desertification, droughts, sea-level rise and extreme weather events, which exceeds the number of those obliged to flee because of armed conflicts and persecution. The Norwegian Refugee Council recently indicated that as many as 20 million people may have been displaced by climate-induced sudden-onset natural disasters in 2008 alone.

9. While migration is already a form of adaptation for some, the many millions expected to be displaced by prolonged droughts, repeated floods or storms will be especially vulnerable and require significant assistance and protection. As the Assembly's recent Resolution 1655 (2009) underscores, environmentally-induced human movement is almost never mono-causal; and the different degrees of force and the complex set of influencing factors blur the traditional concepts of migration and displacement.

10. There is a growing recognition among scholars and policy makers of the fact that the dramatic increase of people compelled to move inside their countries or across borders because of environmental reasons will pose major challenges for human security, peace and social and economic development on an international scale.

11. The effects of environmental degradation on peoples' lives are not experienced uniformly. It is well known that the burden of providing for migrants and displaced persons will be borne by the poorest countries that are heavily dependent on agriculture, lacking resources and possibilities to prevent further environmental crisis. Most in danger are vulnerable groups such as women, children, the elderly, persons with disabilities and indigenous peoples in the least developed countries, whose capacity to adapt to the effects of environmental degradation is extremely poor, those residing in low-lying coastal areas and areas of considerable over-population.

12. Another challenge will be posed to low-lying small island states by rising sea levels. It is estimated that some small island states such as Tuvalu or Kiribati may disappear altogether, raising difficult questions of statelessness.

2. Responses to environmentally induced human movement patterns

13. The fundamental issue in the global warming and migration nexus is that it is a global process, and as such, it is the responsibility of the global community 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 disasters.

7. Aid agencies call for strong agreement to address "humanitarian shocks" of climate change", Bonn, 8 June 2009.

14. Approaches, which address environmental issues in isolation from other variables and processes, will not be sufficient to solve the problem.⁸ There is thus a need to combine emissions reductions with other strategies, so that environmentally induced migration may be reduced and international security increased.

15. The rapporteur wishes to emphasise two key spheres of global action that are vital to be incorporated in any future international negotiation on curbing the effects of global warming. These include strengthening of adaptation capacities and risk reduction measures, and enhancing protection and assistance mechanisms that apply to persons compelled to move as a consequence of natural disasters and other environmental events.

16. Migration may be used as an effective adaptation mechanism,⁹ particularly in the early stages of environmental degradation, allowing for the diversification of sources of income, for example. In other instances, leaving their places of habitual residence on their own, or being evacuated or relocated, may be an expression of failed adaptation, which constitutes the only survival option. The latter instances need to be managed by national authorities in co-operation with the international community to ensure adequate assistance to and protection of the persons concerned. These considerations need to be factored into national policies,¹⁰ but also into international policies.

17. Global adaptation policies should be based on coherence at national and international levels with mitigation and other relevant policy domains, such as development, humanitarian action, migration and health. International humanitarian and development agencies have suggested that adaptation strategies and action should consider the human mobility, health and demographic implications as well as their economic and social consequences. They would need to consider the humanitarian consequences of global warming induced environmental degradation, including migration, displacement and the need to prepare for and address them. Finally these strategies would consider giving priority to the particular needs of the people most vulnerable to and the people most affected by environmental degradation, including the displaced and those at risk of displacement.¹¹

18. From the Council of Europe perspective, the protection of people compelled to move due to climate and environmental factors is of paramount importance.

19. The majority of those displaced by a natural disaster or the effects of adverse weather conditions will remain within the border of their country of origin. The protection of persons displaced within their country due to sudden-onset disasters or environmental degradation falls under the normative framework of the United Nations Guiding Principles on Internal Displacement, which outlines their specific rights inherent in and derived from international human rights and humanitarian laws.

20. However, some displacement is likely to take place across internationally recognised state borders. Unlike the situation of internal displacement, there is a major legal gap for those who are forcibly displaced across an international border by a sudden onset disaster or gradual environmental degradation. They are unlikely to qualify as refugees, unless the government has consciously withheld or obstructed assistance in order to punish or marginalise them on one of the five grounds specified in the 1951 Convention relating to the Status of Refugees. Consequently, they are not eligible for protection under existing refugee law, as environmental factors causing movements across international borders are not grounds, in and of themselves, for granting refugee status under the 1951 Refugee Convention.

21. Nonetheless, cross-border movements due to natural disasters and environmental degradation raise specific issues of responsibility for both the state of origin and host states. Both the legal status and the rights of these persons are unclear. States should therefore consider enhancing protection mechanisms for those persons who do not qualify as refugees but whose return is not feasible or not reasonable due to circumstances in the place of origin and/or personal conditions, including particular vulnerabilities.¹²

8. *Idem*.

9. "Migration, Climate Change and the Environment", IOM Policy Brief available at:

www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/policy_documents/policy_brief_envmig.pdf.

10. "Comments and Proposed Revisions to the Negotiating Text Prepared by the Chair of the UNFCCC Ad Hoc Working Group on Long-Term Cooperative Action", 5 June 2009, www.unhcr.org/4a408cc19.html.

11. Climate change, migration, and displacement: impacts, vulnerability, and adaptation options, submission by IOM, UNHCR, UNU, NRC and the RSG on the HR of IDPs to the 5th Session of the Ad hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 5) in Bonn, 29 March-8 April 2009, 6 February 2009.

12. . "Forced displacement in the context of climate change challenges for states under international law, paper submitted by the Office of the UN High Commissioner for Refugees in co-operation with the NRC, RSG on the HR of IDPs and UNU to the 6th Session of the Ad hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA), 1-12 June in Bonn, 19 May 2009, p. 2.

22. The fundamental principle of *non-refoulement*, which finds expression in a large number of human rights instruments and international customary law, establishes that no person, regardless of status or conduct, may be returned in any manner whatsoever to a country where his or her life or integrity would be at risk.¹³ Arguably, where return is impossible or cannot reasonably be required from the individual, an obligation of the foreign state also exists to at least temporarily admit a person to remain. What the principle of *non-refoulement* lacks, however, is to provide more practical indication as to how to regulate the entry and the specific status of the displaced in the receiving country.¹⁴ It would therefore be desirable that subsidiary protection to those displaced across an international border, either temporarily or permanently if return is impossible, be granted as suggested by the Assembly's Resolution 1655 (2009).

3. Conclusions and recommendations

23. The rapporteur is encouraged by the overall growing recognition of the consequences of global warming on human mobility as well as of the humanitarian consequences, and the fact that these notions have been introduced to the current draft of the United Nations Framework Convention on Climate Change (UNFCCC). He considers it desirable that the final version of the draft resolution on the challenges of climate change prepared by the Committee on the Environment, Agriculture and Local and Regional Affairs would take into account this evolution within the negotiation process.

24. The rapporteur wishes to underscore that, while recognition is important, the real challenge lies in developing consistent global policy and action commitments in such areas as:

- the prevention of environmentally induced displacement through mitigation, adaptation, disaster risk and vulnerability reduction, public awareness, early warning and improved preparedness, while preserving the choice of individuals to migrate;
- strengthening of the international assistance and protection measures concerning those displaced by the negative effects of global warming and environmental degradation, and finding durable solutions for them;
- bridging the gaps in or lack of enforcement of existing international human rights standards in the protection of environmentally induced migrants crossing international borders due to natural disasters and environmental degradation.

25. Governments of the Council of Europe member states should be called upon to support these issues in the ongoing UNFCCC negotiations. The new agreement will be the cornerstone document for any major initiative related to environmental change in the years to come. It is therefore of utmost importance that the humanitarian consequences, including that of migration and displacement, and action commitments are integrated in this document.

C. Proposed amendments

Draft resolution:

Amendment A (to the draft resolution)

In paragraph 1, last sentence, replace the words "climate change is likely to" by
"global warming could".

Amendment B (to the draft resolution)

In paragraph 2, third sentence, replace the word "Without" by
"Even with".

13. . "Forced Displacement in the Context of Climate Change" by UNHCR in co-operation with RSG on HR of IDPs and UNU of 19 May 2009 to the UNFCCC Secretariat.

14. . Statement by Professor Walter Kälin, Representative of the Secretary General on the Human Rights of Internally Displaced Persons, at the meeting of the Assembly's Committee on Migration, Refugees and Population, 24 June 2009.

Amendment C (to the draft resolution)

In paragraph 2, third sentence, delete the words, “in the long term, be likely to”.

Amendment D (to the draft resolution)

In paragraph 5, second sentence, replace “little” by
“insufficient”.

Amendment E (to the draft resolution)

In paragraph 9, second sentence, delete the words “global growth”.

Amendment F (to the draft resolution)

At the end of paragraph 9, delete “and global climate change. Taken together, they represent a triple disaster for the poorest countries”.

Amendment G (to the draft resolution)

In paragraph 10 of the draft resolution, after the words “access to food, good health”, insert the following words

“gainful livelihood,”.

Amendment H (to the draft resolution)

At the end of paragraph 15, add a new sentence:

“The Assembly regrets that several members of the European Union have failed to meet their own targets for reductions by substantial margins”.

Amendment I (to the draft resolution)

After paragraph 19 of the draft resolution, insert a new paragraph:

“The Assembly regrets that, despite human migration possibly becoming the gravest consequence of global warming, this aspect has not been taken fully account of in the negotiations process of the new climate change agreement. The Assembly deems it essential that the agreed outcome in Copenhagen should acknowledge the links between the effects of global warming induced environmental degradation on migration and displacement, and the states’ obligations to address these issues.”

Amendment J (to the draft resolution)

Add a new sub-paragraph after sub-paragraph 22.10 of the draft resolution:

“give priority to the needs of the most vulnerable communities and those most affected by the global warming induced environmental degradation, and improve international mechanisms for prevention, vulnerability reduction, adaptation and humanitarian response to climate change”.

Draft recommendation:

Amendment K (to the draft recommendation)

In sub-paragraph 4.1, after the word “EUR-OPA”, insert the words:

“the European Committee on Migration (CDMG)”.

Reporting committee: Committee on the Environment, Agriculture and Local and Regional Affairs

Committee for opinion: Committee on Migration, Refugees and Population

Reference to committee: [Doc. 11581](#), Reference 3447 of 29 May 2008, modified on 29 September 2008 and on 3 October 2008

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