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A legal status for "climate refugees"

Report[1]
Committee on Migration, Refugees and Displaced Persons
Rapporteur: Ms Marie-Christine VERDIER-JOUCLAS, France, Alliance of Liberals and Democrats for Europe

Summary:

Global warming is a concern shared by all European nations. It is estimated that 200 million people will be displaced globally by 2050 because of climate change. Clear policies towards these displaced populations are needed. States should take a more pro-active approach to protecting victims of natural or man-made disasters and improve preparedness mechanisms for these disasters.

The report calls for specific measures at local, national and international levels. They include measures to raise the resilience threshold of local communities, to improve national disaster response and management capacity, and to improve the legal protection of refugees in the context of environmental migration.

Disaster risk reduction should be integrated into sustainable development and management policies. The interaction between climate change and conflict and violence should be further assessed to better understand what triggers migration. International legal developments, such as the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) may serve as an example to follow in relation to the obligation to protect persons displaced for environmental reasons. It highlights the complementarity between prevention, emergency assistance and the search for sustainable solutions, accelerating societies' adaptation to climate change.

1. Reference to committee: Doc. 14413, Reference 4342 of 24 November 2017.

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A. Draft resolution[2]

1. The Parliamentary Assembly, recalling its Resolution 1655 (2009) and Recommendation 1862 (2009) on Environmentally induced migration and displacement: a 21st century challenge, and the Committee of Ministers reply (Doc. 11999), notes that environmental factors, including climate change, continue to have a dramatic impact on those at risk of being deprived of essential livelihoods, because of natural or man-made environmental disasters which force people to migrate.

2. The Assembly welcomes the timely statement made by the Council of Europe Commissioner for Human Rights on World Environment Day (5 June 2019) entitled "Living in a clean environment: a neglected human rights concern for all of us", which makes reference to the 16 Framework Principles of Human Rights and the Environment issued by the UN Special Rapporteur on human rights and the environment in 2018, which states that "Natural disasters and other types of environmental harm often cause internal displacement and transboundary migration, which can exacerbate vulnerabilities and lead to additional human rights violations and abuses." (Principle 14h).

3. The Assembly considers that the absence of a legally binding definition of "climate refugees" does not preclude the possibility of developing specific policies to protect people who are forced to move as a consequence of climate change. Human mobility and displacement due to climate degradation require a better response. Council of Europe member States should therefore take a more proactive approach to the protection of victims of natural and man-made disasters and improve disaster preparedness mechanisms, both in Europe and in other regions.

4. In the light of the above, member States should recognise human migration as a tool for livelihood resilience and a legitimate form of climate change adaptation, and therefore review their management of migration taking this factor into account. Migration being inevitable in certain cases, States need to take a proactive stance to better identify and anticipate the impact on population movements that may be provoked by climate change.

5. The Assembly therefore calls for specific action to be taken at local, national and international levels, as follows:

5.1. To increase local communities' thresholds of resilience:

5.1.1. local communities' thresholds of resilience must be increased in accordance with Goal 11 of the United Nations Sustainable Development Goals (SDGs). More specifically, by 2030, the number of victims must be significantly reduced and the direct economic losses related to global gross domestic product caused by disasters substantially decreased, including in the case of water-related disasters, with a focus on protecting the poor and people in vulnerable situations;

5.1.2. by 2020, the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change must be substantially increased to improve resilience to disasters, and "holistic disaster risk management at all levels" developed, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030;

5.1.3. measures must be taken to improve disaster preparedness at local level, targeting vulnerable populations such as children and people with disabilities, who should be actively involved in the planning, shaping and implementation phases of disaster management. Those responsible for disaster management (such as specialised experts in this area) need to be appropriately trained and educated.

5.2. To improve the capacity to react and cope with disasters at national level:

5.2.1. disaster preparedness strategies should include measures to protect people affected by climate change-induced disasters that force displacement. Human mobility must be mainstreamed at all levels. Specific action plans to implement the Sendai Framework of Disaster Risk Reduction 2015-2030, the Agenda 2030 for Sustainable Development should be set up as a matter of priority, and the recommendations put forward by the UN Global Platform for Disaster Risk Reduction (DRR) on 13-17 May 2019 should be implemented, with a specific emphasis on the protection of vulnerable groups (migrants, asylum-seekers, refugees, people with disabilities, children);

2. Draft resolution unanimously adopted by the committee on 25 June 2019.

5.2.2. disaster risk reduction should be integrated into sustainable development policies and planning in accordance with internationally agreed action plans, such as the Hyogo Framework for Action 2005-2015;

5.2.3. institutions, mechanisms and capacities to build resilience to hazards and to incorporate risk reduction approaches into the implementation of emergency preparedness, response and recovery programmes should be reinforced, including by making disaster risk reduction a priority, improving risk information and early warning, building a culture of safety and resilience, reducing the risks in key sectors, and strengthening preparedness for an efficient response;

5.2.4. the thresholds and the triggers of displacement should be the object of further research, while acknowledging the multiple causes of displacement which mean that climate change and conflict/violence interact.

5.3. To enhance co-ordination, mediation and funding:

5.3.1. developments in international human rights law should be taken into account, with a view to strengthening overall protection of human mobility following environment-related disasters or climate changes. In particular, implementation of mechanisms such as the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) should be promoted through European development co-operation programmes;

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

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

5.3.4. disaster preparedness and risk reduction strategies should be implemented, thereby strengthening resilience and capacity to adapt to climate-related hazards and natural disasters, climate change measures should be integrated into national policies and planning, and progress monitored regularly;

5.3.5. education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning should be developed, with focus on women, youth and local and marginalised communities;

5.3.6. the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilising jointly $100 billion annually by 2020 should be fulfilled and the Green Climate Fund fully operationalised;

5.3.7. comprehensive cross-disciplinary research and co-operation between environmental, migration, climate-research and demographic centres should be carried out to produce reliable forecast data on environmentally induced migration.

B. Explanatory memorandum, by Ms Marie-Christine Verdier-Jouclas, rapporteur

1. Introduction

1. The management of current migratory flows to Europe raises complex legal issues as regards the status to which migrants may lay claim: they may be granted recognition as being legally resident upon obtaining a visa, international protection under the Geneva Convention, subsidiary protection under Directive 2004/83/EC of the Council of the European Union, family reunion, or be deemed illegally present and therefore ineligible to stay.

2. However, while the effective implementation of existing legal frameworks and sharing of responsibilities between European countries for refugees from countries in conflict would normally be enough to guarantee the rights of those individuals, the same cannot be said for those forced to leave their homes and go into exile because of environmental damage and ecological disasters. In addition, the disastrous consequences of climate change on a global scale may be extremely severe or less so, depending on the country (capacity to react, effect on natural resources or on public finances).

3. The motion for a resolution prompting this report highlights the finding, based on various studies, that environmental factors could cause the displacement of at least 200 million people in the world by 2050. It must be said that this figure is based on the hypothesis that all the people likely to be seriously affected by adverse climate events or changes will be forced to or will choose to leave their homes, which ignores the fact that the direct causality between climate change and international migration has not yet been proven.[3] Even so, it is increasingly clear day by day that climate change and its likely consequences in terms of displacement of populations call for action and clear policies. While the causes of displacement of populations remain the same (degradation of the living environment, whether due to violence or acute deprivation), climate change is likely to speed up such degradation.

4. At its meeting at the French National Assembly in Paris on 21 September 2018, the Committee held an exchange of views with Mr Olivier Fontan, Deputy Director of Environment and Climate at the Ministry of European and Foreign Affairs, Ms Alexandra Bonnet, Deputy Director of the Directorate of European and International Affairs at the Ministry of Ecological and Solidarity Transition (METES), Ms Isabelle Michal, Policy Officer on Climate Change and Disaster Displacement (CCDD) Unit with the Office of the United Nations High Commissioner for Refugees (UNHCR) and Ms Dina Ionesco, Head of the Division on Migration, Environment and Climate Change with the International Organisation for Migration (IOM). The presentations and discussions provided substantial input to my report and I would like to thank the speakers for sharing their expertise and experience. At its meeting on 26 March 2019, the Committee discussed this issue further, with the participation of Ms Christel Cournil, Senior lecturer in public law, Université Paris 13, and Mr Alex Randall, Climate and Migration Coalition, Cambridge, United Kingdom.

2. Current state of studies on climate change

5. According to Ms Michal (UNHCR) at the Paris hearing, climate change will entail an increase in the intensity and frequency of both sudden onsets and hazards, such as storms, floods, wild fires, and also slow onset hazards, such as melting permafrost, the rise in sea levels, desertification, etc. Climate change acts as a threat multiplier, increasing the potential for conflict and increasing competition for depleted resources, etc. It could impede the functioning of society and increase tensions amongst communities. There could also be a knock-on effect of people moving to settle in places and thereby hinder the possible return home of those who had previously left those places.

6. In Africa, populations are affected by drought or floods, whereas in the Americas and the Caribbean many are threatened by flooding, earthquakes, and hurricanes. Developing countries have to fight for environmental and climate justice. They are not responsible for the problems caused by greenhouse gases, but they have suffered the most.

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3. Since the publication of the motion for a resolution on 10 October 2017, the World Bank has published a detailed report (in March 2018) entitled “Groundswell: Preparing for Internal Climate Migration”, described as “the first exhaustive study of the link between climate change impact, internal migratory flows and development in three regions of the world: Sub-Saharan Africa, South Asia and Latin America”. It is to be noted however that the study is confined to “internal” migratory flows.

7. Europe is as much at risk of disaster or other climate change-induced displacements as other parts of the world. According to the European Environmental Agency (EEA), 70-90% of Europe's floodplains are degraded as a result of human activities reducing the role of floodplains in flood mitigation, while flood waves are predicted to become higher and travel faster through rivers.[4] Countries such as Greece, Sweden, Finland, Latvia and Spain have witnessed aggressive forest fires, which are likely to become more common as a result of climate change,[5] which will make forest fires in Europe more frequent, intense and longer in duration.[6] Droughts will also become more common[7] and intense heat-waves are likely to increase, in particular in southern Europe and Mediterranean countries.[8]

3. The consequences of climate change on migration

8. Faced with the deterioration of their environment, human societies have only two possible responses: to take action to deal either with the causes of that deterioration or with the consequences, by constantly adapting to the new situations it brings about.[9]

9. Nikolaus von Bomhar, Chair of the Board of Management of the reinsurance company Munich Re, believes that since the environmental situation will not be improved for a very long time, will exceed societies' ability to adapt and will increase disparities in wealth distribution, the most likely human response will be to move to geographical areas that offered or were presumed to offer better living conditions. *"From a historical point of view, emigration has always been a survival strategy to escape desperate situations. It is therefore possible today for serious damage to the environment, especially in areas of strong demographic growth, to result in increasing migratory pressure, and that will pose a threat to other societies."*[10]

10. Ms Michal (UNHCR) commented, however, that persons displaced in the context of climate change and disasters were displaced mostly within their own countries. The Internal Displacement Monitoring Centre (IDMC)[11] estimated that on average over 25 million persons were internally displaced by specific disasters each year. In 2017 the figure stood at 18.8 million. Most internal displacement concerned China, the Philippines, Cuba, the United States, but it also affected Somalia, Ethiopia, and India.

11. In Europe, the countries that were most affected by internal displacement because of disasters were France, with 22 000 people internally displaced in 2017, Portugal and the United Kingdom. Accordingly, migration caused by climate change was already affecting Europe and France. According to the International Displacement Monitoring Centre: "Three-quarters of displacements recorded in Europe and Central Asia in 2017 related to disasters."[12] Forest fires also caused hundreds to evacuate in Sweden, Germany,[13] Croatia and Italy.[14] An assessment by scientists showed that climate change made the warm weather causing these events five times more likely.[15]

12. Data gathered on the UN Convention to Combat Desertification,[16] in particular as part of the UN Decade (2010-2020)[17] devoted to the theme, state that between 80 and 90% of migrants wishing to come to Europe do so because they find themselves on farmland that is no longer sustainable. The magnitude of natural disasters in the Southern hemisphere seems to have an impact on the overall increase in migration towards the Northern hemisphere, which for the time being seems more resilient to natural disasters. These overwhelming figures therefore require much more attention. According to The Guardian: "The number of migrants attempting to settle in Europe each year will triple by the end of the century based on current climate

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4. European Environmental Agency, Why should we care about floodplains?, p.2.
5. https://www.nationalgeographic.com/environment/2018/07/are-fires-in-europe-the-result-of-climate-change-/.
6. European Forest Fire Information Service, Annual report, p.9 available at: http://effis.jrc.ec.europa.eu/media/cms_page_media/40/Annual_Report_2017_final_pdf_uCckqee.pdf.
7. Joint Research Centre, Forest fire danger extremes in Europe under climate change: variability and uncertainty, p.1.
8. https://www.worldweatherattribution.org/attribution-of-the-2018-heat-in-northern-europe/.
9. Information report no. 14 (2015-2016) by Mr Cédric Perrin, Ms Leila Aïchi and Ms Éliane Giraud, written on behalf of the French Senate's Committee on Foreign Affairs, Defence and the Armed Forces, submitted on 6 October 2015
10. Ibid.
11. http://www.internal-displacement.org/internal-displacement.
12. http://www.internal-displacement.org/global-report/grid2018/downloads/report/2018-GRID-region-europe-central-asia.pdf.
13. https://www.independent.co.uk/news/world/europe/germany-wildfire-villages-latest-evacuated-berlin-villages-a8506601.html.
14. https://www.aljazeera.com/news/2018/09/wildfires-evacuations-croatia-italy-180926082648688.html.
15. https://www.carbonbrief.org/climate-change-made-2018-european-heatwave-up-to-five-times-more-likely.
16. https://www.unccd.int/.
17. http://www.un.org/en/events/desertification_decade/background.shtml.

trends alone, independent of other political and economic factors."[18] It is also a fact that countries with average temperatures around 20˚C show a higher number of applications, while there are fewer asylum seekers from areas with cooler temperatures. Moreover, climate change has been cited as a key factor behind the drought that occurred in Syria between 2007 and 2010, and which helped fuel instability in the region.[19]

Particularly vulnerable groups

13. Another aspect of this injustice in assuming the negative effects of climate change is gender inequality: women are more affected by climate catastrophes and the consequences of climate change. The most vulnerable groups – women, young people, the elderly and people with disabilities – are more adversely affected than others when forced to move.

14. Climate change is an aggravating factor in increasing the vulnerability of certain people. It makes populations that were already vulnerable even more fragile. States should not forget their political responsibilities towards these people when focusing on climate change. Between 2008-2016 Oxfam said the populations in low- and middle-income countries were five times more likely to end up suffering from displacement due to catastrophic climate events than people who came from countries with higher revenues. Populations living in coastal areas were at a higher risk compared with others.

Difficult to quantify

15. The consequence of the lack of an agreed definition of a climate-displaced population is that estimates vary considerably depending on the study and methods adopted, and range from 150 million (UN) and 212 million (Myers) to a billion (Christian Aid).[20]

16. A report by the Intergovernmental Panel on Climate Change (IPCC) states that a 50 cm increase in sea levels (which may well come about by the end of the century) would force 72 million people to leave their homes (187 million if the water rises by 2 m).[21]

17. The International Organisation for Migration (IOM) estimates that the number of environmentally displaced persons could reach 200 million by 2050. According to forecasts by the Deputy High Commissioner for Refugees, by 2050, 250 million people could be forced to leave their homes because of natural disasters and the effects of global warming.[22] Given these worrying forecasts, it is therefore important to address this issue at a political level.

4. The problem of legal status

18. I have discovered in the course of my work that it is hard to quantify the phenomenon of environmental migrations as it is not easy to make a direct connection between environmental degradation and the decision to migrate. It is equally difficult to find a common solution in the light of the legal approaches to the regulation of environmental migration currently being discussed in the academic and political world as well as by voluntary associations, experts, etc.

19. Given the relative lack of progress despite increasingly urgent warnings and the climate constraints affecting more and more people, my report seeks to further inform the debate on what international law could contribute and to point to the preparations that are necessary to ensure that the issue of population movements is managed as effectively as possible. In order to do so, I will discuss the terminological conflict in the use of the terms "environmental refugees" or "climate refugees" and the positions of the various international organisations on the rights to be granted to individuals who have been deprived of their territory for environmental reasons.

20. At the same time, I will discuss a number of examples of initiatives to promote these rights, such as the report on "Women, Gender Equality and Climate Justice" (rapporteur: Ms Linnéa Engström) adopted by the European Parliament's Committee on Women's Rights and Gender Equality on 18 December 2017.

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18. https://www.theguardian.com/environment/2017/dec/21/devastating-climate-change-could-see-one-million-migrants-a-year-entering-eu-by-2100.
19. Ibid.
20. Information report no. 14 (2015-2016) by Mr Cédric Perrin, Ms Leila Aïchi and Ms Éliane Giraud, written on behalf of the French Senate's Committee on Foreign Affairs, Defence and the Armed Forces, submitted on 6 October 2015.
21. Ibid.
22. Ibid.

4.1. Should the expression "climate refugees" be used – would that offer those concerned greater protection?

21. Speaking on behalf of the French Ministry of European and Foreign Affairs during the Paris hearing Mr Fontan said that the term "refugee" was defined in the Geneva Conventions and referred to any person with reasonable grounds to fear persecution on the grounds of age, religion, nationality, belonging to a certain social group, political positions, etc. Clearly, environmentally displaced persons were exposed to a certain type of threat, but that did not fall under the protection afforded by the Geneva Conventions. Most persons displaced due to natural catastrophes and climate change were internally displaced, so the issue was more about States' capacity to cope with natural catastrophes, resilience and the ability to ensure people's safety.

22. It would appear, therefore, that the term "environmentally displaced persons" should be used rather than "climate refugees", firstly because of the lack of legal standing of the term in current texts, and secondly, because environmental catastrophes resulting in mass migration are not always caused by climate change. This approach is in line with the shift in positions of the international organisations with regard to defining the status and degree of protection to be granted to people displaced for environmental reasons.

23. Ms Michal, representing the UNHCR at the hearing, also stressed that the term climate refugee did not exist in international law, but also pointed out that persons displaced across borders in this manner could indeed be eligible as refugees in some circumstances. For example, when climate change and disasters interacted with violence and conflicts – then people could qualify as refugees and be eligible for this status, or, when a specific group was disproportionality affected by the consequences of a disaster or climate change; or, when a disaster was used to persecute a specific group, for example through the denial of assistance. The criteria of persecution could therefore be applicable.

24. Under regional instruments such as the Organisation of African Unity/African Union (OAU/AU) Convention governing the specific aspects of refugee problems in Africa[23] and the Cartagena Declaration,[24] the definition of refugee status includes events seriously disturbing public order. In this case, those regional instruments may apply in a climate disaster context. People may therefore be eligible as refugees when displaced by climate change or a disaster under the protection of some of these regional instruments. Here the recognition as refugees does not require classification as "climate refugees" or a new category of refugees. To illustrate the cases when people may be eligible to refugee status in the context of climate change or disasters in relation with conflict, the application of the Refugee Convention[25] on people fleeing conflict and famine may be considered.

25. On 26 March, in Paris, Mr Randall stressed that it would be difficult to distinguish people moving because of climate change from those displaced by other causes. States should adapt and extend the existing legal frameworks to include human mobility on a hotter planet, such as humanitarian and emergency visas and the creation of safe legal migratory options. People would move due to climate change anyway. Human migration was a tool for livelihood resilience and a legitimate form of climate change adaptation. If States accepted that migration was a form of climate change adaptation, climate adaptation funding could be allocated to help people migrate. The Internal Displacement Monitoring Centre which was part of the Norwegian Refugee Council analysed emerging trends.

4.2. Previous work of the Parliamentary Assembly and the Council of Europe in this area

26. A 2008 report entitled "Environmentally induced migration and displacement: a 21st century challenge" (rapporteur: Ms Tina Acketoft, Sweden, ALDE)[26] emphasises the lack of consensus within the international community regarding the international legal terminology concerning human mobility associated with environmental disasters and degradation, which hinders progress on the recognition and legal protection of environmental migrants.

27. The report calls for a further investigation of "existing gaps in law and protection mechanisms with a view to an eventual [sic] elaboration of a specific framework for the protection of environmental migrants, either in a separate international convention or as part of relevant multilateral treaties". Recommendation 1862 (2009) to the Committee of Ministers adopted at the same time goes so far as to advocate considering

23. https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa.
24. https://au.int/en/treaties.
25. https://www.unhcr.org/1951-refugee-convention.html.
26. Doc. 11785.

an additional protocol to the European Convention on Human Rights on "the right to a healthy and safe environment". The reply from the Committee of Ministers is interesting and will be briefly examined in my report.[27]

28. The Assembly considered this topic again in 2016, with the report by Mr Philippe Bies (France, SOC),[28] which recommends that member States *inter alia* give greater priority to devising protection policies and norms for victims of natural, chemical or nuclear disasters and for the victims of the consequences of climate change, acknowledge the vulnerability of these groups and ensure that their fundamental rights are fully observed, and agree on a definition for these migrants. This time, where legislation was concerned, the Assembly's preferred option was to "revise the 1951 Geneva Convention relating to the Status of Refugees, by means, for example, of an additional protocol".

29. In this report, I take account of these two positions in order to reach conclusions in line with recent events and in keeping with current thinking expressed in international discussions on this matter.

4.3. Changes in the positions of international organisations in the definition of the status and degree of protection to be granted to people displaced for environmental reasons

30. To remedy the lack of a term designating these displaced persons, the International Organisation for Migration (IOM) proposed a working definition in 2007 for what it called "environmental migrants", describing them as "persons or groups of persons who, predominantly for reasons of a sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and to move either within their country or abroad".

31. During my research for this report, I have seen a shift in the approach taken by the United Nations to the question of climate refugees, which is apparent from the texts it has adopted. The United Nations Framework Convention on climate change of 1992 made no mention of people displaced for environmental reasons. In more recent times, Goal 13 of the 2030 Agenda for Sustainable Development, on urgent action to combat climate change and its impacts, puts an emphasis on prevention, adaptive capacity, raising awareness and co-operation between developed and developing countries, without specifically mentioning the environmental migration that will inevitably result from irreversible climate change.

32. The change in approach can be seen in the decisions adopted by the United Nations General Assembly in June 2017, when it instructed the Office of the United Nations High Commissioner for Human Rights to undertake research into how to fill the gaps in protection in the context of migration and displacements across national borders resulting from the sudden or gradual adverse impact of climate change, and the means required to implement adaptation or risk reduction plans in developing countries, and to submit a report on that research at the 38th session of the Human Rights Council.

5. The status of refugees and the right of asylum – legal tools to be protected

33. Over and above the fact that refugee status is legally inadequate to deal with the issue of environmental migration, the French Ministry of Foreign Affairs states that "any initiative to revise this definition entails the risk of renegotiating the 1951 United Nations Convention relating to the Status of Refugees, which, in the current climate, could lead to lower protection standards for refugees or even completely erode the international system for that protection".[29] My work has shown me that strong pressure is being exerted more than ever on the status of refugees, from which the right of asylum flows.

5.1. The sharp increase in asylum applications in Europe

34. The destabilisation of the Middle East, especially the conflict in Syria, led to a very sharp rise in asylum applications in the European Union in the first six months of 2010. While there were no more than 200,000 applications a year at the beginning of the period 2000 to 2008, this figure doubled between 2010 and 2014, reaching 400,000.[30] The Montaigne Institute reports that in the years 2013-2017 the European Union

27. Doc. 11999.
28. Doc. 13983.
29. Information report no. 14 (2015-2016) by Mr Cédric Perrin, Ms Leila Aïchi and Ms Éliane Giraud, written on behalf of the French Senate's Committee on Foreign Affairs, Defence and the Armed Forces, submitted on 6 October 2015.
30. Montaigne Institute & Terra Nova, report of October 2018 on "Sauver le droit d'asile" ("Saving the right of asylum").

recorded over 4 million asylum applications, three times more than in the previous five years (2008-2012)[31] as a result of the political and economic crises in the European Union's southern neighbourhood (conflict in Syria and part of Iraq and the disintegration of Libya).

35. This situation has led to increased tension between member States and a growing lack of co-operation within the European Union, to the extent that some countries have clearly refused to honour their duties and obligations both under European law and vis-à-vis their partners.[32] For example, in 2015 France took in fewer than 5,000 "relocated" asylum-seekers, approximately 4,400 from Greece and only 550 from Italy, and was therefore very far from reaching its target of *"30,000, and not one more"* announced by Manuel Valls's government in September 2015.

5.2. A transfer of the asylum burden

36. Alongside conflict situations, the Montaigne Institute has noted an increase in applications for protection from nationals of stable countries or countries considered "safe", from which migration would in the past have probably been via the more conventional ways of entering Europe (especially economic migration).[33] This development is seen as related to the European Union countries restrictive immigration policies since the 1980s, which have reduced legal routes for accessing the territory. In France, for instance, between 2011 and 2016, visa applications rose from 2.4 million to 3.5 million, an increase of 45%, while the number of rejections went up from 220,840 to 390,750, an increase of 76%.[34]

37. At the same time, the examination of asylum applications, which is a sovereign decision of States, varies considerably from one European Union country to another. In all, 61% of asylum applications made in 2017 in the European Union-28 resulted in a positive decision. However, in Hungary the rejection rate was as high as 90%, whereas it was just 30% in the Netherlands or Germany. The type of protection granted may also vary considerably, with some States (such as Sweden) seeming more inclined to grant subsidiary protection than the right of asylum.

5.3. The need to reform the Dublin Regulation

38. The Dublin Regulation is based on the principle that the applicant's country of entry is responsible for examining his/her asylum application. The countries on the external borders are therefore in principle responsible, although the Dublin Regulation III has included the principle of a family tie in an European Union State as the primary criterion for designating the member State responsible for examining the asylum application. Given the current migration routes, which for geographical reasons all pass through southern European countries, the burden of taking in asylum-seekers and dealing with their applications must be shouldered to a very significant extent by Greece, Malta and Italy, and to a lesser extent Spain.[35]

39. The shift to asylum among a large proportion of economically driven migration flows owing to the lack of other sufficiently open legal possibilities has, according to the Montaigne Institute, *de facto* made the Dublin Regulation the principal means of migration policy management in European countries bordering the Mediterranean. This mechanism has proved contrary both to the principle of solidarity between member States and the very concept of solidarity that asylum promotes.[36]

40. In the light of these facts, amending the 1951 Convention on the Status of Refugees by including people who have been displaced beyond their own borders due to long-term climate change could add to the political stalemate in which Europe currently finds itself as far as reforming its immigration and asylum legislation is concerned.

41. In my opinion, it would therefore be better if the Assembly were to renew its appeals for dialogue in order to harmonise the conditions required to benefit from asylum and put in place a reform of the Dublin Regulation that retains the principle that responsibility for dealing with an asylum application lies with the country of entry but provides for European solidarity in the management of external borders.

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31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ibid.

6. Other proposed solutions for dealing with the question of environmental migration

6.1. Strengthening the "protection of internally displaced persons"

42. Displacements within a country are the primary responsibility of the States concerned since this involves both their own nationals and their own territory. They can nonetheless be governed by the United Nations 1998 *"Guiding Principles of Internal Displacement" (GPID)*.[37]

43. Drawn up on the initiative of Francis Deng,[38] this text not only attempted to set out rights and obligations in a single document but also, and above all, provided an international definition of internally displaced persons (IDPs) by clarifying the existing ambiguities and overcoming the gaps in international instruments relating to internal migration.[39] For example, IDPs 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, situations of generalised violence, violations of human rights, or natural or human-made disasters and who have not crossed an internationally recognised state border".*

44. Several countries have already incorporated the Guiding Principles into their domestic law, and some 20 governments have passed laws or introduced policies on IDPs, even if they do not always replicate the principles exactly.[40]

45. Although these Guiding Principles are not legally binding on States and have only limited application, they do identify the assistance that should be given to these people both during their displacement and on their return or during their resettlement and reintegration.[41]

6.2. The Kampala Convention – an example to follow?

46. At its Extraordinary Session held in Entebbe, Uganda, on 22 and 23 October 2009, the African Union adopted a Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Drawing substantially on the Guiding Principles of 1998, this regional treaty is at the moment the only binding instrument on this issue.

47. Since these principles were set out in the Kampala Convention, legal commentators, intergovernmental organisations and NGOs have put forward numerous projects and proposals to ensure that additional, more operational guarantees are incorporated into domestic law and the practice of States.[42] Ms Christel Cournil believes that in line with this approach there could be, a broadening of the definition of IDPs to include all environmentally displaced persons and even a qualitative leap towards recognition in positive international law,[43] with the adoption for example of a UN convention on the human rights of IDPs. On 26 March, in Paris, Ms Cournil noted that the Kampala Convention provided greater support than other instruments. Bilateral or regional protection could be further developed such as through bilateral early warning agreements. Protection for victims of natural disasters was established in the laws of Sweden and Finland, for example.

48. The Kampala Convention would prompt States to incorporate more clearly into their legislation obligations to take in internally displaced persons as such assistance is currently only in its early days and some believe that the Principles could be improved by linking them to the concept of "responsibility to protect".[44]

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37. Information report no. 14 (2015-2016) by Mr Cédric Perrin, Ms Leila Aïchi and Ms Éliane Giraud, written on behalf of the French Senate's Committee on Foreign Affairs, Defence and the Armed Forces, submitted on 6 October 2015.
38. **Former** Representative of the UN Secretary-General on internally displaced persons.
39. Christel Cournil, Les défis du droit international pour protéger les "réfugiés climatiques": réflexions sur les pistes actuellement proposées. Changements climatiques et défis du droit, C. Cournil and C. Colard-Fabregoule (eds.), Bruylant, pp. 345-372, 2010.
40. Turkey, Angola, Burundi, Colombia, Liberia, Peru, the Philippines and Sri Lanka: Elizabeth Ferris, "Évaluer l'impact des Principes: une tache inachevée" in *Déplacement interne dix ans de Principes directeurs*, Revue des Migrations Forcées, GP 10, December 2008, p. 10-11.
41. Information report no. 14 (2015-2016) by Mr Cédric Perrin, Ms Leila Aïchi and Ms Éliane Giraud, written on behalf of the French Senate's Committee on Foreign Affairs, Defence and the Armed Forces, submitted on 6 October 2015.
42. Christel Cournil, op. cit.
43. Ibid
44. Erin Mooney, "Les Principes directeurs et la responsabilité de protéger" in *Déplacementinterne dix ans de Principes directeurs*, Revue des Migrations Forcées, GP 10, December 2008, pp. 11-13 (https://www.cultura.com/la-responsabilite-de-proteger-9782233005366.html). For the concept, *La responsabilité de protéger* – Colloque de Nanterre, Pedone, 2008 (https://www.cultura.com/la-responsabilite-de-proteger-9782233005366.html).

49. In any event, broadening the definition of IDPs would have the advantage of offering protection to all internally displaced persons whatever the reason for their displacement and would overcome the difficulty of a non-consensual definition of climate or environmental refugees.[45]

7. International action to address climate-related migration

7.1. The Nansen initiative

50. The international community was engaged through the Nansen Initiative[46] launched by Sweden and Switzerland together with the High Commissioner of Human Rights in 2011 to strengthen the protection of borders, where there were catastrophes due to climate change, and to reduce the risk of displacement of these persons. This coalition was set up before COP21, with an agenda of protecting persons displaced by climate change and climate disasters. A specific platform was set up on this issue. France committed €300 million to this platform to offer a humanitarian response in projects carried out in West Africa. It is also co-chairing the platform together with Bangladesh (until January 2021).

51. The implementation of the Paris Agreement was key.[47] No mention was made in that agreement of climate-displaced persons who were the subject of a separate decision, adopted at the same time as the agreement following requests made by certain States. The decision recognised that certain adverse phenomena, such as rising sea waters, affected those States to a greater extent. The issue of compensation was raised, with specific references to climate-displaced persons; this subject will be dealt with in the forthcoming Conference of the Parties in 2024 or 2025, which will be decisive in this regard.

7.2. The United Nations: the 2030 Agenda for Sustainable Development[48] and the global compacts

52. The UN 2030 Agenda for Sustainable Development has been agreed upon by the world community as "a plan of action for people, planet and prosperity", with 17 Sustainable Development Goals (SDGs) and 169 targets to address the three dimensions of sustainable development: economic, social and environmental. Amongst these 17 goals some are of particular relevance for the issues raised in this report, even though they do not focus specifically on migration but rather on crisis situations, including climate-related disasters which may lead to mass population displacements, for example Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable; Goal 13: Take urgent action to combat climate change and its impacts; and Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

53. UNHCR was closely involved in the work of the Platform on Disaster Displacements (PDD), that would complement the work on the SDGs, and the implementation of the protection agenda with four priorities, to help fill the knowledge and data gap. It is essential to have accurate information on what happens in the field, including best practices in coping with disaster displacements. Best practices must be identified and disseminated to help other States apply them.

54. In addition, the international processes that led to the adoption of the Global Compact on Migration in Marrakesh in 2018, also called for consideration of the situation of environmentally displaced persons. Countries should do their utmost to improve their analyses and the information shared on this issue, develop strategies for adaptation and enhance their resilience and co-operation on this issue. More should be done to prevent degradation via agricultural practices, deforestation, better management of resources to try and reduce the pressure on natural resources that might be contributing to environmental displacement. The Sendai Framework for Disaster Risk Reduction[49] is of relevance here.

55. Ms Michal said that the important discussions in 2018 on the global compacts on migration and on refugees had to be taken into account when discussing the protection of people displaced across borders in the context of climate change and disasters. The climate, environmental degradation and natural disasters

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45. Christel Cournil, op. cit.
46. https://www.nanseninitiative.org/.
47. The Paris Agreement seeks to strengthen the global response to the threat of climate change, including by keeping the increase in the global average temperature to well below 2ºC above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5ºC above pre-industrial levels. Governments agreed to set Nationally Determined Contributions to reach this goal, which will be reviewed regularly. (https://www.ipcc.ch/).
48. https://undocs.org/A/RES/70/1.
49. https://www.unisdr.org/we/coordinate/sendai-framework.

were drivers of refugee movements. Governments had to co-operate more effectively to ensure the protection of all displaced persons, including in the context of climate change and disasters. UNHCR was finalising a study on the protection of people who had fled in a context of both conflict and violence, and climate change and disasters, which would include case studies on Haiti and on Somalia.

7.3. The Intergovernmental Panel on Climate Change (IPCC)

56. The Intergovernmental Panel on Climate Change (IPCC)[50] is the United Nations body for assessing the science related to climate change. At the time of the Paris hearing, the IPCC was about to issue a report, attempting to assess the possible effects of climate change.[51] There was no agreed concept regarding the relations between climate change and displacement. Some empirical studies had shown that an increase in one degree in 42 countries affected migration from those countries only marginally. Science had not yet concluded that a 2-degree increase would lead to a risk of significant displacement, especially for populations having to move more than 1,000 km away. The IPCC report emphasised that migration itself was a form of adaptation. UNHCR had warned, however, since 2015 about the risks of mass displacements due to climate change.[52] The IPCC report referred to displacements due to erosion, climate shock on fishing, risks affecting directly people, whose income depended on natural resources. The report highlighted the increased fragility of certain States and regions, as well as the fact that women were most at risk – they produced almost 50% of the food in developing countries

7.4. The example of France

57. On 24 October 2018 an important meeting was held in France on implementation of the Paris Agreement. France aimed to encourage the European Union member States to go beyond their current commitments to reach carbon neutrality by 2050. It was crucial to support adaptation and enhance resilience in the most vulnerable countries. International coalitions have been set up, some of which are under French leadership via the COP system.

58. France invested 5 million euros in 2018 in the development of early warning systems. The degradation neutrality fund was set up to fund long-term sustainability land projects to restore degraded soil and ensure that the population could stay in their place of origin. As part of international solidarity actions, France will also contribute 1 billion euros by 2022 for universal access to energy, especially in African countries. Various other programmes were set up: the Caribbean smart accelerator and a climate smart zone, the One Planet Summit in the Caribbean, the resilience laboratory and the laboratory for good management of risk, and the Global Alliance for Reconstruction, which promotes the immediate low carbon and resilience construction of buildings, in the knowledge that the number of constructions is going to double by 2050 especially amongst developing countries. In addition, other initiatives were mentioned, such as Climate for Africa, the climate summit and accompanying climate adaptation projects, which are nature-based projects carried out in Africa.

8. Protection of environmentally displaced persons – from theory to practice

59. As stressed by Ms Michal on behalf of UNHCR, even if people are not eligible for refugee status, when they are obliged to move across national borders for environmental reasons, they are nevertheless in need of protection, and so if they do not have refugee status, such protection may be better achieved through other mechanisms. These could include complementary or temporary protection measures, State arrangements, humanitarian visas or measures under regional or domestic frameworks which would provide refuge and authorisation to stay in host countries on a temporary basis. This has been borne out by State practice. There have been many instances of good practices by States in various regions of the world. In this context, the UNCHR has played a key role in the field; through the provision of legal advice and normative development; by ensuring policy coherence between the global compacts, UNCHR co-operation, the Sendai framework,[53] etc., as well as through research and knowledge transmission.

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50. The Intergovernmental Panel on Climate Change (IPCC) was set up in 1988 to deliver comprehensive assessments of the scientific, technical and socio-economic state of knowledge of climate change, its impacts and risks, and response strategies. Its contribution to understanding climate change has been fundamental to creating global agreements on common goals, the latest of which is the Paris Agreement.
51. https://www.ipcc.ch/report/sixth-assessment-report-working-group-ii/ and https://www.ipcc.ch/site/assets/uploads/2018/09/AC6_brochure_en.pdf.
52. https://www.unhcr.org/540854f49.html.
53. https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf.

60. One of the most renowned scholars who worked on the assessment of protection of environmentally displaced persons, Ms Emnet Berhanu Gebre, assessed the States responsibilities and noted the States' positive obligations in the context of disasters of natural origin. "In clarifying the extent of the positive obligations attributable to the State in the event of a natural disaster in the *Boudaieva* case,[54] the European Court of Human Rights (ECHR) made a potentially transposable analysis to the impacts of the climate changes. The *Boudaieva* case was following the *Oneryildiz* jurisprudence except that, in the context of natural disasters, the ECHR had to ensure that the authorities do not impose an impossible or disproportionate burden in the field of emergency relief in relation to a meteorological event that is beyond control compared to a human activity. In fact, when the risk is known, the State has an obligation to protect people from natural hazards. The more predictable the risk, the more important the State's obligation to protect persons under its jurisdiction. According to the ECHR, when disaster risk is of natural origin, there is a presumption that it is less easy to predict and control than human-caused disasters.

61. The lack of predictability is also one of the characteristics that makes it possible to characterise natural disasters as a force majeure event. The ECHR thus considered that the State can benefit from "an extended margin of appreciation". However, where the risk is clearly "identifiable", particularly when disasters occur in a "recurring" manner, the failure of the State to adopt adaptation or mitigation measures may put the burden of responsibility on the State. The ECHR states that "the extent of the positive obligations attributable to the State in a particular situation depends on the origin of the threat and the possibility of mitigating any such risk". Although this case does not deal with the effects of climate change and climate change disasters are of a higher degree of complexity, the obligations that the ECHR can impose on a State are perfectly transposable".[55] A State could be held liable for not taking adequate measures.

9. Future action at local, national and international levels

9.1. Increasing communities' thresholds of resilience

62. More should be done to increase local communities' thresholds of resilience, in accordance with the SDGs, Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable. I should like to draw the attention, for instance to the following specific targets: "11.5: By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations" and "11.7.b: By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030, holistic disaster risk management at all levels".

63. With this in mind, the Council of Europe's Congress of Local and Regional Authorities has referred to the need to take measures to improve disaster preparedness at local level targeting vulnerable populations, such as people with disabilities.[56] "Human rights have a home, it is where people reside, live, work, grow old; it is in their regions, municipalities and neighbourhoods. It is also in their home that people experience disasters. Empowering people with disabilities to actively participate in disaster management needs to be regarded as an approach of protecting human rights. In order to achieve this, it requires above all the will to establish and strengthen an inclusive structure of society," stated Josef Neumann (Germany, SOC), Congress member addressing the Conference on Including People with Disabilities in Disaster Preparedness and Response in Brussels (Belgium) on 5 December 2014. "People with disabilities need to be actively involved in the planning, shaping and implementation phases of disaster management, and the people in charge of disaster management (such as specialised experts in this area) need to be appropriately trained and educated", he added.

54. ECtHR, *Boudaïeva* and others v. Russia, Recueil 2008, 20 March 2008: a mudslide engulfed the residential quarters of the city of Tyrnaus in the Caucasus causing the death of 8 people and the disappearance of 19 others.
55. http://www.theses.fr/2016TOU10014.
56. https://www.coe.int/en/web/congress/-/congress-greeting-cards-2015.

9.2. Improving the capacity to react and cope with disasters at national level

64. Disaster preparedness strategies should include measures to protect people affected by climate change-induced disasters that force displacement. Human mobility must be mainstreamed at all levels. Policy consistency and synergies must be ensured if they are to have an impact and provide a consistent framework at global level.

65. In 2005, shortly after the Asian tsunami, over 168 governments pledged to implement the strategic goals of the Hyogo Framework for Action 2005-2015 (HFA): to integrate disaster risk reduction into sustainable development policies and planning, to develop and strengthen institutions, mechanisms and capacities to build resilience to hazards and to systematically incorporate risk reduction approaches into the implementation of emergency preparedness, response and recovery programmes.[57]

66. The Framework also stressed that disaster risk reduction is not just an issue to be addressed by humanitarians, scientists or environmentalists, but is also critical to sustainable social and economic development processes. Disasters undermine development achievements, impoverishing people and nations. In the absence of concerted efforts to address root causes, disasters represent an increasingly serious obstacle to the achievement of the Millennium Development Goals.

67. More needs to be done to better understand how climate change and conflict/violence interact with each other; to have a better understanding of thresholds and the triggers of displacement, while acknowledging the multiple causes of displacement. There is also a need for further analysis and guidance on how international and regional instruments apply in climate change and disaster contexts.

68. As Ms Michal pointed out, States can acknowledge and be aware of climate change as a driver of displacement and as a threat multiplier, help address the knowledge and data gap, improve data collection and analysis to have a better understanding of the dynamics between displacement and climate change. States should apply the existing norms and integrate human mobility aspects in all laws and all policy frameworks, as relevant. Specific action may include national legislation that could contribute to the implementation of COP objectives, national adaptation plans, disaster risk reduction strategies, and ensuring that humanitarian mobility is addressed in all relevant discussions.

69. Ms Ionesco, speaking at the Paris hearing on behalf of IOM, called for a paradigm shift, which would make it possible to understand the challenges more fully. Humanity has always been on the move, including as a result of environmental changes. Focusing on migratory flows prompted by climate change led to consideration of the question of compensation for loss and damage. A series of recommendations was approved by the executive committee of the Warsaw International Mechanism for loss and damage and was discussed at the COP 24 in Warsaw (3-14 December 2018).

70. It was imperative to discuss in greater depth the issues relating to the status of these migrants. It was difficult to have an agreed definition of “environmental migrants”. One needed to bear in mind the multiple causes of migration: conflict, politics, economic factors, environmental factors, etc. It was very hard to decide which migrants should be granted what status and who would be allowed to stay in countries of arrival or third countries. Situations could arise where some would be allowed to stay because they were considered climate or environmental migrants; others not allowed because they were considered economic migrants.

71. Ms Ionesco also raised the issue of the responsibility of the countries of origin: were these countries able to offer protection to people who had been affected by climate change? What responsibilities should the country of origin shoulder? The same question applies to third countries? There was also an issue of climate justice. Would the principle “polluter pays” apply in such cases, for instance, to ensure compensation? Could countries of origin be held responsible?

9.3. International organisations’ actions to enhance co-ordination, mediation and funding

72. The IOM Environment and Climate Change Division works on a climate migration atlas to better document the environmental aspect of migration, working with other UN agencies (UNCCC, UN Climate, UN Water, UN Energy, UN Environment), involved in natural disaster risk reduction frameworks (the Nansen report). In 2017, IOM was present in 49 countries and helped over 5.3 million people. IOM works to help people to remain where they are if they so wish, to find solutions for other people, who are already on the

57. https://www.unisdr.org/files/2909_Disasterpreparednessforeffectiveresponse.pdf.

move prompted by natural disasters and environmental factors, and to make migration dignified, lawful and documented.[58] IOM calls upon countries to invest in preventive measures and to implement disaster preparedness and risk reduction strategies.

73. More should be done, however, to enhance co-ordination, mediation and funding at international level to bring about greater protection for environmentally displaced populations. The targets set by the UN SDGs are yet to be met. With regard to Goal 13,[59] in particular, it was agreed "to strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries; to integrate climate change measures into national policies, strategies and planning; to improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning". The actions taken to implement this goal should be monitored on a regular basis to ensure progress.

74. In addition, countries agreed to "implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilising jointly $100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalise the Green Climate Fund through its capitalisation" and "to promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalised communities".

9.4. Emergency response requirements – the case of Somalia

75. Ahead of World Environment Day on 5 June, UNHCR, had called for urgent additional support to help people affected and displaced by drought in Somalia. Below average rains during the "Gu" (April-June 2019) and "Deyr" (October – December 2018) rainy seasons have caused worsening drought in many parts of the country. An estimated 5.4 million people were likely to be food insecure by September. Some 2.2 million of these will be in severe conditions needing immediate emergency assistance unless aid is urgently scaled up. The drought has also forced more than 49,000 people to flee their homes since the beginning of the year as they search for food, water, aid and work mostly in urban areas. People who are already displaced because of conflict and violence are also affected by the drought, at times disproportionally. More than 7,000 people were displaced in April. The latest drought comes just as the country was starting to recover from a drought in 2016 to 2017 that led to the displacement inside Somalia of over a million people. UNHCR and humanitarian partners fear that severe climatic conditions combined with armed conflict and protracted displacement could push the country into a far bigger humanitarian emergency. Decades of climatic shocks and conflict have left more than 2.6 million people internally displaced.

76. To avert a humanitarian crisis, aid agencies launched a Drought Response Plan on 20 May 2019, appealing for US$710.5 million to provide life-saving assistance to 4.5 million people affected by the drought. To date this is 20 per cent funded. UNHCR has been working with partners and government agencies to assist those affected and displaced by the drought by providing emergency assistance in some of the most affected areas. Worldwide, weather-related hazards, including storms, cyclones, floods, droughts, wildfires and landslides displaced 16.1 million people in 2018. With climate change amplifying the frequency and intensity of sudden disasters, such as hurricanes, floods and tornados, and contributing to more gradual environmental phenomena, such as drought and rising sea levels, it is expected to drive even more displacement in the future. UNHCR is calling for more international action to prevent climate-related disasters, scale up efforts to strengthen resilience and to protect people affected by climate change using all available legal frameworks.

10. Conclusion

77. The motion for a resolution states that the 1951 Geneva Convention contains no provisions on climate refugees and that no legally binding international instrument governs the situation of persons forced to migrate following natural disasters or environmental changes.

78. To begin with, there is no agreement on recognition of "climate migrants" and no consensual definition of the term. Using the term "refugee" is controversial, as environmental factors are regarded as indiscriminate and no form of persecution is a feature of such situations. Indeed, the UNHCR points out that including "environmental refugees" in the scope of the 1951 Convention could weaken the protection of refugees it sets

58. See the conclusions of the Workshop on "Climate Change and Human Mobility Towards dignified, coordinated and sustainable responses" held on 24 May 2017 in Morocco (https://environmentalmigration.iom.int/fr/node/1347).
59. https://undocs.org/A/RES/70/1.

out to cover. Consequently, it is clear that there is a legal vacuum in this area and it would therefore seem more appropriate to use the expression “persons displaced by natural phenomena” rather than “climate refugees”.

79. It is clear, however, that while people forced to leave their homes either as a consequence of climate change or following environmental disasters cannot be considered as political refugees or economic migrants, one may have legitimate doubts as to whether universally applicable human rights safeguards are enough to ensure that they are fully protected and assisted in the extreme circumstances of losing (in most cases definitively) the place they call home. There is a need for appropriate preparation so as not to lose control in the future.

80. Since these principles were set out in the Kampala Convention, legal commentators, intergovernmental organisations and NGOs have put forward numerous projects and proposals to ensure that additional, more operational guarantees are incorporated into domestic law and the practice of States.

81. In line with this approach there could be a broadening of the definition of IDPs to include all environmentally displaced persons and even a qualitative leap towards recognition in positive international law. In any event, broadening the definition of IDPs would have the advantage of offering protection to all internally displaced persons whatever the reason for their displacement and would overcome the difficulty of a non-consensual definition of climate or environmental refugees.

82. The lack of a legal framework for “climate refugees” and the reluctance of international organisations and national governments to take concrete steps to create one do not stop the citizens of Europe from becoming increasingly aware of the plight of those concerned around the world, and we can see a growing mobilisation of civil society players aimed at securing specific legal and humanitarian protection for “climate migrants”, whether displaced within their own country or forced to cross its borders. Parliamentary initiatives are being undertaken in France on this issue and I have no doubt that this is also the case in other member States.