

CLIMATE MIGRATION IN THE  
WESTERN BALKANS: LEGAL  
FRAMEWORK AND SECURITY

University Dialogue with the Western Balkans  
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Climate change, migration and human rights

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- factors contributing to global warming,
- how they influence climate change, and
- how this, in turn, lead to human migration and displacement.
- The focus will be on climate-related migration and migrants
- difference between climate migrants and refugees
- Western Balkan

July 2024 was the warmest July on record for the globe information in NOAA's 175-year record

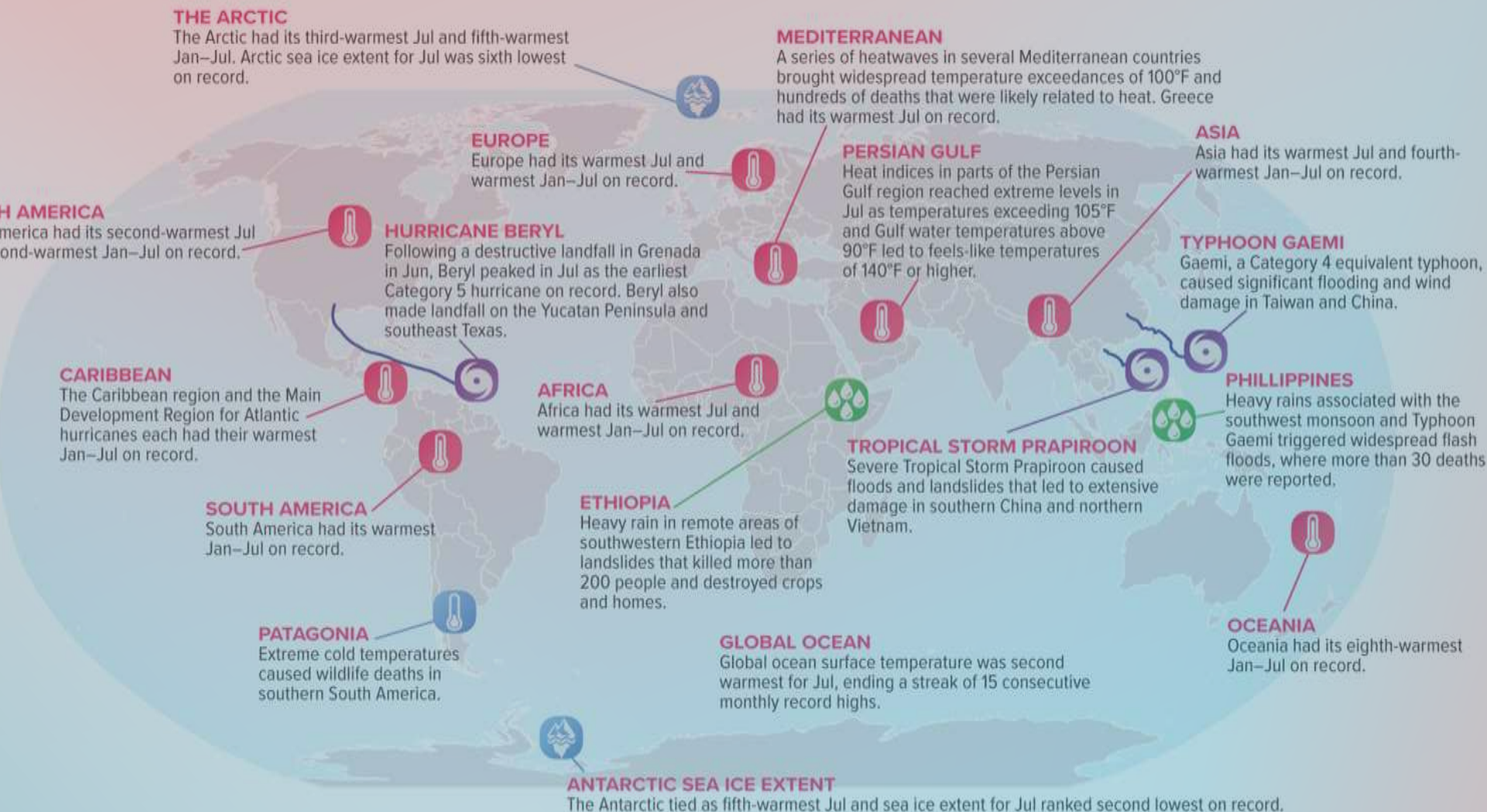
- The July **global surface** temperature was 1.21°C above the 20th-century average of 15.8°C, that means 0.03°C warmer than the previous July record set last year.
- The 14th **consecutive month** of record-high global temperatures.
- The **global land** - only July temperature also was warmest on record at 1.70°C above average and
- **The ocean** - only temperature was second-warmest at 0.98°C above average.

# Selected Significant Climate Anomalies and Events: July 2024

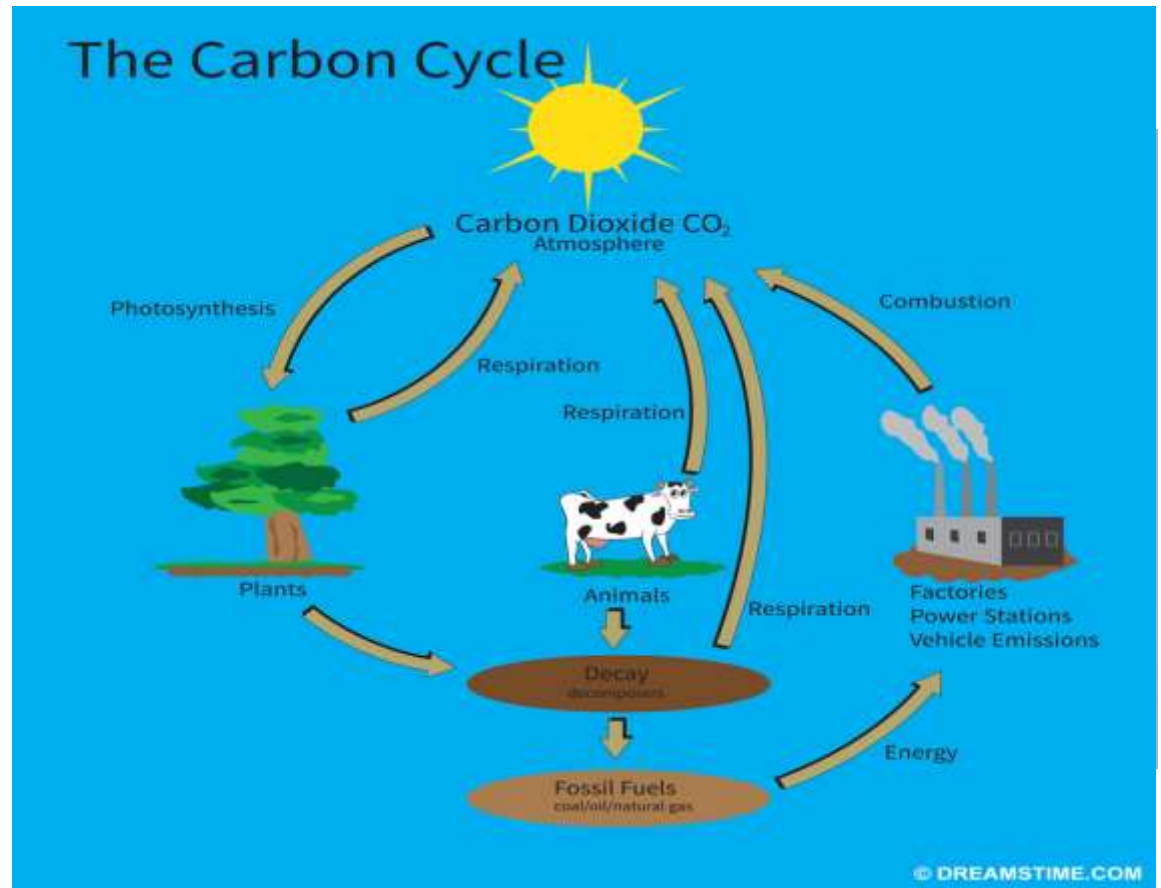


## GLOBAL AVERAGE TEMPERATURE

2024 global surface temperature ranked warmest since global records began in 1850, making it the 14th consecutive record-warm month.



Factors: Fossil fuels (coal, oil and gas) are by far the largest contributor to global climate change, accounting for over 75 per cent of global greenhouse gas emissions and nearly 90 per cent of all carbon dioxide emissions.



# CAUSES OF CLIMATE CHANGE



**GENERATING  
POWER**



**MANUFACTURING  
GOODS**



**POWERING  
BUILDINGS**



**PRODUCING  
FOOD**



**USING  
TRANSPORTATION**



**CUTTING DOWN  
FORESTS**



**CONSUMING  
TOO MUCH**

# Earth's Energy Balance

Less heat energy is escaping to space. It's like adding extra blankets around the Earth.

NATURAL  
Greenhouse Effect

UNNATURAL  
Greenhouse Effect

MORE heat  
escapes into space

LESS heat  
escapes into space

SOLAR RADIATION

SOLAR RADIATION

## Greenhouse Gases

- Carbon Dioxide
- Methane
- Nitrous Oxide

The atmosphere is like a bathtub, and it is filling up fast with greenhouse gases. That's upsetting the earth's energy balance.

# CLIMATE CHANGE EFFECTS



**HOTTER  
TEMPERATURES**



**MORE SEVERE  
STORMS**



**INCREASED  
DROUGHT**



**A WARMING, RISING  
OCEAN**



**LOSS  
OF SPECIES**



**NOT ENOUGH  
FOOD**



**MORE  
HEALTH RISKS**



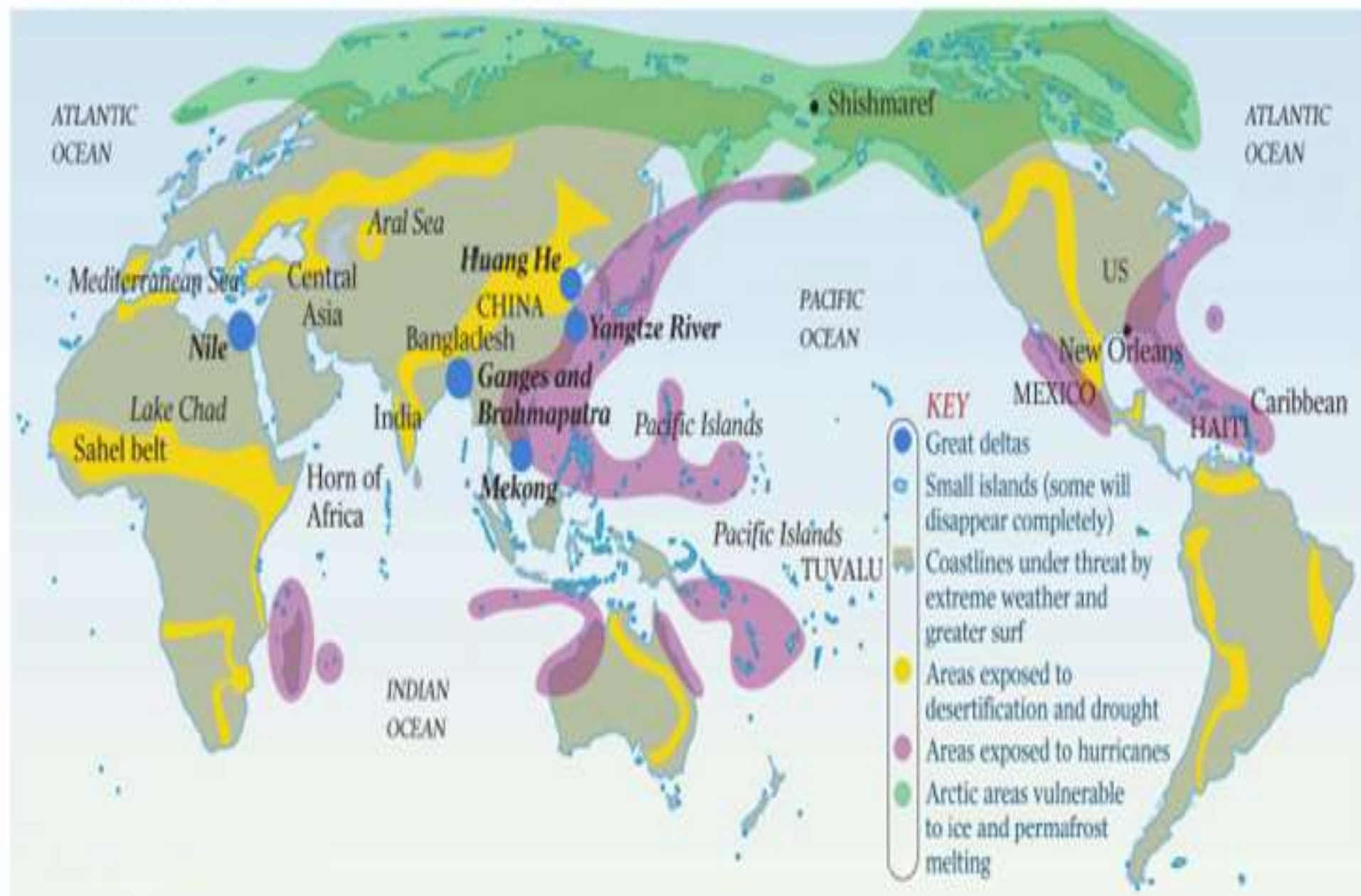
**POVERTY AND  
DISPLACEMENT**



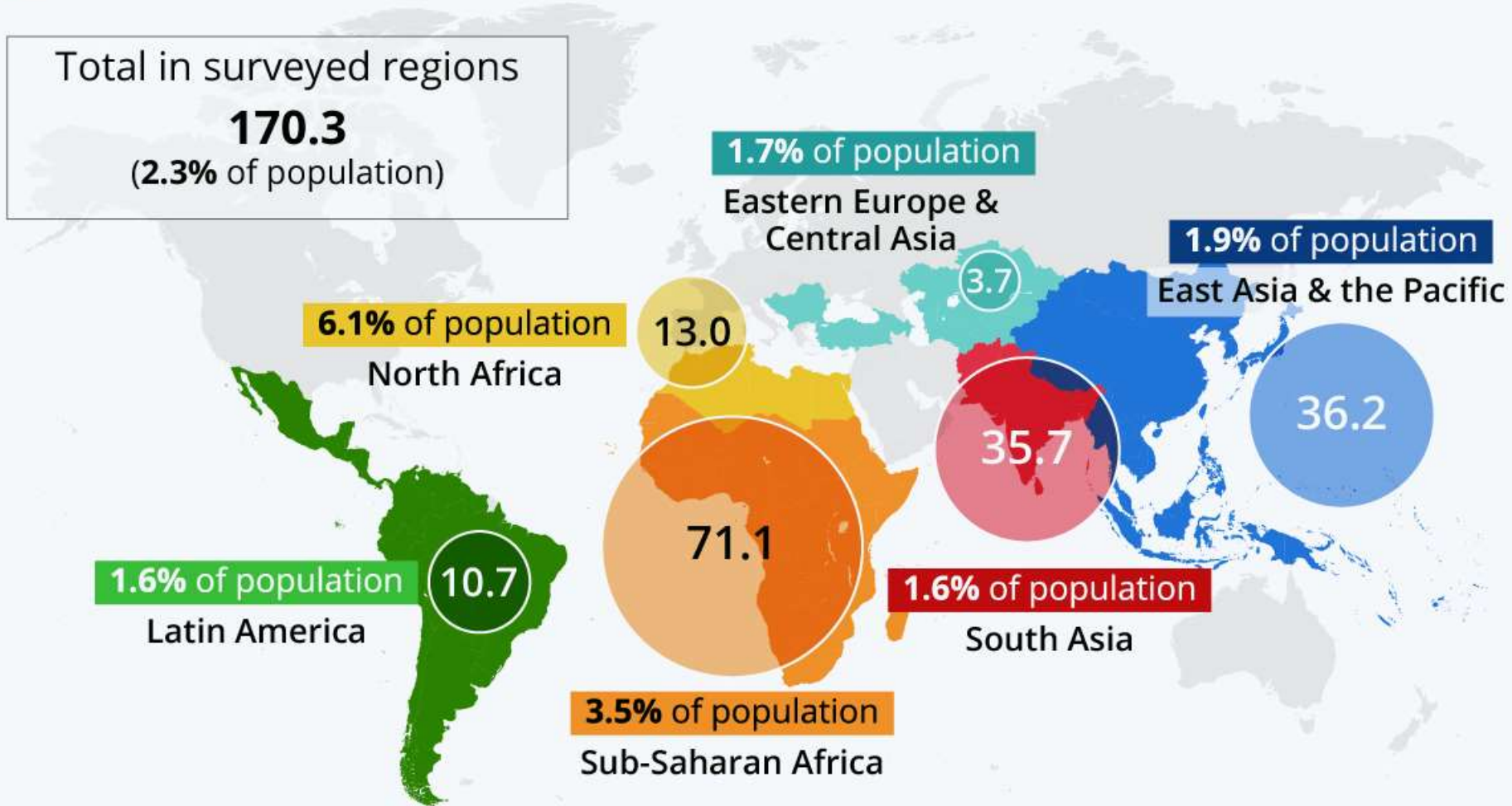
# Poverty and displacement

- Climate change increases the factors that put and keep people in poverty.
- Floods may sweep away urban slums, destroying homes and livelihoods.
- Heat can make it difficult to work in outdoor jobs. Water scarcity may affect crops.
- Over the past decade (2010–2019), weather-related events displaced an estimated **23.1 million people on average each year**, leaving many more vulnerable to poverty.
- Most refugees come from countries that are most vulnerable and least ready to adapt to the impacts of climate change.

# 2005 THE UN'S CLIMATE CHANGE REFUGEE MAP



# Average number of internal climate migrants by 2050 per region (in millions)\*



\* Modeled on pessimistic reference = High emission & unequal development scenarios concerning water availability, crop productivity and sea-level rise

Source: World Bank

# Human mobility vs Migration

Human mobility is “a generic term covering all the different forms of movements of persons.”

In the context of environment drivers, human mobility is understood as

-displacement

-migration and

-planned relocation

(three forms of “climate change induced” movement from the

**Cancun Agreement**)

- Migration is the movement of people from one location to another, either permanently or temporarily, and it is frequently linked to a change of permanent residence.
- Displacement is the situation in which people are forced to leave the place where they normally live.
- Planned relocation “in the context of disasters or environmental degradation, including when due to the effects of climate change, [refers to] a planned process in which persons or groups of persons move or are assisted to move away from their homes or place of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives.

# Reasons

- **Pull factors**, which attract people from different places. They are attracted by better opportunities, the availability of regular work, and relatively higher wages. Better educational opportunities, health care facilities, and entertainment options, among other things, are all significant pull factors.
- **Push factors**, which cause people to leave their place of origin or residence, for variety of reasons, including poverty, high population pressure on the land, and a lack of basic infrastructures such as health care and education. **Natural disasters such as floods, droughts, cyclonic storms, earthquakes, tsunamis, wars, and local conflicts, in addition to these factors, provide an additional push to migrate.**

# Types of migrations

- Internal migration
- External migration
- Economic migration
- Environmental migration
- Climate migration
- Forced migration

# Refugee flows in Ukraine

## Refugee flows in the Middle East countries

### Official UNHCR data:

- 5,684,177 refugees registered in 2022 and 5,914,000 refugees registered in 2023;
- 5,865,447 IDPs (the internally displaced persons) registered in 2022 and 5,088,000 IDPs registered in 2023 in Ukraine;
- Most of the refugees are registered in Poland (6m), Hungary (1.5m), Romania (1.3m), Germany (1m) and Russia (2.8m).

- Syria - 2014 - 3.887.490 Syrian refugees registered; In 2015 - 4.873.236 and in 2016 - 5.524.511 Syrian refugees;
- Iraq – 2014 - 369,960 refugees; In 2015 - 264,086 refugees registered, and in 2016 - 316,056 Iraqi refugees;
- Afghanistan – 2014 - 2.596.259 refugees; 2015 - 2.666.294 displaced persons from Afghanistan. In 2016 - 2.501.447 refugees from Afghanistan.

# Ukrainian refugee processes vs. Middle East refugee crisis

- Over 1M. Refugees in 2015 in Europe / Over 5M. Refugees in 2022 from Ukraine
- Legal acts during refugee processes: Convention on the status of refugees 1951, its protocol 1967, The New York Declaration 2016 etc.
- Middle East – EU- Turkey statement, Relocation plan
- Ukrainian crisis - **the Directive for Temporary Protection (2001) was activated:**
- This Directive provides immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin.
- The countries are willing to adopt and implement legal acts in terms of helping the refugees;
- The legal acts are not equally applied to same scope of refugee crisis;
- The discrimination among nations is evident.



# Migrant vs refugee

**International migrant (migrant)** refers to “any person who is outside a State of which they are a citizen or national, or, in the case of a stateless person, their State of birth or habitual residence”. Throughout the principles and guidelines, the term “migrant” refers to migrants in **vulnerable situations**. The term “migrants in vulnerable situations” does not include refugees, and is without prejudice to the protection regimes that exist under international law for specific legal categories of non-nationals, including refugees, asylum seekers, stateless persons, trafficked persons and migrant workers.

A migrants can be classified in four main groups:

## **Refugee migrant**

A refugee is defined as "a person who is outside his country of nationality because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion."

After leaving his mother country, a refugee does not change his nationality.

# Climate Migrant

Climate migrants have been invisible for many years on the migration and climate debates. IOM's work has been focused for over 10 years on bringing climatic and environmental factors to the light and on building a body of evidence proving that climate change affects – directly and indirectly – human mobility.

- Hence, it might seem paradoxical in this context not to encourage the establishment of a climate specific legal status, parallel to the existing refugees' status.

# Climate Refugee

Climate refugee or environmental refugee are terms frequently used **on purpose in the media and by activists** to draw attention on the situation and needs of those uprooted because of **disasters, climate change and environmental degradation**. While their situations and needs can be similar to those of refugees, such as crossing a border after a disaster and needing protection and assistance, **people moving for environmental reasons, do not fall squarely within any one particular category provided by the existing international legal framework.**

# The difference between climate migrants and climate refugee

Climate migrants: are often displaced within their own country or may cross borders. Importantly, **they are not legally recognized as "refugees" under international law**. All persons moving in the context of environmental drivers are protected by **international human rights law**. They are also covered by provisions laid out in the **Guiding Principles on Internal Displacement**.

Climate Refugee: the term has no official legal status under international refugee law, such as the 1951 Refugee Convention. Convention defines a refugee as someone fleeing persecution based on race, religion, nationality, political opinion, or membership in a particular social group. Since climate change isn't considered a form of persecution, people displaced solely due to climate factors do not qualify for the protections granted to refugees under international law.

# Universal Declaration of Human Rights

- Human rights are universal, inalienable, indivisible and interdependent.
- By becoming parties to international human rights treaties, **States assume obligations** under international law and undertake to establish domestic measures and legislation reflecting those obligations.
- States may also **be responsible** for the human rights consequences of actions, or failures to act, by private actors, including corporations, members of civil society and private security contractors. They have a **duty to take appropriate steps to prevent** human rights abuses that they are in a position to be aware of, to investigate and punish such abuses, and provide effective remedies and reparation.

# HR and migrants

**The international human rights framework** that States have put in place provides protection **to all persons**, including to all migrants. However, the framework's application to migrants who are in situations of vulnerability is often less clearly understood. States (and other stakeholders) therefore lack complete guidance on how to operationalize the framework in such situations

- The principles are drawn directly from **international human rights law** and related standards, including **international labour law**, as well as from **international refugee law, criminal law, humanitarian law and the law of the sea**, and are enshrined in **treaty law, customary international law and general principles of law**

# HUMAN RIGHTS, CLIMATE CHANGE AND MIGRATION

## Key Messages

The Office of the United Nations High  
Commissioner for Human Rights  
(OHCHR) highlights the obligations and  
responsibilities of States and other  
duty-bearers to address the human mobility  
challenges created by climate  
change

1. Ensure the dignity, safety,  
and human rights of migrants  
in the context of climate change

International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, obligate States to **respect, protect, and fulfil all human rights** for all people without discrimination, including all migrants under their jurisdiction or effective control.

-The states should **facilitate migration with dignity** and address the specific human rights protection needs of migrants.

-This includes the provision of food and clean water; access to adequate housing, health care and social security, education, and decent work opportunities.



2. Reduce the risk of forced migration through climate change mitigation

3. Reduce climate change risks through adaptation

Around 22.5 million people move each year within and across borders because of climate and weather-related disasters. States must take effective measures to limit these ongoing and future harms by pursuing ambitious climate change mitigation in line with their commitments under the Paris Agreement under the UNFCCC.

Article 11 of the ICESCR, for example, requires States to take appropriate steps to ensure for all people the right to an adequate standard of living.

#### 4. Protect the human rights of people who are in particularly vulnerable situations

Non-discrimination and equality are core human rights principles reflected in the ICESCR and the ICCPR and elaborated upon in several other instruments including the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Elimination of all Forms of Racial Discrimination.

The Paris Agreement under the UNFCCC also explicitly acknowledges the rights of all persons in vulnerable situations, including migrants, calling for States to respect, promote and consider human rights when taking climate action.

## 5. Ensure liberty and freedom of movement for all persons

Movement away from areas affected by climate change is **a fundamental right** and may provide individuals and communities the **opportunity to avoid climate impacts and improve resilience**. Yet it can also generate new risks and result in exploitation, discrimination, or exacerbate existing vulnerabilities, especially when safe and legal avenues for migration are lacking. **States should prioritize the safety of migrants and take measures to facilitate migration with dignity**. The ICCPR guarantees the right of all persons to leave any country, including one's own, and to move freely and choose one's place of residence within a country once lawfully present

## 6. Ensure durable legal status for all those forced to move and to ensure safeguards in the context of returns

- Border governance measures that cause or risk human rights violations are not permissible. States are bound by their non-refoulement duties to ensure protection for any migrants at their borders, within their territory, or over whom they have extraterritorially exercised jurisdiction.
- Articles 6 and 7 of the ICCPR guarantee the rights to life and to be free from cruel, inhuman or degrading treatment or punishment. Therefore, States must not return a migrant whose life is at risk, or who may face torture or other cruel, inhuman or degrading treatment or punishment.

## 7. Ensure meaningful and informed participation

The International Covenant on Civil and Political Rights and other human rights instruments guarantee all persons the right to information and participation in public affairs. State actions and decisions related to migration should involve the informed participation of affected persons, including migrants. Decision making should be transparent and empower affected persons through meaningful, informed and effective participation.

8. Guarantee human rights in relocation
9. Ensure access to justice for those affected by climate change

Relocation can take advantage of opportunities to plan for the predicted impacts of climate change and move individuals and communities away from unsafe areas. Planned relocation should generally be a measure of last resort.

States are required to provide effective mechanisms to prevent and redress human rights harms resulting from the adverse effects of climate change, and from climate change mitigation and adaptation. Accountability should also include businesses and actors that have contributed to the causes of climate change or violated human rights in their mitigation and adaptation actions.

# 10. Cooperate internationally to protect the rights of migrants

The ICCPR guarantees the right of all persons to leave any country, including one's own, and to move freely and choose one's place of residence within a country once lawfully present.

These rights may only be limited to safeguard a State's national security, public order, public health or morals, or the rights or freedom.

The challenges created by climate change require a global response. Efforts to address its impacts will only be effective if they incorporate international cooperation and assistance.

States have obligations **to cooperate under the UNFCCC, the Charter of the United Nations, the ICESCR**, other human rights instruments and international labour standards.

# **Recommended principles and guidelines on human rights at international borders**

contains three recommended principles, all of which are derived from international human rights law and establish the obligation of States to protect, respect and fulfil human rights of all migrants at international borders;

A. The primacy of human rights: **Human rights should be at the centre of all border governance measures.**

B. Non-discrimination: **Migrants should be protected against any form of discrimination at borders.**

C. Assistance and protection from harm: **States should consider the individual circumstances of all migrants at borders, and ensure effective protection and access to justice.**



Principles and guidelines on the human rights protection of migrants in vulnerable situations  
Focus on the human rights situation of those migrants who may not qualify as refugees, yet who are in vulnerable situations and thus in need of the protection of the international human rights framework

Principle 1: Primacy of human rights

Principle 2: Non-discrimination

Principle 3: Access to justice

Principle 4: Rescue and immediate assistance

Principle 5: Border governance

Principle 6: Human rights-based return

Principle 7: Protection from violence and exploitation

Principle 8: Ending immigration detention

Principle 9: Protecting family unity

Principle 10: Migrant children

Principle 11: Migrant women and girls

Principle 12: Right to health

Principle 13: Right to an adequate standard of living

Principle 14: Right to work

Principle 15: Right to education

Principle 16: Right to information

Principle 17: Monitoring and accountability

Principle 18: Human rights defenders

Principle 19: Data collection and protection

Principle 20: Migration governance and cooperation

# WB migrants

## Western Balkans migrants

Prior 1991 Displacement was triggered by frequent ethnic tensions and clashes over land and access to scarce resources among the diverse communities inhabiting the region.

The 1991-95 conflicts in Yugoslavia resulted in forced displacement of nearly 3 million people. The ethnic dimension of the conflicts led to massive ethnic reshuffling in the region.

Between 1989 and the beginning of 1998, an estimated 350,000 Kosovo Albanians left Kosovo -in 2001 in Macedonia internal armed conflict. The hostilities lasted for seven months and uprooted more than 170,000 persons, including about 74,000 IDPs

## Migrants crossing Western Balkans

Since 2015, the Western Balkans have emerged as a major transit region for migrants attempting to reach Western Europe.

Migration challenges in the Western Balkans are addressed with the support of the IPA III funds, designed for the period 2021-2027.

**EU therefore supports the Western Balkan** partners in developing effective migration management systems, including **strengthened asylum procedures, additional reception facilities** and further efforts in relation to voluntary and non-voluntary returns, in accordance with EU rules.

# Climate change in Western Balkans

2014 a historic flooding caused over €2 billion in damages and losses in Bosnia and Herzegovina, nearly 15 % of the country's GDP.

The floods caused over €1.5 billion in damages and losses in Serbia – 5 % of its GDP.

The 2017 record temperatures caused a drought in Serbia which led to a drop in agriculture output of nearly 10 percent.

In Albania, €200 million were spent on energy imports amid a devastating drought

# Trapped populations

- While this terminology analysis focuses on movement, it is important to note that the concept of “vulnerability” needs to be put at the centre of current and future responses to environmental migration. The most vulnerable may be those who are unable to or do not move (trapped populations).
- Trapped populations are those **“who do not migrate, yet are situated in areas under threat, [...] at risk of becoming ‘trapped’ or having to stay behind, where they will be more vulnerable to environmental shocks and impoverishment.**
- The notion of trapped populations applies in particular **to poorer households who may not have the resources to move and whose livelihoods are affected”**
- In the context of climate change, some populations might not be able to move due lack of resources, disability or social reasons (e.g. gender issues), and other might choose not to move due cultural reasons, such as the ancestral links people have with their land.

# Air pollution reason for migration?

Air pollution is a major cause of premature death and disease and is the single largest environmental health risk in Europe, causing around 400,000 premature deaths per year

Which country had the worst air quality in 2023?

1. Bangladesh (164), Pakistan, India, Tajikistan, Burkina Faso, Iraq, United Arab Emirates, Nepal, Egypt, Congo... Macedonia (32 of 134 with avg. 78)

- In Macedonia, the risks from air pollution are especially high. In February 2024, Skopje was once again among the top 10 polluted cities in the world, while PM10 or PM2.5 levels, on average, surpass the thresholds for more than 100 days annually.
- major sources of air pollution in Skopje are: heating (32%), industry (20%), followed by transport (19%), construction (12%) and waste (7%).

# Conclusions

- Migrants and refugee is not the same category
- Human rights vs special documents
- Refugee from Europe vs refugee from Middle East not equal treatment
- Clean air is human right, the pollution is invisible killer.
- Window of the globe – Paris agreement.

Its overarching goal is to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.”

To limit global warming to 1.5°C, greenhouse gas emissions must peak before 2025 at the latest and decline 43% by 2030.