



## Horizon 2020 Project

# Habitability and Climate Mobility Legal and Policy Solutions Dialogue with Stakeholders

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### CONCEPT NOTE

#### 1. The HABITABLE Project

**HABITABLE – Linking Climate Change, Habitability and Social Tipping Points: Scenarios for Climate Migration** – is a Horizon 2020 Project funded by the European Commission (2020-2024, 22 partners from 18 countries). The project aims to enhance our understanding of how climate change affects human mobility and to anticipate its future dynamics (<https://habitableproject.org>).

The Project focuses on **habitability** – the capacity of a given place to sustain and support the lives and livelihoods of its inhabitants. This concept is vital in the climate change context, as environmental degradation or worsening of social conditions could eventually force entire populations to move.

By integrating **social tipping points** and **socio-ecological systems**, HABITABLE offers a **new perspective** on climate-induced mobility. Habitability is viewed as a **multi-dimensional continuum** rather than a simple “habitable” or “uninhabitable”. It varies across social groups and scales, with different implications for communities, shaped by their interactions with evolving environmental and social conditions.

#### 2. Current Narrative and the Promiscuous Use of “Migration” and “Displacement”

Human mobility – including migration, displacement, and planned relocation – is increasingly affected by climate change. While traditionally influenced by economic, political, and social factors, mobility is now significantly impacted by environmental degradation and extreme weather events. **Climate change exacerbates vulnerabilities**, especially in regions facing poverty, instability, or environmental stress. Although not the sole cause of migration, global warming accelerates patterns driven by poverty, economic hardship, and political instability.

In this context, **migration becomes a key adaptive strategy** for communities confronting climate-related challenges, often paired with context-specific strategies like securing loans or adapting agricultural practices. Recognising individuals' capacity to make strategic

decisions to improve migration is essential. However, the effectiveness of migration varies based on socioeconomic status, resource access, and the specific environmental context. Vulnerable populations frequently lack the necessary resources for migration, making it less accessible.

**Individual factors**, such as gender, age, and education, significantly influence mobility decisions. These characteristics intersect, creating unique experiences and challenges that affect migration outcomes. Understanding this **intersectionality** provides a nuanced perspective on climate-induced migration.

The success of migration in enhancing well-being depends significantly on proper planning and access to resources in new environments. Integrating migration into **broader climate adaptation policies** is crucial to ensure it contributes positively to resilience without exacerbating vulnerabilities.<sup>1</sup> A well-structured strategy can maximise the benefits of migration while minimizing its drawbacks, supporting both migrants and the community they leave and join.

Reports from institutions like the UN, World Bank, and IPCC predict millions could be displaced by 2050. However, quantifying climate-related mobility remains challenging due to overlapping data, inconsistent definitions, and difficulties in isolating climate factors from socioeconomic and environmental drivers. A December 2023 World Bank report calls for further research into these issues, highlighting the **significant influence of climate instability, conflict, and demographic changes** on future migration trends.

Research activities from HABITABLE emphasize that traditional narratives often oversimplify climate-induced mobility. Movement **is likely to persist regardless of environmental conditions**, as other factors also drive it. Misunderstandings arise from the interchangeable use of terms like "migration" and "displacement".<sup>2</sup> The key distinction is between **voluntary migration** - driven by economic or personal choices - and **forced displacement**, where people are compelled to leave due to uninhabitable conditions. Additionally, the nature of mobility may evolve over time.

### 3. A Human Rights-Based Approach to Habitability and Climate Mobility

The adverse effects of climate change on human mobility remain debated even amid recent developments. European governments, responding to increasing migration pressure, are implementing **stricter measures influenced by anti-immigration political forces**. These measures include tighter asylum rules, extended detention periods for undocumented migrants, and enhanced border control. **Legal efforts to address human rights** in the context of climate change focus on the collective challenges faced by affected populations, exemplified by international advisory proceedings.

In 2022, the Small Island States Commission on Climate Change and International Law (COSIS) sought an opinion from the International Tribunal for the Law of the Sea (ITLOS) regarding **States' duties in respect of climate change** under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). In 2023, Chile and Colombia requested clarification from the Inter-American Court of Human Rights (IACHR) about **human rights**

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<sup>1</sup> Migration can also be maladaptive, where initial positive outcomes may deteriorate over time, leading to new vulnerabilities, especially when relocated communities face long-term social and economic challenges.

<sup>2</sup> The HABITABLE Project has elaborated working definitions including those of "migration" and "displacement". **Migration** is: "The movement of a person or a group of persons away from their place of usual residence, either across an international border, or within a state. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes"; whereas **displacement** means: "The movement 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 generalized violence, violations of human rights or natural or human-made disasters".

**obligations in the climate emergency.** That same year, the UN General Assembly resolution 77/276 requested the International Court of Justice (ICJ) to clarify States' climate obligations under international and human rights law and the **legal consequences for States of inaction** that harm present and future generations.

While some cases remain ongoing, on May 21, 2024, the ITLOS issued its advisory opinion on climate obligations, stating that States' due diligence obligations vary based on their development levels. Consequently, better-equipped States must **provide technical, financial and capacity-building assistance** to developing countries.

Citizens and civil society organizations are increasingly holding States accountable for inaction on climate mitigation and adaptation through national and regional courts, and human rights treaty bodies. Judicial bodies have consistently highlighted the detrimental effects of climate change on habitability and human rights, compelling States to take necessary protecting measures.

The HABITABLE Project has evolved from focusing solely on protecting those displaced due to climate change to advocating for timely and effective legal and policy responses. Habitability is essential for the enjoyment of fundamental rights, and human rights serve as vital components of this broader concept. Climate change-induced population movements are challenging to quantify; however, a **human rights-based approach** (HRBA) is crucial in addressing both migration and internal displacement. This approach promotes and protects rights based on internationally recognized standards, ensuring dignity, safety, and livelihoods of all individuals, regardless of migration status.

On a regional level, HRBA has been pivotal in climate-related cases before the **European Court of Human Rights**. While nine cases are pending, in the *KlimaSeniorinnen Schweiz and Others*, the Court affirmed that protecting fundamental rights from severe climate impacts on life, health, and quality of life requires that the mitigation efforts be supported by adaptation strategies tailored to specific needs.

A **multipolar dimension of habitability** has emerged, integrating a complex network of fundamental rights related to climate change. This dimension illustrates how the protection of one right, such as the right to life, can enhance others, like health and security. Conversely, breaches in one area can undermine the entire framework. Strengthening rights like access to education can empower individuals to adopt sustainable practices and make informed decisions, ultimately fostering a more resilient and adaptable future.

#### 4. Reviewing Legal and Policy Instruments

A comprehensive legal framework addressing climate-related human mobility is still lacking, primarily due to the challenge of defining "climate migrant." Most existing international, regional, and subregional **frameworks were drafted before climate change became a central issue**, and local frameworks are difficult to replicate across different contexts.

To manage migration driven by climate impacts and reduce displacement, a **human rights-based approach** (HRBA) is essential for ensuring habitability. This connection is highlighted in the *Policy Brief "Tackling Climate Migration and Human Rights in Tandem: A Policy Agenda"*, developed by Sapienza University in May 2023. The brief outlines **30 policy options in five areas**: climate change mitigation, adaptation, loss and damage, internal and cross-border mobility, and climate displacement. It emphasizes the importance of a "social tipping point" perspective to understand how climate change shapes migration decisions over time, helping to guide legal and policy responses at each stage.

In the pre-tipping point phase, migration is often voluntary and driven by economic and environmental factors. As conditions worsen, migration becomes more of a necessity. Legal frameworks, during this stage, must **manage both voluntary and involuntary movement**

while supporting affected communities. Once the tipping point is crossed and conditions become uninhabitable, migration is forced. Legal responses must then **prioritize the protection of displaced persons** and ensure their access to resources in their new environments.

These phases offer a framework for understanding how migration evolves and how law and policy can address it. The **climate-migration link is a continuum**, with different legal regimes becoming appropriate as conditions shift closer to the tipping point.

At the international level, **current frameworks need revision** to handle the complexities of climate-induced mobility, which is driven by multiple factors. The **2018 Global Compact for Migration**, while aiming to integrate climate mobility into broader policy, lacks enforceable measures due to political resistance. Regional efforts, particularly in Africa and the Pacific, show promise but are difficult to apply universally. These initiatives, while encouraging, are insufficient for a comprehensive global solution.

The EU could play a key role in addressing climate mobility. Although the **2024 EU Pact on Migration and Asylum** does not explicitly address environmental causes, the issue is covered in external cooperation efforts, such as the **2023 Samoa Agreement**, which focuses on climate resilience.

**Displacement presents additional challenges** compared to voluntary migration. Climate-induced displacement is often involuntary, driven by the immediate need for survival, and is harder to manage within current migration frameworks. Forced displacement primarily leads to long-term, internal movements, though some may cross borders.

Internal displacement due to slow-onset climate effects intersects with various legal fields, including human rights and environmental law, disaster risk reduction, and sustainable development. The **1998 Guiding Principles on Internal Displacement** offer a useful framework for understanding state obligations to displaced persons, and these guidelines are increasingly being adopted at regional and national levels.

## 5. HABITABLE Perspectives

The Project promotes a **holistic approach** to climate migration, focusing on preventing social tipping points and protecting people in uninhabitable areas. It aims to address specific needs and vulnerabilities to ensure fundamental rights and reduce inequalities.

Regional cooperation holds great potential for tackling shared challenges through coordination mechanisms and dialogue forums that align objectives and actions. Integrating human rights into climate change and migration policies safeguards the dignity of affected individuals. A comprehensive human rights-based approach, involving local communities, scientific insights, and international cooperation, can provide **sustainable solutions** to the complex challenges posed by climate mobility.

To foster effective collaboration, relevant actors should promote frameworks for cooperation that identify **common goals and context-based actions** through coordination mechanisms. Regional agreements that establish the freedom of movement and the right to residence within specific areas are valuable examples of such actions.

In line with this, **25 key strategic recommendations** have been developed, urging the EU to adopt an integrated approach. This includes legal reforms, protection mechanisms, and financial support systems across governance levels. The main goal is to ensure that **migration policies align with human rights standards**, while also supporting sustainable development, resilience, and climate justice.

HABITABLE recommends reforming national and international legal frameworks to **recognize non-linear, internal climate displacement** and protect climate-displaced persons. It also

suggests forming **partnerships with academic experts and civil society** to develop indicators for monitoring climate impacts and the effectiveness of adaptation measures. Additionally, governments should establish humanitarian visas, temporary work permits, and study visas for those displaced by environmental hazards through **regional agreements**.

## 6. Guiding Questions

These questions are designed to stimulate reflection on the key issues addressed by the HABITABLE project and foster a comprehensive dialogue among participants:

- How can international frameworks be adapted to better address the specific challenges of climate-induced mobility and displacement?
- From your organization's perspective, how can regional cooperation be strengthened to manage climate mobility while safeguarding fundamental human rights?
- How can data collection be improved to ensure legal frameworks accurately reflect distinctions between external migration and internal displacement?
- What strategies can civil society organizations use to ensure climate-displaced persons have access to legal protections and essential services, regardless of their migratory status?
- How can public awareness campaigns reshape narratives on climate mobility to reduce stigma and promote positive policy reforms?
- How can a human rights-based approach be embedded in national and international legal frameworks to fully protect the rights and dignity of climate-displaced persons? What actions should be prioritized?
- How can the relationship between social tipping points and habitability be further explored, and what are its implications for future mobility patterns?
- How can governments better assess when a region has become uninhabitable due to climate change? What legal frameworks can determine when relocation or migration becomes necessary?
- How can regions like the EU, Africa, and the Pacific harmonize legal standards for managing climate mobility, while accounting for local realities? What lessons from regional approaches can be applied globally?
- Should the UN 1998 Guiding Principles on Internal Displacement be updated to better reflect today's climate/displacement challenges?