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# Human Rights Climate Change and Migration in the Sahel



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When people are forced to move because their environment can no longer support a life with dignity, pushing them to return to such a situation is not only unprincipled – it is completely unsustainable. Along with adopting rights-based

approaches to internal displacement, I urge all countries to work together to expand pathways for safe and regular migration for people who are compelled to leave their countries in the context of environmental degradation.

Michelle Bachelet,  
United Nations High Commissioner  
for Human Rights<sup>1</sup>

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<sup>1</sup> Global update to the 48th Session of the Human Rights Council, 13 September 2021.

## INTRODUCTION

The impacts of climate change, including rising sea levels, floods, droughts, and forest fires, are already having a devastating toll on human lives. In some areas they are rendering lands uninhabitable or unable to support the livelihoods that communities have relied upon for generations. The Sahel region of Africa<sup>2</sup> has been identified by the Intergovernmental Panel on Climate Change as a climate hot spot,<sup>3</sup> and is already experiencing many of these adverse effects of climate change.<sup>4</sup> Such adverse effects impair the enjoyment of human rights, including the rights to health, water and sanitation, food, adequate housing, and the right to life. They also interact with a number of other factors to prompt people to migrate or modify traditional patterns of migration.

Addressing the nexus of climate change, migration and human rights, the preamble of the Paris Climate Agreement<sup>5</sup> adopted in 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), calls on Parties to, “respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”<sup>6</sup>

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has consistently highlighted the obligations and responsibilities of States and other duty-bearers to respect, protect and fulfil human rights put at risk by climate change.<sup>7</sup> This includes taking specific action to address the human rights challenges faced by people migrating in circumstances linked to the adverse impacts of climate change.<sup>8</sup> OHCHR is working at a global level and in various countries to contribute to a deeper understanding of the relationship between human rights, climate change, and migration. It is also working, with the support of the Government of Denmark, to elaborate and promote a human-rights based, including gender-responsive, approach to these issues in the Sahel.

This report provides an overview of climate change-related migration through a human rights lens. Building on a case study included in OHCHR’s 2018 analytical study in partnership with the Platform on Disaster Displacement on the slow-onset effects of climate change and human rights protection of cross-border migrants, it focuses on the Sahel as one of the regions of the world that is already seeing significant and complex linkages between migration and the adverse effects of climate change.<sup>9</sup> These include migration linked to declining rural agricultural and coastal fishery productivity, shifting patterns of nomadic pastoralism, and migration induced by floods, landslides, and other disasters.

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<sup>2</sup> The Sahel is the term used to refer to the region of Africa between the Sahara desert, in the north, and the Sudanian Savannah in the south. OHCHR’s work related to climate change and migration in the Sahel focuses on the ten countries included in the United Nations Integrated Strategy for the Sahel (Burkina Faso, Cameroon, Chad, The Gambia, Guinea, Mali, Mauritania, Niger, Nigeria, and Senegal), with a particular emphasis on community engagement in Mauritania, Niger, and Nigeria.

<sup>3</sup> Isabelle Niang and others, “Africa,” AR5 Climate Change 2014: Impacts, Adaptation, and Vulnerability, Intergovernmental Panel on Climate Change (IPCC), 2014.

<sup>4</sup> Ibid.

<sup>5</sup> Paris Agreement, 2015.

<sup>6</sup> The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts established by the Parties to the UNFCCC, also includes a specific task force dedicated to understanding and addressing the effects of climate change-related migration and displacement. See United Nations Framework Convention on Climate Change (UNFCCC), “Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts.”

<sup>7</sup> See, e.g., A/HRC/47/46; A/HRC/44/30; A/HRC/41/26; A/HRC/38/21; A/HRC/35/13; A/HRC/32/23; A/HRC/10/61.

<sup>8</sup> There is no universal legal definition of “migrant”. OHCHR defines an international migrant as “any person who is outside a State or location of which they are a citizen or national, or, in the case of stateless person, their State or location of birth or habitual residence”. See OHCHR, “Recommended Principles and Guidelines on Human Rights at International Borders,” 2014. An internal migrant is any person who moves within the boundaries of a State, including internally displaced persons (IDPs). In this report, ‘migrant’ is used as an umbrella term and also covers those who fall into well-defined legal categories, such as migrant workers, refugees, victims of human trafficking, etc.

<sup>9</sup> See OHCHR and Platform on Disaster Displacement (PDD), “The Slow onset effects of climate change and human rights protection of cross-border migrants,” 22 March 2018.

The report does not provide a comprehensive analysis of all of the human rights challenges related to climate change and migration in the Sahel. However, it identifies some of the key challenges and impacts that are already being seen in the region.

After providing a brief overview of the context in the Sahel, the report describes human rights impacts in the context of climate change-related migration. It highlights in particular that the adverse effects of climate change on human rights can act as a driver of migration. It also examines some key human rights challenges faced during transit and at destination locations of those migrating for reasons related to climate change. It then articulates some of the key elements of a human rights-based approach to climate change action and migration governance in the Sahel.





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# Climate change and migration in the Sahel

Since the droughts of the 1970s, The Sahel has experienced significant poverty, with between 30 and 50 percent of the population living on less than \$1.20 per day in many countries in the region,<sup>10</sup> aggravated by situations of environmental degradation and political instability.<sup>11</sup> Temperatures in the Sahel are rising 1.5 times faster than the global average.<sup>12</sup> Rainfall in the region is erratic and wet seasons are shrinking even as flooding is becoming more common.<sup>13</sup> Drought and unpredictable weather and climate conditions are decreasing agricultural productivity and available pastureland and shrinking important water bodies.<sup>14</sup> It is estimated that around 65 per cent of the Sahel's cultivable land is degraded.<sup>15</sup> The region has experienced chronic food shortages since the early 1970s, with an acute food crisis impacting 11.4 million people in West Africa and the Sahel in 2020,<sup>16</sup> and more than 40 million people estimated to risk severe food insecurity in 2021.<sup>17</sup> Such food shortages have been linked to political and economic crises as well as desertification and other impacts of climate change.<sup>18</sup>

Most of the Sahel is rural, with approximately 79 per cent of people living in rural areas and reliant on subsistence agriculture for their livelihoods.<sup>19</sup> However, demographic growth and increasing urbanization have also led to significantly rising populations in cities, many of which are coastal and threatened by rising sea levels and flood risk.<sup>20</sup> Roughly 50 million people in the Sahel who make their livelihoods herding animals compete for land, including with farmers who are seeking to expand land area under cultivation to make up for reduced crop yields.<sup>21</sup> Climate impacts in the Sahel interact with poverty, food insecurity, population growth, gender inequality, political instability, and armed conflict to amplify existing human rights risks and create situations of vulnerability for many of the region's inhabitants.

Migration, both within and across international borders, has long been part of the way of life in the Sahel. However, while migration is always multi-causal,<sup>22</sup> climate change is affecting migratory movements in a number of different ways, including influencing the likelihood that people will move and the conditions in which they will do so. Studies have found, for instance, that droughts may reduce the ability of rural residents of countries in the Sahel to access migration as a coping strategy, as they may be left without the resources necessary to move.<sup>23</sup> Many agriculturalists in countries like Niger and Burkina Faso who are affected by changes in rainfall migrate to seek work or alternative sources of income during the agricultural off-season.<sup>24</sup> In countries like Burkina Faso and Senegal, particularly for border communities, migration to neighbouring countries is an important climate change coping mechanism for rural residents.<sup>25</sup> While the need to migrate in response to reduced resource availability

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<sup>10</sup> World Bank, "Sahel Adaptive Social Protection Program: Annual Report 2018," 2019, p. 3.

<sup>11</sup> OHCHR and PDD, "The Slow onset effects of climate change and human rights protection of cross-border migrants," paras. 96-98.

<sup>12</sup> Niang and others, "Africa."

<sup>13</sup> Ibid; See also IPCC, "Regional Fact Sheet: Africa," Sixth Assessment Report, 2021.

<sup>14</sup> See OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," paras. 96-99.

<sup>15</sup> Koko Warner and others, "In Search of Shelter: Mapping the Effects of Climate Change on Human Migration and Displacement," CARE, 2009, p. 9.

<sup>16</sup> Food Crisis Prevention Network (RPCA), "Food and Nutrition Crisis 2020: Analyses and Reports" (OECD 2020), p. 6.

<sup>17</sup> United Nations Office for the Coordination of Humanitarian Affairs, "Global Humanitarian Overview 2021," 2020, p. 142.

<sup>18</sup> World Health Organization (WHO), "Sahel Region," Health Action in Crises, 2006.

<sup>19</sup> United Nations Environment Programme (UNEP), "Livelihood Security: Climate Change, Migration and Conflict in the Sahel," 2011, pp. 16-17.

<sup>20</sup> See WHO, "Sahel Region"; United Nations Convention to Combat Desertification, "West Africa Thematic Report: Land Degradation Neutrality: Benefits for Human Security," Global Land Outlook, 2019, p. 10.

<sup>21</sup> Cees de Haan and others, "Pastoralism Development in the Sahel: A Road to Stability?" (World Bank, 2016), p. vi.

<sup>22</sup> See, e.g., Chesney McOmber, "Women and Climate Change in the Sahel", West African Papers, No. 27, (OECD Publishing, 2020), p. 21.

<sup>23</sup> See Raphael J. Nawrotzki and Maria Bakhtsiyarava, "International Climate Migration: Evidence for the Climate Inhibitor Mechanism and the Agricultural Pathway," *Population, Place and Space*, vol. 23 no. 4 (2016).

<sup>24</sup> See, e.g., OHCHR and PDD, "The Slow onset effects of climate change and human rights protection of cross-border migrants," para. 95.

<sup>25</sup> Warner and others, "In Search of Shelter," p. 9; Caroline Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," KNOMAD Working Paper 14 (2016), p. 8.

in the Sahel is growing, the COVID-19 pandemic, through border closures and other movement restrictions, has limited access to these forms of migration.<sup>26</sup> For pastoralists in the Sahel, the regular seasonal movement of livestock is essential for their herds' productivity.<sup>27</sup> However, longer dry seasons are increasing pressure on water and land, causing shifts in the routes they use and compelling them to travel farther south in search of more productive pastures.<sup>28</sup> As in agricultural areas, in some coastal areas where fish stocks are declining due to a combination of climate change, overfishing, and other environmental, economic and socio-political factors,<sup>29</sup> fisher folk migrate to areas where stocks are more robust.<sup>30</sup> All of these and other climate change-related transformations to the ways in which people migrate in the Sahel present particular human rights challenges. Understanding these challenges is key to addressing the adverse human rights impacts of climate change in the region.

## THE RELATIONSHIP BETWEEN ARMED CONFLICTS, CLIMATE CHANGE, MIGRATION, AND HUMAN RIGHTS

Conflict can occur together with or be exacerbated by the adverse effects of climate change, including slow onset events such as desertification and drought, leading to refugee movement.<sup>31</sup> As recognized in the Global Compact on Refugees (GCR), while not in themselves causes of refugee movements, climate, environmental degradation and natural disasters increasingly interact with the drivers of refugee movements.<sup>32</sup> In the same vein, the UN Support Plan for the Sahel has highlighted that climate change in combination with the demographic bulge can worsen the security and peace situation and may compel people to migrate in precarious situations.<sup>33</sup> Ongoing armed conflicts can also interfere with Governments' abilities to respond to the adverse effects of climate change, including slow and sudden-onset disasters.

While armed conflicts in the Sahel have long-standing historical roots and a myriad of causes, they can be aggravated by the changing climatic conditions,<sup>34</sup> and may in turn compel people to migrate. Indeed, OHCHR has noted the potential for increased levels of armed conflict in the Sahel as a result of increased resource competition, which have in turn shifted patterns of livelihoods and migration.<sup>35</sup>

<sup>26</sup> Start Network & REACH, "Pushed to the Brink? The impact of COVID-19 on environmental migration in the Sahel," 2021, pp. 24-25.

<sup>27</sup> See OHCHR and PDD, "The Slow onset effects of climate change and human rights protection of cross-border migrants," para. 95.

<sup>28</sup> See, e.g., United Nations Office for West Africa and the Sahel (UNOWAS), "Pastoralism and security in West Africa and the Sahel: towards peaceful coexistence," 2018, pp. 24-25.

<sup>29</sup> Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," p. 8.

<sup>30</sup> *Ibid.*, pp. 8-9.

<sup>31</sup> OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," para. 71.

<sup>32</sup> A/HRC/73/12 (Part II), para. 8.

<sup>33</sup> United Nations Support Plan for the Sahel, "Summary," May 2018, p. 8.

<sup>34</sup> International Organization for Migration (IOM), "Environmental Migration, Disaster Displacement, and Planned Relocation in West Africa," 2020, p. 12.

<sup>35</sup> OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," para. 104.



For instance, a significant amount of migration within, into, and out of Benue State in Nigeria – where communities have experienced climate change effects – is tied to violent conflicts.<sup>36</sup> Such conflicts are largely between farmers and herders, and result from land resource scarcity with climate change as a remote cause, but are exacerbated by ethnoreligious difference, extreme poverty, and lack of access to economic and social rights.<sup>37</sup> Research also indicates that conflicts between Fulani pastoralists and Hausa farmers in Nigeria’s north-western states led to the movement of approximately 178,000 people in 2019.<sup>38</sup>

Some scholars have suggested potential connections between climate change effects in the Sahel, notably the shrinking of Lake Chad, and the rise of armed groups like Boko Haram in the region.<sup>39</sup> They suggest that a lack of alternative livelihoods and frustration with Government inaction in the face of environmental degradation raises the likelihood of recruitment by such groups. At the same time, reduced mobility can also spur conflict, where formerly nomadic communities settle in traditional farming regions and livelihood diversification on the part of all communities increases resource competition.<sup>40</sup>

Human rights-based approaches can help to mitigate climate change-related conflict. Participatory efforts that emphasize trust, peacebuilding, and shared ownership of interventions are key to addressing conflicts between farmers and herders in the Sahel.<sup>41</sup> In Niger and Burkina Faso, for example, local conventions drawn up with involvement of farmers and herders and regulating their rights and responsibilities have helped to minimize resource conflicts.<sup>42</sup> In Burkina Faso and Guinea, local conflict management committees have also helped to find peaceful solutions to allocation of scarce resources in the face of climate change.<sup>43</sup>

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<sup>36</sup> Interviews with community members, Guma Local Government Area, Nigeria, June-July 2021.

<sup>37</sup> Ibid.

<sup>38</sup> IOM, “Environmental Migration, Disaster Displacement, and Planned Relocation in West Africa,” p. 12.

<sup>39</sup> Laura Freeman, “Environmental Change, Migration, and Conflict in Africa: A Critical Examination of the Interconnections,” *Journal of Environment and Development*, Vol. 26 No. 4 (2017), p. 365.

<sup>40</sup> UNEP, “Livelihood Security, Climate Change, Migration and Conflict in the Sahel,” p. 61.

<sup>41</sup> Adebusi Isaac Adeniran, “Policy Briefing: Climate Change and Migration: Climatic Factors in Nigeria’s Farmer-Herder Conflict,” p. 4.

<sup>42</sup> United Nations Office for West Africa and the Sahel (UNOWAS), “Pastoralism and Security in West Africa and the Sahel,” 2018, p. 15.

<sup>43</sup> Ibid., pp. 29, 31.



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# Relevant international policy framework

Important global policy and initiatives provide States with a framework within which to address climate change and migration. The Sendai Framework for Disaster Risk Reduction<sup>44</sup> and the Platform on Disaster Displacement (PDD)<sup>45</sup> provide policy guidance related to disasters, including those related to climate change. The Sendai Framework is guided by the understanding that the purpose of disaster risk management includes promoting and protecting all human rights.<sup>46</sup>

In the 2030 Agenda for Sustainable Development,<sup>47</sup> States identified climate change as one of the greatest challenges of our time and committed to take urgent action to combat climate change and its impacts (Goal 13). States also committed to build the resilience of those in poverty and other vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters (target 1.5). In the 2030 Agenda, States further committed to, among other actions, “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (target 10.7).

The Global Compact for Safe, Orderly and Regular Migration (GCM),<sup>48</sup> grounded in international human rights law, reaffirms States’ commitment to respecting, protecting, and fulfilling the human rights of all migrants, regardless of status. In Objective 2 of the GCM, States commit to minimize the adverse drivers and structural factors that compel people to leave their country of origin, including climate change.<sup>49</sup> In GCM Objective 5, on enhancing the availability and flexibility of pathways for regular migration, States also commit to develop or build on existing practices for admission and stay for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations.<sup>50</sup> They further commit to cooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin owing to slow-onset natural disasters, the adverse effects of climate change, and environmental degradation.<sup>51</sup>

International human right law and standards described below, as well as other applicable international law, together with all of these policies are critical to address the human rights impacts associated with climate-change related migration.

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<sup>44</sup> A/RES/69/283.

<sup>45</sup> See PDD, “The Platform on Disaster Displacement,” (accessed 29 September 2021). The PDD is a State-led platform that continues the work of The Nansen Initiative, a consultative process intended to design and implement a protection agenda for those on the move as a result of disasters, including those brought on or aggravated by climate change.

<sup>46</sup> A/RES/69/283, para. 19(c).

<sup>47</sup> A/RES/70/1.

<sup>48</sup> A/RES/73/195.

<sup>49</sup> *Ibid.*, para. 18(h)-(l).

<sup>50</sup> *Ibid.*, para. 21(g).

<sup>51</sup> *Ibid.*, para. 21(h).





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# **Human rights challenges related to climate change and migration**



The impacts of climate change on human rights in the Sahel are numerous, multi-faceted, and complex. They have important and equally complex interactions with migration. In some cases, migration is an important adaptation strategy to avoid potentially harmful human rights impacts. In other cases, migration is compelled by climate change-related human rights impacts, which exacerbate situations of vulnerability. Such vulnerability to harm acts as a driver of human mobility and will also continue to affect people as they move across borders.

Because of the human rights risks that drive or accompany their movement, as well as existing patterns of discrimination or marginalization, many migrants moving for reasons related to climate change in the Sahel may be in a vulnerable situation.<sup>52</sup> In general, disasters, climate change and environmental degradation, as well as extreme poverty, gender inequality and other circumstances, often compel people to move because they are unable to access their rights.<sup>53</sup> Migrants who are compelled to move are at greater risk of human rights violations throughout their migration.<sup>54</sup> In some circumstances, these drivers may trigger protection needs under international human rights.<sup>55</sup> In other circumstances, they may give rise to refugee protection needs.<sup>56</sup>

The human rights impacts of climate change in the Sahel are not equally felt or experienced in the same way by all members of society, and not all individuals and groups have the same access to migration as a strategy for climate adaptation, which references adjusting one's life and circumstances to the adverse impacts of climate change.<sup>57</sup> Those already in vulnerable situations and who have been historically marginalized, including those living in poverty, women, older persons, persons with disabilities, and children, face the greatest human rights risks and migration has been less available to them as a climate adaptation strategy.<sup>58</sup> Those who are unable to migrate when they might wish to do so may experience greater situations of vulnerability in the face of the adverse effects of climate change.<sup>59</sup>

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<sup>52</sup> 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. "Migrants in vulnerable situations" are thus persons who are unable effectively to enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer's heightened duty of care. Factors that generate vulnerability may cause a migrant to leave their country of origin in the first place, may occur during transit or at destination, regardless of whether the original movement was freely chosen, or may be related to a migrant's identity or circumstances. Vulnerability in this context should therefore be understood as both situational and personal. See OHCHR and Global Migration Group (GMG), "Principles and guidelines on the human rights protection of migrants in vulnerable situations." 2018.

<sup>53</sup> OHCHR and GMG, "Principles and guidelines on the human rights protection of migrants in vulnerable situations," p. 6.

<sup>54</sup> See A/HRC/31/35, para. 11.

<sup>55</sup> OHCHR and GMG, "Principles and guidelines on the human rights protection of migrants in vulnerable situations," p. 6; See also United Nations Network on Migration, "Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability," July 2021.

<sup>56</sup> See UNHCR, "Persons in need of international protection," June 2017.

<sup>57</sup> See UNFCCC, "What do adaptation to climate change and climate resilience mean?"

<sup>58</sup> Caroline Zickgraf, "Immobility," in *Routledge Handbook of Environmental Displacement and Migration*, R. McLeman and F. Gemenne, eds. (New York, Routledge, 2018).

<sup>59</sup> See Caroline Zickgraf, "Keeping People in Place: Political Factors of (Im)mobility and Climate Change," *Social Sciences* Vol. 8, No. 8 (2019), pp. 229-232.



## ADEQUATE ACCESS TO FOOD

States Parties to the International Covenant on Economic Social and Cultural Rights (ICESCR)<sup>60</sup> recognized the right of everyone to an adequate standard of living, including adequate food, and the right to be free from hunger and malnutrition (Article 11). The right to food is also recognized in Article 24 of the Convention on the Rights of the Child (CRC),<sup>61</sup> which requires States Parties to ensure that all children have access to adequate nutrition, including through material assistance and support programmes where necessary. The Committee on Economic, Social, and Cultural Rights has noted that an important component of the right to food is the sustainability of long-term food availability and accessibility. This is linked to food security, “implying food being accessible for both present and future generations.”<sup>62</sup> The Committee further specified that, even where a State faces severe resource constraints, whether caused by climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals.<sup>63</sup> Both the Committee and the Special Rapporteur on the right to food have emphasized that access to food must be protected without discrimination, including on the basis of national origin.<sup>64</sup>

The International Covenant on Civil and Political Rights (ICCPR)<sup>65</sup> states in Article 27 that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” These rights are also tied to common Article 1 of the ICCPR and ICESCR, which guarantees the right of self-determination to all people. The rights protected by article 27 include the right of persons, in community with others, to engage in economic and social activities which are part of the culture of the community to which they belong.<sup>66</sup> The Human Rights Committee has stated that under Article 27, “culture manifests itself in many forms, including...such traditional activities as fishing or hunting.”<sup>67</sup>

Most people’s livelihoods in the Sahel region are dependent on nature, through reliance on agriculture, pastoralism, or fishing.<sup>68</sup> Livelihoods and food production in the Sahel are particularly climate-sensitive, with rainfall key to determining accessibility of food and food prices at any given time.<sup>69</sup> In 2012, Burkina Faso lost 20 per cent of its cereal production as a result of drought and environmental degradation, and scientists predict that in Mali climate change could eventually cause a 30-40 per cent drop in agricultural capacity.<sup>70</sup> Pastoralists in the Sahel are increasingly unable to access sufficient water or grazing land to sustain their herds.<sup>71</sup> Off the coast of Senegal, fish stocks dropped by 80 per cent in 2017 alone, a depletion that is attributed to a combination of factors including climate change as well as overfishing.<sup>72</sup> These impacts are not equally distributed within families and communities and

<sup>60</sup> All of the countries in the Sahel region are parties to the ICESCR. See <https://indicators.ohchr.org/>.

<sup>61</sup> All of the countries in the Sahel region are parties to the CRC. See <https://indicators.ohchr.org/>.

<sup>62</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 12: The Right to Adequate Food (Art. 11),” 1999, para. 7.

<sup>63</sup> *Ibid.*, para. 28.

<sup>64</sup> *Ibid.*, para. 18; E/CN.4/2002/58, para. 41.

<sup>65</sup> All of the countries in the Sahel region are parties to the ICCPR. See <https://indicators.ohchr.org/>.

<sup>66</sup> Human Rights Committee, *Poma Poma v. Peru*, CCPR/C/95/D/1457/2006, para. 7.3.

<sup>67</sup> Human Rights Committee, “General Comment No. 23 (art. 27),” 1994, para. 7.

<sup>68</sup> OHCHR and PDD, “The Slow onset effects of climate change, and human rights protection of cross-border migrants,” para. 97.

<sup>69</sup> *Ibid.*

<sup>70</sup> Nakia Pearson and Camille Niaufre, “Desertification and Drought Related Migrations in the Sahel – the Cases of Mali and Burkina Faso,” *The State of Environmental Migration*, Vol. 3 (2013), p. 82.

<sup>71</sup> UNEP, “Livelihood Security: Climate Change, Conflict and Migration in the Sahel,” 2011, p. 55.

<sup>72</sup> Lucia Benavides, “As Senegal’s Fish Stocks Collapse, Women Are More Vulnerable Than Ever,” *The New Humanitarian*, 23 May 2018.

do not affect all community members in the same way. For example, in some cases women's greater burden of household labour compounds the negative effects of reduced food security by reducing the time they have available for agricultural cultivation.<sup>73</sup> Children are particularly vulnerable to negative physical and mental effects of reduced food availability.<sup>74</sup>

Diminishing access to food and livelihoods related to food production is a driver of migration. Households that are significantly dependent on agriculture and lack possibilities for livelihood diversification are more likely to adopt migration as a survival strategy in the face of environmental change.<sup>75</sup> In Northern Niger, some pastoralists who have lost their herds have migrated from rural areas to urban centres to seek other livelihood opportunities.<sup>76</sup> In the Saint-Louis region of Senegal, fishermen are increasingly engaging in seasonal migration to Mauritania, where fish stocks are less depleted and there are large fish-processing factories in need of labour.<sup>77</sup> For some women in the community of Saint-Louis, whose traditional livelihood involved processing the fish caught, this kind of mobility is often not an option, further undermining their food security.<sup>78</sup> During the COVID-19 pandemic, restrictions on movement and climate stressors on agriculture combined to create particular difficulties for agriculturalists in the region who were unable to move in ways that they typically would have chosen to in order to supplement their livelihoods.<sup>79</sup>

### Spotlight: Agriculturalists moving out of unproductive communities in Niger<sup>80</sup>

*The region of Tahoua in Niger has been experiencing both slow and sudden-onset climate change effects including droughts, soil degradation, floods and sandstorms. These effects have had a variety of human rights impacts, including notably on the rights to food and water and sanitation, and have severely impacted the ability of the residents of the region to maintain agricultural livelihoods. As a result of these and other factors, residents of rural communities in Tahoua have been migrating both to urban centers within the region and outside of the region at a significant rate, as they seek to find means of subsistence elsewhere.*

Challenges related to access to adequate food also arise during and after climate change-related migration. In Mali, some indigenous pastoralists who migrate from one rural region to another still face a number of barriers to access food, livelihoods, and adequate housing, depending on their existing connections to the destination region and the economic and social situation there.<sup>81</sup> For some indigenous pastoralists in the Sahel, cultural identity is tied to the cultivation and care of livestock, and loss of this livelihood may also represent an important cultural loss.<sup>82</sup>

Climate change-related events have not been solely a result of environmental factors, but rather depend on the interaction of rainfall variability and agricultural and policy choices.<sup>83</sup> Political factors can have an impact on policies, including those relating to the economy and to land distribution and tenure, and

<sup>73</sup> OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," para. 97.

<sup>74</sup> Ibid.

<sup>75</sup> Diana Hummel, "Climate change, land degradation and migration in Mali and Senegal – some policy implications," *Migration and Development*, Vol. 5, No. 2 (2016), p. 222.

<sup>76</sup> UNEP, "Livelihood Security: Climate Change, Conflict and Migration in the Sahel," 2011, p. 55.

<sup>77</sup> Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," p. 10.

<sup>78</sup> Benavides, "As Senegal's Fish Stocks Collapse, Women Are More Vulnerable Than Ever."

<sup>79</sup> Start Network & REACH, "Pushed to the Brink?" pp. 17-18.

<sup>80</sup> Interviews with community members, Tahoua, Niger, July and August 2021.

<sup>81</sup> Mirjam de Bruijn and Hans van Dijk, "Changing Population Mobility in West Africa: Fulbe Pastoralists in Central and South Mali," *African Affairs*, Vol. 102, No. 407 (April 2003), pp. 300-302.

<sup>82</sup> Hanne Kirstine Adriansen, "Understanding pastoral mobility: the case of Senegalese Fulani," *The Geographical Journal*, Vol. 174 No. 3 (September 2008), p. 217.

<sup>83</sup> L. Bruning and E. Pigué, "Changements environnementaux et migration en Afrique de l'Ouest," *Belgeo*, 2018, para. 14.

those policies in turn contribute to and interact with climate change risks to influence outcomes for access to the right to food.<sup>84</sup>

## LAND AND HUMAN RIGHTS

Several international human rights instruments link land issues to the enjoyment of specific substantive human rights. Regional human rights mechanisms have also addressed land issues in relation to a number of civil, cultural, economic, political and social rights, including the rights of minorities and indigenous peoples.<sup>85</sup> Article 11 of the ICESCR includes a requirement for States to realize the right to freedom from hunger in part by “developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.”<sup>86</sup>

In relation to State’s obligations under Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>87</sup> the Committee on the Elimination of Discrimination against Women notes that food, energy, financial and environmental crises have led to States’ measures, often accompanied by expropriations, that have put rural women at risk of forced eviction and increased poverty and have further diminished their access to and control over land. Against this background, the Committee points out that States should inter alia implement agricultural policies that support rural women farmers, recognize and protect the natural commons; ensure that rural women have effective access to agricultural resources; and respect and protect women’s traditional and eco-friendly knowledge.<sup>88</sup>

For many indigenous peoples, a connection to the land is essential, not only for their nutrition and livelihoods, but as a foundational element of their social, cultural, and economic lives. As mentioned above, common Article 1 of the ICCPR and ICESCR also contain important protections for indigenous peoples’ self-determination and ability to enjoy their cultural practices. In the context of Article 27 ICCPR, on the rights of persons belonging to minorities, in community with the other members of their group, the Human Rights Committee has said “culture manifests itself in many forms, including a particular way of life associated with the use of land resources, specially [sic] in the case of indigenous peoples.”<sup>89</sup> The Committee has further noted that measures which substantially compromise or interfere with the culturally significant economic activities of a minority or indigenous community require that community’s effective participation in the decision-making, which requires not mere consultation but the free, prior and informed consent of the members of the community. In addition, the measures must respect the principle of proportionality so as not to endanger the very survival of the community and its members.<sup>90</sup>

<sup>84</sup> UNEP, “Livelihood Security: Climate Change, Conflict and Migration in the Sahel,” pp. 71-72.

<sup>85</sup> See OHCHR, “Land and Human Rights: Standards and Applications,” 2015, p. 3.

<sup>86</sup> ICESCR, Art. 11(2)(a).

<sup>87</sup> All States of the Sahel are parties to CEDAW, see <https://indicators.ohchr.org/>.

<sup>88</sup> Committee on the Elimination of Discrimination against Women, “General recommendation No. 34 on the rights of rural women,” 2016, paras. 60-62. See also OHCHR and UN Women, “Realizing Women’s Rights to Land and Other Productive Resources,” 2020.

<sup>89</sup> Human Rights Committee, “General Comment No. 23 (art. 27),” para. 7.

<sup>90</sup> Human Rights Committee, *Poma Poma v. Peru*, para. 7.6.

In accordance with article 26 of the UN Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. States shall give legal recognition and protection to these lands, territories and resources. This Declaration also contains specific provisions in relation to dispossession (Art. 8) and removal from land (Art. 10), and of the right to maintain and strengthen connections with the land (Art. 25).<sup>91</sup> Additionally, article 17 of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas states that peasants and other people living in rural areas have the right to land, individually and/or collectively, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forest therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures. Moreover, in accordance with article 18 of this Declaration peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage. States shall take appropriate measures to ensure that they enjoy, without discrimination, a safe, clean and healthy environment. States shall also comply with their respective international obligations to combat climate change and they have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

As climate change strains natural resources across the Sahel, security of land tenure and access to land becomes more important particularly for rural populations, including for the effective enjoyment of the right to food. For instance, along traditional pastoralist migration routes, some who are reliant on agriculture seek to account for climate effects by taking possession of or closing off lands that were previously open for grazing.<sup>92</sup> Allocation of land for climate change mitigation projects in the region, including hydroelectric projects and biofuels production, can also cause environmental degradation that aggravates or intensifies the adverse effects of climate change on access to food and livelihoods.<sup>93</sup> Such projects can also act as a driver of migration when people are dispossessed.<sup>94</sup> In Senegal, allocation of land for biofuels production reportedly without consultation or notification of local herder communities has disrupted both agricultural and pastoralist livelihoods and practices, leading to deforestation and driving migration to other regions and over the border to Mauritania.<sup>95</sup> By contrast, an agribusiness project in the same country that involved prior consultation and decision making with the communities, created local jobs, and enhanced irrigation infrastructure has created the possibility of sustainable livelihoods for some return migrants and attracted rural-rural migration from other regions.<sup>96</sup>

Indigenous peoples, who have long faced discrimination and been excluded from land tenure systems, are experiencing particular pressures on their land rights through a combination of conflict, land privatization, and environmental impacts.<sup>97</sup> This includes loss of the rights of way through areas where indigenous pastoralists are accustomed to migrating with their herds.<sup>98</sup> In some rural regions

<sup>91</sup> See also Expert Mechanism on the Rights of Indigenous Peoples, Advice No. 13 on the right to land of indigenous peoples, A/HRC/45/38.

<sup>92</sup> UNEP, "Livelihood Security, Climate Change, Migration and Conflict in the Sahel," p. 60.

<sup>93</sup> Vigil, "Without Rain or Land, Where Will Our People Go?" pp. 4-5.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid., pp. 5-6.

<sup>97</sup> See, e.g., John Galaty, "Losing Ground: Indigenous Rights and Recourse Across Africa," *Cultural Survival Quarterly Magazine*, December 1998.

<sup>98</sup> UNEP, "Livelihood Security, Climate Change, Migration and Conflict in the Sahel," p. 60.

facing significant resource pressures, arriving migrants, whether indigenous pastoralists seeking more permanent residences or agriculturalists moving from climate-affected areas, have been excluded from access to pastures, farmland, and other resources.<sup>99</sup> Women's traditional lack of access to both land rights and mobility, linked to inequality in the family, has often left them in situations of dispossession and poverty, including in some cases where men are able to migrate in search of greater opportunity.<sup>100</sup>

## IMPACTS ON LIFE AND HEALTH

The right to life is recognized and protected by Article 6 of the ICCPR. In its General Comment No. 36, the Human Rights Committee noted that environmental degradation and climate change constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.<sup>101</sup> The Committee further stated that implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States to preserve the environment and to protect it against harm, pollution and climate change caused by public and private actors, and that States should therefore ensure sustainable use of natural resources, develop and implement substantive environmental standards, conduct environmental impact assessments and consult with relevant States about activities likely to have a significant impact on the environment, among other measures.<sup>102</sup>

The Committee has recalled that the right to life cannot be properly understood if it is interpreted in a restrictive manner, that the protection of the right requires States to adopt positive measures, and that States' obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that could result in loss of life.<sup>103</sup> It has noted that sudden-onset events and slow-onset processes can propel cross-border movement of individuals seeking protection from climate change-related harm and that without robust national and international efforts, the effects of climate change in receiving State may expose individuals to a violation of their right to life or to a treatment contrary to article 7 of ICCPR, thereby triggering the non-refoulement obligations of the sending States.<sup>104</sup>

The right to the highest attainable standard of physical and mental health is protected by Article 12 of the ICESCR.<sup>105</sup> The Committee on Economic, Social and Cultural Rights has pointed out that States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including asylum seekers and migrants, regardless of their status, to equal access to preventive, curative and palliative health services.<sup>106</sup>

<sup>99</sup> de Bruijn and van Dijk, "Changing Population Mobility in West Africa: Fulbe Pastoralists in Central and South Mali," *African Affairs*, Vol. 102, No. 407 (April 2003), pp. 306.

<sup>100</sup> IOM, "Environmental Migration, Disaster Displacement, and Planned Relocation in West Africa," p. 11.

<sup>101</sup> Human Rights Committee, "General comment No. 36: Art. 6: Right to Life," 2019, para. 62.

<sup>102</sup> Ibid.

<sup>103</sup> Human Rights Committee, *Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, Views adopted under article 5 (4) of the Optional Protocol, 24 October 2019, para. 9.4; Human Rights Committee, *Portillo Cáceres v. Paraguay*, CCPR/C/126/D/2751/2016, Views adopted under article 5 (4) of the Optional Protocol, 25 July 2019, para. 7.3.

<sup>104</sup> Human Rights Committee, *Teitiota v. New Zealand*, para. 9.11

<sup>105</sup> See also ICERD (Art. 5 (e) (iv)), CEDAW (Art. 12), CRC (Art. 24), ICMW (Arts. 28, 43, and 45) and CRPD (Art. 25).

<sup>106</sup> Committee on Economic, Social and Cultural Rights, "General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)," 2000, para. 34; Committee on Economic, Social and Cultural Rights, "Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights," 2017.

The Committee has also noted that the right to health, as defined in article 12.1 of the ICESCR, includes a right to the underlying determinants of health, including healthy environmental conditions.<sup>107</sup> It has also stated that States should maintain strict walls between health service providers and immigration enforcement authorities.<sup>108</sup> They should ensure that the population has avenues for participating in health-related decision-making as well as for accessing accountability mechanisms in case of violations to the right to health.<sup>109</sup> The Committee has said that States' obligations to respect the right to health include refraining from unlawfully polluting air, water and soil.<sup>110</sup> While considering States' obligations under CEDAW, the the Committee on the Elimination of Discrimination against Women stated that States are obligated to ensure that access to health systems and services, goods and facilities, including sexual and reproductive health services and mental health services, are available, accessible, acceptable and of good quality, including in the context of climate change and related disasters.<sup>111</sup>

Climate change is having significant impacts on the rights to life and health in the Sahel. Sea level rise in coastal areas is leading to increased risk of mortality, injuries, physical ill-health, and mental health conditions.<sup>112</sup> Increased flooding in the Sahel has led to a number of deaths in recent years<sup>113</sup> and flooding and increased rainfall can increase exposure to water or insect-borne diseases.<sup>114</sup> Dry seasons and drought may increase diarrhea and consumption of or contact with unsafe water.<sup>115</sup> As an example, due to a lack or insufficiency of drinking water from 21 August to 17 September 2021, a cholera epidemic broke out in the department of Bouza, Niger, impacting the health of 90 individuals, including 49 women and 25 children, and taking the life of two women and a three-year-old girl.<sup>116</sup> Malnutrition and hunger can result from reduced agricultural production, and have particular risks for the health and lives of pregnant and breast-feeding persons, and children.<sup>117</sup> As with other human rights impacts, these effects are not purely a result of climate change, but are driven by the interaction of environmental, political, economic, and social factors,<sup>118</sup> such as poverty and gender inequality.

Addressing these human rights risks requires, among other actions, that States develop contingency plans and disaster management plans designed to increase preparedness,<sup>119</sup> and enshrine key human rights protections for those who may be on the move as a result of climate-related disasters. In the face of climate-related disasters in the Sahel, individuals often find themselves compelled to move in situations of vulnerability, where they have not had time to make plans to ensure their safety and where

<sup>107</sup> *Ibid.*, para. 11.

<sup>108</sup> Committee on Economic, Social and Cultural Rights, "Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights," para. 12.

<sup>109</sup> Committee on Economic, Social and Cultural Rights, "General comment No. 14," paras. 11, 59.

<sup>110</sup> *Ibid.*, para. 34.

<sup>111</sup> Committee on the Elimination of Discrimination against Women, "General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change," 2018, para. 65.

<sup>112</sup> OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," para. 102.

<sup>113</sup> See Nadir Ahmed Elagib and others, "Debilitating Floods in the Sahel are Becoming Frequent," *Journal of Hydrology*, Vol. 599 (2021), pp. 5-6.

<sup>114</sup> Sara Vigil, "Climate Change and Migration: Insights from the Sahel," in *Out of Africa: Why People Migrate*, Giovanni Carbone, ed. (Milan, Ledizioni, 2017), p. 60; Sabine J. F. Henry and Stephanie dos Santos, "Rainfall variations and child mortality in the Sahel: results from a comparative event history analysis in Burkina Faso and Mali," *Population and Environment*, Vol. 34 (2013), p. 433.

<sup>115</sup> *Ibid.*, p. 435.

<sup>116</sup> Interviews, Niger.

<sup>117</sup> Henry and dos Santos, "Rainfall variations and child mortality in the Sahel," p. 434.

<sup>118</sup> *Ibid.*, p. 435.

<sup>119</sup> Human Rights Committee, "General comment No. 36," para. 26.





they do not have support from government or other actors or social networks.<sup>120</sup> Some lack necessary legal documents for crossing borders or are excluded from accessing services, and some find themselves separated from their families or other support structures.<sup>121</sup> These human rights risks and situations of vulnerability are compounded by the additional risks and complications occasioned by the COVID-19 pandemic, including mobility restrictions as well as the risk of catching COVID-19 itself. Shelters and social services in situations of internal displacement and where people move across borders are also often lacking, and in some situations people are also at increased risk of violence while in transit.<sup>122</sup> All of these risks can be aggravated by discrimination faced by migrants and by their exclusion from policy discussions or solutions.<sup>123</sup>

There is a complex interrelationship between climate change, health, mortality and migration. Migration as a result of the negative effects of climate change can create situations of vulnerability that adversely impact health and may lead to mortality.<sup>124</sup> In the context of climate-related disasters, affected communities that are on the move may be exposed to a range of increased risks of infectious disease, violence and threats to life and safety, including gender-based violence.<sup>125</sup> They can also face reduced access to health services, including those relevant to sexual and reproductive health and rights, and social support networks.<sup>126</sup> At the same time, however, access to migration can be an important option for alleviating the negative health effects of climate change. It allows populations at risk to avoid climate impacts with negative health consequences like changes in water, soil quality and supply, and the manner in which diseases spread.<sup>127</sup> The migration policy choices in transit and destination locations as well as a number of social and economic factors will all contribute to determining migrant health and mortality.<sup>128</sup>

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<sup>120</sup> Gemmenne, F. and others, "Changement climatique, catastrophes naturelles et déplacements de populations en Afrique de l'Ouest," *Geo-Eco-Trop*, 2017, p. 10.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> OHCHR and IOM, "International migration, health and human rights," 2013, p. 30.

<sup>125</sup> Celia McMichael, "Climate change-related migration and infectious disease," *Virulence*, Vol. 6, No. 6 (2015), p. 550.

<sup>126</sup> Ibid.

<sup>127</sup> Nick Watts and others, "The 2020 report of the Lancet Countdown on health and climate change: responding to converging crises," *The Lancet* Vol. 397 (2021), p. 142.

<sup>128</sup> Patricia Schwerdtle and others, "The health impacts of climate-related migration," *BMC Medicine*, Vol. 16, No. 1 (2018), p. 5; see also Stefanie Schutte and others, "Connecting planetary health, climate change, and migration," *The Lancet Planetary Health*, Vol. 2, No. 2 (2018).

## WATER AND SANITATION

According to the Committee on Economic, Social and Cultural Rights the rights to water and sanitation find their legal basis in articles 11 and 12 of the ICESCR.<sup>129</sup> These rights have also been established in other human rights treaties.<sup>130</sup> In 2010, the United Nations General Assembly in its Resolution 64/292 further recognized water and sanitation as human rights and acknowledged that they are essential to the realization of all human rights. The Committee on Economic, Social and Cultural Rights has elaborated that the right to water contains both entitlements and freedoms. The freedoms include the rights to maintain access to water supplies necessary for the right to water, and the right to be free from interference, such as the right to be free from arbitrary disconnection or contamination of water supplies. Entitlements include the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.<sup>131</sup> While the adequacy of water required for the right to water may vary according to different conditions, the Committee has pointed out factors that apply in all circumstances, such as the water supply for each person must be sufficient and continuous for personal and domestic uses, the quality of water available for each person should correspond to World Health Organization guidelines, noting the some individuals and groups may require additional water due to health, climate and working conditions; the water required for each personal or domestic use must be safe; water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds, among other factors.<sup>132</sup> The Special Rapporteur on the human right to safe drinking water and sanitation has elaborated that the right to sanitation similarly requires the availability, quality, cultural acceptability, accessibility, and affordability of sanitation services and facilities.<sup>133</sup>

Climate change impacts, including droughts, rainfall variability, and sea-level rise impair the realization of the rights to water and sanitation in the Sahel. According to reports, as climate change worsens, groundwater stores in the Sahel are likely to be depleted and not replenished, draining aquifers.<sup>134</sup> Water and sanitation infrastructure may also be strained in urban areas, creating risks for those migrating to cities because of the adverse effects of climate change.<sup>135</sup> As noted above, reduced access to water and sanitation can be accompanied by significant health effects, including magnifying the spread of diseases,<sup>136</sup> and is an important factor in access to the rights to food and livelihoods.

Women and girls, who often have the responsibility of obtaining water for households, may face increased risks of violence, including sexual and gender-based violence, and negative health consequences of having to travel long distances for water as supplies diminish.<sup>137</sup> Girls may be forced to forego their educational opportunities in order to take up household tasks related to obtaining water.<sup>138</sup> These impacts are influenced by policy choices that have affected water accessibility, by diverting water

<sup>129</sup> Committee on Economic, Social and Cultural Rights, "General Comment No. 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)," 2002, paras. 2-3.

<sup>130</sup> The rights to water and sanitation are also reflected in Article 14(2) of CEDAW, Article 24.1 of the CRC, and Article 28 of the CRPD.

<sup>131</sup> Committee on Economic, Social and Cultural Rights, "General Comment No. 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)," 2002, para. 10.

<sup>132</sup> *Ibid.*, para. 12.

<sup>133</sup> A/HRC/18/38, para. 8.

<sup>134</sup> Niang and others, "Africa," pp. 1217-18.

<sup>135</sup> Olivia Serdeczny and others, "Climate change impacts in Sub-Saharan Africa: from physical changes to their social repercussions," *Regional Environmental Change*, Vol. 17 (2017), p. 1595.

<sup>136</sup> Henry and dos Santos, "Rainfall variations and child mortality in the Sahel," p. 435.

<sup>137</sup> McOmber, "Women and Climate Change in the Sahel," p. 8.

<sup>138</sup> *Ibid.*



flows and depleting water tables, while leaving the needs of many threatened.<sup>139</sup> Research shows that declining availability of water can be a significant driver of precarious migration in some parts of the Sahel.<sup>140</sup> In particular, the drying up of Lake Chad has been linked to a shift from internal and seasonal to international and permanent migration in search of sustainable livelihoods, as well as to resource conflicts that also drive precarious migration.<sup>141</sup>



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<sup>139</sup> Wetlands International, "Water Shocks: Wetlands and Human Migration in the Sahel," 2017, p. 12.

<sup>140</sup> *Ibid.*, p. 30.

<sup>141</sup> *Ibid.*, pp. 30-31.

## EDUCATION

Article 13 of the ICESCR recognizes the right of everyone to education. Components of this right include free and compulsory primary education available to all, and generally available and accessible secondary and higher education. The Committee on Economic, Social and Cultural Rights has emphasized that education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings,<sup>142</sup> and that all children, regardless of their migration status, have the right to receive education.<sup>143</sup> Under Article 30 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW),<sup>144</sup> each child of a migrant worker shall have the right of access to education on the basis of equality of treatment with nationals of the State concerned. Article 28 of the CRC also recognizes the right of the child to education, and Article 29 specifies that such education should be directed to, inter alia, the development of respect for the natural environment. Article 10 of the CEDAW emphasizes the requirement to ensure gender equality in education.

Education is a factor in reducing vulnerability to disasters; at least one global study of 130 countries found that education, and in particular education of women and girls, was the single most important factor in reducing such vulnerability.<sup>145</sup> As elsewhere, in the Sahel, education level has a close relationship to the possibility of pursuing diverse livelihoods.<sup>146</sup> A lower level of educational attainment can increase the risk that an individual engages in a livelihood that is less resilient to climate change.<sup>147</sup> Among pastoralist communities, access to education, particularly for women, can correspond to increased family incomes and better health and nutrition outcomes.<sup>148</sup> Education level also plays an important role in migration decisions,<sup>149</sup> and women and girls' unequal educational access may reduce their ability to seek alternative forms of livelihood through migration as a strategy for adapting to climate and environmental shocks.<sup>150</sup>

Low levels of access to formal education for some communities and individuals in the Sahel may become more relevant as climate change impacts the availability of traditional livelihoods.<sup>151</sup> For example, as pastoralist migration routes are closed off and pastoralism becomes less viable, children who have been kept out of school to contribute to the care of livestock may find themselves at a particular disadvantage later in life.<sup>152</sup> There can also be a gendered component to these effects, as girls often have unequal access to education<sup>153</sup> and the skills traditionally learned by children of different genders in these communities may be more or less adaptable to other livelihoods and social circumstances. Accessing education may also become more difficult as children and families migrate because of climate

<sup>142</sup> Committee on Economic, Social and Cultural Rights, "General comment No. 13: The Right to Education (Art. 13)," 1999, para. 6(d).

<sup>143</sup> Committee on Economic, Social and Cultural Rights, "General comment No. 20," 2009, para. 30.

<sup>144</sup> Chad and Cameroon have signed but not ratified the ICMW, the other States in the Sahel are parties to the Convention. See <https://indicators.ohchr.org/>.

<sup>145</sup> Erich Streissnig and others, "Effects of Educational Attainment on Climate Risk Vulnerability," *Ecology and Society*, Vol. 18, No. 1 (2013), p. 5.

<sup>146</sup> Hummel, "Climate change, land degradation and migration in Mali and Senegal," p. 219.

<sup>147</sup> *Ibid.*, p. 219; Van der Land and Hummel, "Vulnerability and the role of education in environmentally induced migration in Mali and Senegal," p. 19.

<sup>148</sup> Abayomi S. Oyekale, "Gender Role in Agriculture, Climate Change and Food Security in the Sahel Belt of West Africa: Application of Poisson and Negative Binomial Regression," *Gender and Behaviour*, Vol. 11 No. 2 (2013), p. 5507.

<sup>149</sup> Van der Land and Hummel, "Vulnerability and the role of education in environmentally induced migration in Mali and Senegal."

<sup>150</sup> McOmber, "Women and Climate Change in the Sahel," p. 26.

<sup>151</sup> See UNOWAS, "Pastoralism and Security in West Africa and the Sahel," p. 27.

<sup>152</sup> See *Ibid.*, pp. 30, 44.

<sup>153</sup> United Nations Population Fund (UNFPA) and World Bank, "Sahel Women's Empowerment and Demographic Dividend," p. 9.



change. The circumstances in which they migrate, including emergency conditions during disasters, as well as existing legal and other barriers to access to public education, may impede migrant children from accessing and attending schools.<sup>154</sup>

## ADEQUATE HOUSING

The right to adequate housing is guaranteed as a part of the right to an adequate standard of living, contained in Article 11 of the ICESCR. The Committee on Economic, Social and Cultural Rights has elaborated that this can be understood as the “right to live somewhere in security, peace and dignity.”<sup>155</sup> The Committee has further elaborated that adequacy of housing includes: the right to security of tenure; availability of services, materials, facilities, and infrastructure; affordability; habitability; location; and cultural adequacy.<sup>156</sup> This right extends to everyone, without discrimination.<sup>157</sup> According to the Special Rapporteur on adequate housing, the provision of housing should not be denied to undocumented migrants, and they must be afforded a minimum level of housing assistance that ensures conditions consistent with human dignity.<sup>158</sup> The Special Rapporteur has also called on States to undertake climate change mitigation and adaptation measures that respect, protect, and fulfil the human rights of affected communities, including their right to adequate housing.<sup>159</sup>

Enjoyment of the right to adequate housing is threatened by climate change impacts in the Sahel, both driving migration and influencing the manner in which migration takes place in the region. For example, in some coastal areas, the security of many homes is at risk due to sea level rise and coastal erosion. Some migrants leaving these areas for work elsewhere are seeking in part to provide income that will allow their families to secure less precarious housing.<sup>160</sup> In other areas, migration occurs after homes are lost in sudden onset disasters, such as flooding and landslides.<sup>161</sup> However, those who move because of climate impacts, including threats to their homes, may be confronted with similar or new threats to adequate housing in their destinations, especially in large cities.<sup>162</sup>

### Spotlight: Sierra Leonean migrants in Nouadhibou, Mauritania<sup>163</sup>

*In 2017, flooding and mudslides in Freetown, Sierra Leone, linked to climate change,<sup>164</sup> led a number of residents to migrate irregularly to Nouadhibou, Mauritania. Many live in rudimentary housing in areas on the outskirts of the city, which lack sanitary and health infrastructure. Because of the emergency circumstances in which they migrated as well as legal and practical barriers, they experience denials of access to social welfare programmes and education for their children.*

<sup>154</sup> Interviews with community members, Nouadhibou, Mauritania, May 2021.

<sup>155</sup> Committee on Economic, Social and Cultural Rights, “General Comment No. 4: The right to adequate housing (article 11(1) of the Convention),” 1991, para. 7.

<sup>156</sup> *Ibid.*, para. 8.

<sup>157</sup> *Ibid.*, para. 6.

<sup>158</sup> A/65/261, para. 93.

<sup>159</sup> A/64/255, paras. 70-74.

<sup>160</sup> Zickgraf and others, “The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa,” p. 11.

<sup>161</sup> Interviews, Mauritania.

<sup>162</sup> Zickgraf and others, “The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa,” p. 3.

<sup>163</sup> Interviews with migrants from several countries.

<sup>164</sup> See, e.g., Gabriel Kpaka, “Loss and damage from climate change has pushed Sierra Leoneans far beyond their ability to adapt,” International Institute for Environment and Development, 2 December 2020.

As noted above, many coastal cities are threatened by climate effects, including sea level rise, coastal erosion, and flooding. It has been very difficult for infrastructure, including the residential, water and sanitation infrastructure necessary for adequate housing, to keep up with the rapid growth of these cities.<sup>165</sup> Migrants who move to these cities, both from within and outside of the countries, are particularly likely to live in neighborhoods that are at high risk of disaster, ill-served by existing infrastructure and public services, and lacking in sanitation and adequate housing.<sup>166</sup>

## DECENT WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK

According to articles 6 to 8 of the ICESCR, everyone has the right to decent work and to just and favourable conditions of work, without discrimination. The Committee on Economic, Social and Cultural Rights has recognized that migrants, particularly those with irregular status, experience discrimination based on their legal status and face specific risks of labour abuse and exploitation.<sup>167</sup> The ICMW provides that States should ensure migrants do not experience discrimination in the workplace, and no distinctions are made in conditions of employment between nationals and non-nationals, with respect, *inter alia*, to wages, workplace rights, social representation including trade union rights, recognition of skills and qualifications, and social protection.<sup>168</sup> All persons, including all migrants, have a right to decent work, which respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration, provides a wage sufficient to support themselves and their families, and respects the mental and physical integrity of the worker.<sup>169</sup> States must protect all workers, including migrants, from exploitation and abuse.<sup>170</sup>

Those migrating as a result of climate change impacts in the Sahel often move under conditions that make them particularly susceptible to labour exploitation and abuse. They sometimes lack regular status, or face legal or practical barriers to access assistance and protection, as well as support networks.<sup>171</sup> Some also experience acute pressures to send home remittances to families in communities of origin that continue to face climate risks.<sup>172</sup> Some Mauritanian fish factories, for example, recruit Senegalese fishermen under agreements that saddle them with heavy debts for fishing equipment, reducing their earnings and their ability to support their families at home.<sup>173</sup> They also face additional challenges, including confiscation by law enforcement officers of their catches and equipment and the requirement that they have a Mauritanian national present in every fishing boat.<sup>174</sup> In Mali, adolescents and youth often seasonally migrate from rural areas to cities to engage in domestic labour, a practice that is growing as agricultural yields diminish. In this context they are often subject to abuse, and there is a lack of law, policy, or programmes to offer them protection.<sup>175</sup>

<sup>165</sup> *Ibid.*

<sup>166</sup> Interviews, Mauritania; see also OHCHR, "The economic, social and cultural rights of migrants in an irregular situation," pp. 64-65; Mixed Migration Center, "Mixed Migration Review 2020," 2020, pp. 192-93.

<sup>167</sup> Committee on Economic, Social and Cultural Rights, "Statement on Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights," at para. 13.

<sup>168</sup> ICMW, Arts. 25-26; See also Committee on Economic, Social and Cultural Rights, "General Comment No. 23 on the right to just and favourable conditions of work," E/C.12/GC/23 (2016), para. 47(e); see also OHCHR and GMG, "Principles and Guidelines on the human rights protection of migrants in vulnerable situations," p. 37.

<sup>169</sup> Committee on Economic, Social and Cultural Rights, "General Comment No. 18 on the Right to Work," E/C.12/GC/18 (2006), paras. 7 and 18; See also ILO, "Decent Work" (accessed 22 Apr. 2021).

<sup>170</sup> Committee on Economic, Social and Cultural Rights, "General comment no. 18," para. 7; See also A/HRC/26/35.

<sup>171</sup> Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," p. 10.

<sup>172</sup> *Ibid.*

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*

<sup>175</sup> Pearson and Niafre, "Desertification and Drought Related Migrations in the Sahel – the Cases of Mali and Burkina Faso," p. 93.





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**Climate action that protects human rights, including those of migrants**



The human rights consequences of climate change and climate change-related migration in the Sahel are not merely theoretical possibility. Many adverse consequences are happening now. Other adverse effects of climate change in the Sahel constitute a real and foreseeable risk of grave harms to migrants. They require urgent and ambitious action, by States in the region, as well as by regional bodies and the international community. States should take adaptation actions to address the human rights impacts that climate change is already causing and will continue to cause. They should also take mitigation action, globally, to minimize future global warming and keep these impacts from getting worse. A key element of this is creating enabling conditions for States like those in the Sahel to pursue sustainable and zero carbon development.<sup>176</sup> The failure to take meaningful climate action that addresses real and foreseeable risks to the exercise and enjoyment of human rights, including in the context of migration, may itself be a breach of human rights obligations.<sup>177</sup>

Actors in the region and the international community are aware of the significant climate vulnerability of the Sahel, and some mitigation and adaptation actions are being taken. Governments in the region have submitted Nationally Determined Contributions under the Paris Agreement<sup>178</sup> and National Adaptation Programmes of Action<sup>179</sup> that detail a number of current and planned efforts to address the adverse effects of climate change. The Economic Community of West African States (ECOWAS), of which many States in the Sahel are members,<sup>180</sup> is also developing a regional climate strategy that is expected to be launched in late 2021.<sup>181</sup> Such efforts are receiving significant international attention and support, with, for example, the Green Climate Fund sponsoring projects in every State in the Sahel except Burkina Faso.<sup>182</sup> In addition, the Great Green Wall - a multi-billion dollar climate initiative founded by leaders of States from the Sahel and involving 21 African countries as well as numerous other stakeholders - involves efforts to engage in widespread reforestation and halt land degradation. It has been heralded as a potential game-changer for the Sahel.<sup>183</sup>

It is crucial to ensure, however, that such efforts employ a human rights-based approach by enshrining participation, gender-responsiveness, consideration of situations of vulnerability, and community leadership. Adaptation and mitigation action in the Sahel should be sufficiently ambitious and effective to address the adverse impacts of climate change and should account for migration. In order for this to be the case, it is important for policies to fully take into account the multifaceted social, economic, political, and human rights effects of climate change. Adaptation plans may recognize the link between climate change and migration and other social phenomena, but need to go beyond recognizing the links to truly addressing them and accounting for the human rights risks they pose.<sup>184</sup>

Some climate change adaptation and mitigation efforts in the Sahel, many of which are funded through international climate finance, do not reflect the lived reality of rights holders. For example, policies and programmes for rural areas that focus on agricultural methods should be adapted to meet the actual needs and rights of the community. Yet, many of the projects funded by the Green Climate Fund in the Sahel focus on the promotion of sustainable agricultural methods, while many people in rural communities more highly value development initiatives that include non-farming employment

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<sup>176</sup> See generally A/76/154.

<sup>177</sup> OHCHR and PDD, "The Slow onset effects of climate change, and human rights protection of cross-border migrants," para. 142; See also OHCHR, "Key messages on human rights, climate change and migration".

<sup>178</sup> UNFCCC, "NDC Registry (interim)," (accessed 29 September 2021).

<sup>179</sup> UNFCCC, "Submitted NAPAs," (accessed 29 September 2021).

<sup>180</sup> Burkina Faso, The Gambia, Guinea, Mali, Niger, Nigeria, and Senegal are all members of ECOWAS.

<sup>181</sup> Economic Community of West African States, "Five years after the adoption of the Paris Agreement: ECOWAS is more mobilized than ever for climate action," 2020.

<sup>182</sup> Green Climate Fund, "Countries," (accessed 29 September 2021).

<sup>183</sup> See, e.g., Deborah Goffner and others, "The Great Green Wall for the Sahara and the Sahel Initiative as an opportunity to enhance resilience in Sahelian landscapes and livelihoods," *Regional Environmental Change*, Vol. 19 (2019).

<sup>184</sup> UNEP, "Livelihood Security: Climate Change, Conflict and Migration in the Sahel," pp. 9-10.

opportunities,<sup>185</sup> which may also be a way to ensure livelihoods that are less at risk from climate change. In another example, the Mauritanian Government has recognized that a flagship programme designed to provide low-cost food supplies to those displaced by flooding was not adequately targeted to the actual geographical location or preferences of those most affected.<sup>186</sup>

There is also the trend in climate finance towards the provision of insurance to protect housing and livelihoods and to ensure the possibility of sustainable return in the context of disaster-related migration. These programmes assume that community members possess assets and access to adequate information about risks and forecasts that many lack in contexts like the Sahel.<sup>187</sup> Such insurance programmes may also be ill-adapted to account for climate impacts that may seem relatively minor but have significant effects for poor households.<sup>188</sup> Thus, such programmes may do little to actually reduce climate change-related risks for members of communities. They may fail to prevent the actual loss of access to livelihoods and housing, and may do little to allow people to stay in their homes or to migrate safely and by choice. All of these findings demonstrate the need to strengthen efforts to ensure active and meaningful participation in the design and implementation of adaptation projects by those who are affected.

Successful adaptation and mitigation policies and projects are likely to be those that provide all people in the community with access to resources and decision-making and measurably improve the level of respect for human rights.<sup>189</sup> Policies and projects should meaningfully involve local stakeholders and pay particular attention to those who may experience situations of vulnerability, including migrants, and should address human rights risks in a holistic manner.<sup>190</sup> As an example, in the Maradi and Zinder regions of Niger, community-led tree planting was found to increase both livelihood opportunities and drought resilience, reducing food insecurity.<sup>191</sup> This move towards tree planting was accompanied by efforts to build inclusive local governments and provide accommodations for the movements of pastoralists and their herds, contributing to greater community peace and stability.<sup>192</sup> Research also indicates that well-functioning, inclusive, participatory, community-based institutions are instrumental in encouraging similar tree cultivation practices in a number of countries in the region.<sup>193</sup>

One key element of ensuring that legislation, policies and programmes are human rights-based is assessing the gender-related implications of any planned action. It is also key to make the concerns and experiences of women, men, and people with diverse gender identities an integral dimension of the design, implementation, monitoring and evaluation of all climate action. Food insecurity in climate-affected regions of the Sahel has been shown to be reduced when women are more involved in agricultural production and have greater access to agricultural resources.<sup>194</sup> However, many climate change planning and programming efforts in the Sahel have not systematically ensured participation of women and girls in all their diversity and their equal access to resources or adopted a gender responsive approach.<sup>195</sup> They rarely take into account the important knowledge that women possess, including

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<sup>185</sup> Hummel, "Climate change, land degradation and migration in Mali and Senegal," p. 227.

<sup>186</sup> Islamic Republic of Mauritania, *Revue Nationale Volontaire des Objectifs de Développement Durable* (Nouakchott, 2019), p. 23.

<sup>187</sup> Anne Jerneck and Lennart Olsson, "Adaptation and the Poor: development, resilience, and transition," *Climate Policy*, Vol. 8 (2008), p. 175.

<sup>188</sup> Ibid.

<sup>189</sup> UNEP, "Livelihood Security: Climate Change, Conflict and Migration in the Sahel," p. 66.

<sup>190</sup> Ibid.

<sup>191</sup> Goffner and others, "The Great Green Wall for the Sahara and the Sahel Initiative as an opportunity to enhance resilience in Sahelian landscapes and livelihoods," p. 1419.

<sup>192</sup> Ibid.

<sup>193</sup> Joachim N. Binan and others, "Effects of local institutions on the adoption of agroforestry innovations: evidence of farmer managed natural regeneration and its implications for rural livelihoods in the Sahel," *Agricultural and Food Economics*, 2017, p. 15.

<sup>194</sup> See, e.g., Oyekale, "Gender Role in Agriculture, Climate Change and Food Security in the Sahel Belt of West Africa," p. 5510.

<sup>195</sup> UNEP, "Livelihood Security: Climate Change, Conflict and Migration in the Sahel," p. 67.

with respect to natural resources.<sup>196</sup> Further, some climate change projects that have sought to provide better outcomes for women have at times failed to fully account for deeply ingrained gender norms and barriers to participation.<sup>197</sup> Addressing other long-standing structural inequalities in the region is also a critical element of successful climate policies. In this regard, it is essential to ensure meaningful participation of indigenous peoples and respect for their human rights, including the right to free, prior, and informed consent. Incorporating indigenous knowledge systems is key to ensuring uptake of proposed climate solutions.<sup>198</sup>

As has been mentioned earlier, migration has long been a strategy used in the Sahel to adapt to environmental conditions, diversify livelihoods, and access human rights. A lack of in situ adaptation options and support can be among the factors that encourage individuals to seek out migration as an adaptation strategy, sometimes in circumstances that put them in situations of vulnerability. For example, in Guet Ndar, Senegal, coastal erosion threatens housing and government support for adaptation or relocation has been limited. In order both to maintain their livelihoods and to be able to afford to provide less precarious housing for their families, fisher folk have migrated to Mauritania, where fish stocks are not as depleted as in Senegal.<sup>199</sup>

Migration, particularly rural to urban migration, is often portrayed by government actors and in the media as a negative phenomenon to be avoided by development policies. However, it has been reported that such policies sometimes overestimate the negative consequences of migration and undervalue its positive effects.<sup>200</sup> Migration, when freely chosen and well-governed, has the potential to contribute to adaptation strategies and climate resilience in locations of origin, transit, and destination. It provides the necessary funding, skills, and knowledge, to, for example, adopt climate-smart agricultural techniques or access other livelihoods.<sup>201</sup> In some cases the choice to migrate of some family members can be critical to enabling them and other members of their households to realize their human rights.<sup>202</sup>

Migration can be a planned strategy for adapting to anticipated environmental effects, or a response after the fact. When migration occurs as a response, it tends to take place in situations of greater vulnerability and risk,<sup>203</sup> and those who move may do so in a situation where they lose access to livelihoods and social and economic networks. State policies that seek only to limit migration as a response to climate change can be counterproductive, and only give rise to migration that happens in situations of greater human rights risk.<sup>204</sup> It has been reported that the prioritization of security and deterrence of migration at borders multiplies the likelihood that migrants move in irregular and precarious manners, and undermines efforts to ensure effective and human rights-based migration governance.<sup>205</sup> The externalization of borders of destination countries by relying on third countries to prevent migrants from reaching certain States presents similar human rights challenges.<sup>206</sup>

Adaptation plans and policies should therefore focus on realizing the circumstances in which migration is a positive and accessible adaptation strategy. They should provide the knowledge necessary to

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<sup>196</sup> Ibid.

<sup>197</sup> McOmber, "Women and Climate Change in the Sahel," p. 15.

<sup>198</sup> A. Nyong and others, "The value of indigenous knowledge in climate change mitigation and adaptation strategies in the African Sahel," *Mitigation and Adaptation Strategies for Global Change*, Vol. 12 (2007), p. 792.

<sup>199</sup> Zickgraf and others, "The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa," p. 11.

<sup>200</sup> Cecilia Tacoli, "Crisis or adaptation? Migration and climate change in a context of high mobility," *Environment and Urbanization*, Vol. 21, No. 2 (2009), pp. 514-515.

<sup>201</sup> Pearson and Niafre, "Desertification and Drought Related Migrations in the Sahel," p. 87; Freeman, "Environmental Change, Migration, and Conflict in Africa," p. 356.

<sup>202</sup> Vigil, "Climate Change and Migration: Insights from the Sahel," p. 65.

<sup>203</sup> Bruning and Piguët, "Changements environnementaux et migration en Afrique de l'Ouest," para. 15.

<sup>204</sup> Freeman, "Environmental Change, Migration, and Conflict in Africa," p. 357.

<sup>205</sup> Morten Bøås, "EU migration management in the Sahel: unintended consequences on the ground in Niger?" *Third World Quarterly*, Vol. 42, No. 1 (2021), pp. 52-67.

<sup>206</sup> Ibid.





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understand when migration may be the best option available to individuals and households or a key element of different options available to them. This requires ensuring that migration is participatory and well-governed and that the human rights of all migrants are protected. It also includes seeking to provide sustainable solutions, including equal access to adequate food, adequate housing, water and sanitation, health, and livelihoods, for migrants during transit and at destination locations.<sup>207</sup> Further, it is important to address the particular situations of vulnerability of those who are unable to access mobility as an adaptation strategy, which may become a reality for more people as a result of the negative effects of climate change on household resources.<sup>208</sup> In order for migration to contribute to adaptation that minimizes the negative human rights effects of climate change, there is a strong need for the implementation of existing legal and institutional frameworks, particularly international human rights law. The development and expansion of pathways to safe and dignified migration based on human rights and humanitarian grounds may be a significant step in implementing such legal regimes.<sup>209</sup>

<sup>207</sup> Gemmenne and others, “Changement climatique, catastrophes naturelles et déplacements de populations en Afrique de l’Ouest,” p. 8.

<sup>208</sup> Bruning and Pigué, “Changements environnementaux et migration en Afrique de l’Ouest,” para. 20.

<sup>209</sup> See United Nations Network on Migration, “Guidance Note: Regular Pathways for Admission and Stay.”









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## Conclusion

The complex interaction of climate change, migration, and human rights is already having a significant impact on the lives of many in the Sahel. These impacts will only grow, not only in the Sahel, and it is critical to acknowledge that they are often being felt most heavily by those who have contributed the least to climate change. **States must take meaningful, adequate and sufficient steps and measures to prevent or mitigate climate change and its adverse effects on the enjoyment of human rights.** International environmental law, including particularly the UNFCCC and the Paris Agreement, also offers interpretative assistance on the scope of States' positive human rights obligations related to climate change including with respect to the precautionary principle, common but differentiated responsibility, and inter-generational equity.

The adverse impacts of climate change in the Sahel are compelling people to migrate in precarious manners and are leading to or exacerbating situations of vulnerability. Yet, migration is also a key element of sustainable livelihood and environmental adaptation practices that have been used in the Sahel for centuries, and that, when freely chosen and governed in a manner based in human rights, will continue to be an important climate change adaptation strategy.

Taking a human rights-based approach to the adverse impacts of climate change is essential to finding sustainable and equitable solutions. This means: **recognizing the clear obligations that duty bearers owe to rights holders; addressing and reducing situations of vulnerability; and upholding the principles of participation, accountability, transparency, and non-discrimination.** It is also essential to **seek climate solutions that contribute to greater respect, protection and fulfillment of human rights**, including the rights to adequate food, life, health, water and sanitation, education, adequate housing and decent work, and culture. This is the only way to be sure that solutions genuinely meet the needs of affected communities and fulfill legal obligations towards them.

This requires **taking adaptation and mitigation actions that are developed through participatory processes, taking into account the differential effects that climate change has on the basis of gender, age, disability, and other factors.** Such actions should be facilitated through international and regional cooperation, with the **provision of adequate and additional climate finance** to address the human rights impacts of climate change. They should also incorporate **meaningful environmental and social safeguards and human rights due diligence.**

Such an approach also requires an understanding of the potential value of safe and regular migration as an important adaptation strategy to address the negative human rights effects of climate change. States, both within and outside of the Sahel, should **integrate migration considerations into climate action, prioritizing the human rights of migrants and their participation in and leadership of such action.** They should also cooperate to support safe, regular, and orderly migration that fully respects, protects and fulfils migrants' human rights in locations of origin, transit, and destination. This includes ensuring that agreements or measures of cooperation on migration governance are consistent with their obligations under international law, including international human rights law. They should also develop sustainable infrastructure and health, education, and social services that are available and accessible to all, including migrants, regardless of status.

In order to have a good understanding of what policies and practices will be successful, **it is key that more research is conducted**, and particularly that researchers, policy-makers, project administrators and funders engage more fully with affected individuals and communities. All data collected should be disaggregated by sex, age, migration status, and other demographic factors, in order to ensure that no one is left behind. More research is also needed to understand baselines of rights protection in the region and the investment that is already happening in communities. There is more to be done to have a comprehensive understanding of the reasons people migrate in the context of climate change, the circumstances under which they do so, their experiences in transit and at destinations, the factors that may contribute to situations of vulnerability that they experience, and the interventions required to protect their human rights from the adverse impacts of climate change. There is also a need to continually **monitor and evaluate the human rights impacts of climate change action**, understanding the extent to which such actions actually address the adverse human rights impacts of climate change.

Having this understanding will allow for more effective and human rights-based governance of migration in the region, for policies that address the situations of vulnerability that migrants may face and provide necessary protections, and for the expansion and proliferation of the kinds of climate change adaptation and mitigation actions that are urgently needed in the Sahel.

OHCHR acknowledges the commitment of Member States to human rights-based climate action in the Sahel, including to respecting, protecting, and fulfilling the human rights of migrants whose migration is related to climate change, and stands ready to assist States and other stakeholders in these efforts, including through continuing to engage with communities and stakeholders in the Sahel on these issues.

The threat of climate change to human rights is of such a nature that no country, no institution, and no policy-maker can stand on the sidelines.<sup>210</sup> This is particularly true in the Sahel, where urgent climate action, with the support of the international community, is needed immediately to realize the human rights of all, including all migrants.

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<sup>210</sup> Michelle Bachelet, Global update to the 42nd Session of the Human Rights Council, 9 September 2019.







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