



BEAT THE HEAT

The Impact of Global Warming on Migration Flows Towards Europe and the Role of the EU as a Global Actor Against Climate Change

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Abstract

The fight against climate change has been recognized almost unanimously as the single most important policy issue at the international level for the next decades to come. Increasing intensity of extreme weather events, sea-level rise, droughts and environmental degradation will produce harmful consequences on human beings, such as reduction of life-expectancy, scarcity of food supplies and massive loss of jobs worldwide.

Since the 2000s, the European Union (EU) has taken the lead in creating an international legal framework, as well as putting forward concrete action to tackle climate change. The bulk of EU efforts, however, has reverted around addressing climate change issues internally. Through its decision-making aimed at reducing the impact of human activities on the environment in Europe, the EU has been attempting to guarantee a safe future for the citizens of its Member States (MSs). However, little attention has been paid so far to how global warming in regions outside the EU borders will have direct political, economic and social consequences on Europe's stability and welfare. With the IOM estimating that by 2050 there may be as many as 200 million people displaced globally by the consequences of climate change, scholars agree that climate change-induced migration is a thematic field under-assessed by EU policy.

Indeed, the nexus between migration and climate change is a very complex one to address. Not only the exact figures, but also the causal connection between climate change and migration flows is considered controversial due to the problematic distinction between the effects of climate change and other push factors. Thus, climate change-induced migrants currently do not qualify for international protection under international humanitarian law and EU MSs have so far opposed proposals to extend the provisions contained in the UN Geneva Convention on Refugees to them. If, on the one side, this approach fits into the current trends on securitization of migration, containment of inflows and focus on border management that are popular at the EU level, on the other side it is likely to produce a dangerous legal loophole in the future, with high numbers of displaced people reaching Europe without any prospect of acquiring a clear legal status.

However, addressing the climate change-migration nexus consistently could provide the EU with real political opportunities: in the first place, it would strengthen EU leadership in the global fight against climate change, which has been questioned by the recent challenges to multilateralism launched by the climate change-sceptic turn taken by a relevant part of the international community. In the second place, it would represent an excellent occasion for reinforcing the inclusive identity of the EU, based on the respect of the core values inscribed in its founding treaties. Finally, strong EU action on climate-induced migration would reinforce the authority and legitimacy of EU supranational institutions, thus contributing to provide new momentum to further the European integration process as a whole internally.

The policy paper will be divided into four sections: an introduction, where the methodology and the theoretical framework of reference will be presented; a first chapter, where facts, figures and literature on the climate change-migration nexus will be presented and critically discussed; a second chapter, where the key concept of 'EU actorness' (Bretherton & Voegler, 2006) will be introduced and operationalized so as to put to field test EU ambitions in the field of climate-induced migration management; and a conclusion, where main findings will be summed up and a list of policy recommendations for EU decision-makers will be put forward.

Keywords: #ClimateChange #Migration #EUActorness

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INTRODUCTION

The issue of climate change and its negative impacts on the eco-system of planet Earth has been featuring the international public debate with increasing insistence since the early 1990s. Frequent occurrences of extreme weather events, sea-level rise, droughts and environmental degradation will produce harmful consequences on human beings, such as reduction of life-expectancy, scarcity of food supplies and massive loss of jobs worldwide¹.

From the onset, the assessment of climate change emerged as a highly polarising topic producing cross-cutting cleavages between countries, generations and governance models at the international level. The 1997 Kyoto Protocol, mandating that Western countries should cut their greenhouse gas emissions to compensate for the pollution and damage done during the Industrial Revolution provides an excellent example. The disagreements over the ratification of the Protocol might in fact well be regarded today as the first political conflict of the XXIth century. Vertically, the United States' withdrawal from the Protocol under George Bush jr.'s administration paved the way for that distrust in multilateral governance that would fully escalate during the Trump's presidency; horizontally, political tensions between "old" industrial states and "new" developing nations reverberated in the rampant social conflict between the "baby boomers generation" – who achieved economic growth at the expenses of the environment and yet was not bound to live up to suffer the consequences of the fallout – and the "millennial generation" – who grew up amid the disruption caused by the global debt crisis and is to endure the effects of past choices that will be keep producing irreversible environmental effects.

The debate on climate change has since acquired so much salience that politicians² and common citizens³ alike have been singling out the climate crisis as the "most important" political issue for the next years to come. The European Union (EU) has moved quickly so as to cater for its

¹ European Commission, "How will we be affected", DG CLIMA website, retrieved from https://ec.europa.eu/clima/policies/adaptation/how_en

² Carrington D., "Climate change will determine humanity's destiny, says Angela Merkel", *The Guardian*, 15/11/17, retrieved from <https://www.theguardian.com/environment/2017/nov/15/climate-change-will-determine-humanitys-destiny-says-angela-merkel>

³ Taylor M., "Climate crisis seen as 'most important issue' by public, poll shows", *The Guardian*, 18/09/19, retrieved from <https://www.theguardian.com/environment/2019/sep/18/climate-crisis-seen-as-most-important-issue-by-public-poll-shows>

Member States' (MSs) political demands to act on climate change and to be able to position itself in a leadership role in the global coalition set up to limit its negative effects. Building on article 191 of the Treaty on the Functioning of the EU (TFEU), that makes combating climate change an explicit objective of EU environmental policy⁴, the EU has produced a significant effort in international climate change negotiations and has established itself as a key player in developing both the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol and, more recently, the Paris Agreement (2015).

On top of actions aimed at reducing polluting emissions world-wide, the EU has also developed an ambitious 'European Green Deal', geared towards taking concrete and binding measures to make Europe the first carbon-neutral continent by 2050. The strategy plan, presented by Executive Vice-President Timmermans to the European Parliament on 8 October 2019, is meant to "end contradictions" in the EU's approach to climate change issues by integrating strict targets on emission reduction and the abolition to subsidies for hydrocarbon fuels with the increase in the funding dedicated to the so-called "Just Transition" for workers and entrepreneurs who will have to convert to the new sustainable model⁵.

However, in spite of official declarations that the new European Commission will "endeavour to ensure that *all policy dimensions* are taken into account"⁶, a remarkable gap still exists between the attention paid to the internal policy aspects of the fight against climate change and the relative overlook of the external dimension of those same policies. The fight against climate change constitutes a global challenge requiring full commitment from actors at the societal, national, international and supranational level. However, the EU 'Green Deal' strategy does include a development dimension aimed at countering the side-effects of climate change on the countries most affected around the world, nor it foresees any humanitarian action to support fragile

⁴ European Union, *Treaty on the Functioning of the European Union*, 13/12/07, 2008/C 115/01, retrieved from <https://www.refworld.org/docid/4b17a07e2.html>

⁵ Sanchez Nicolas E., "Timmermans to end EU climate 'contradictions'", *EUObserver*, 09/10/19, retrieved from <https://euobserver.com/environment/146213>

⁶ European Parliament, "Answers to the European Parliament – Questionnaire to the Commissioner-Designate Frans Timmermans", *Europa decentraal*, 09/10/19, retrieved from <https://europadecentraal.nl/welke-vragen-kan-timmermans-verwachten-over-impact-assessments/answers-to-the-european-parliament-questionnaire-to-the-commissioner-designate-frans-timmermans-in-engels/>

communities to cope with and adapt to the consequences of global warming⁷. This gap is particularly remarkable as in the 2016 Global Strategy the EU – through its European External Action Service – made the support to communities’ “resilience” in third countries the cornerstone⁸ of its doctrine to engage the outer world⁹.

Therefore, the two main axes of EU action on climate change can be described as follows: 1) at the internal and external level, the EU prepares for the future by promoting greenhouse gas emissions reduction and low-carbon technologies; 2) at the internal level only, the EU plans to tackle the current situation by subsidizing the adaptation effort of its business sector, as well as its labour market towards a sustainable energetic transition by means of repackaging the European Investment Bank into a European Climate Bank¹⁰, as well as offering protection to EU workers affected by the planned reconversion through the ‘Leave no one behind’ programme¹¹. As such, the EU’s approach falls short to set up a comprehensive strategy to address the needs related to the exposure to risk, adaptation to disasters and, potentially, international protection of the many communities around the world who are also being affected by the effects of climate change – and in many cases, are being hit harder than European countries¹².

The case of climate change-induced migration is particularly striking. On the one hand, widely-cited studies argue that there may be as many as 200 million people displaced globally by climate-induced events by 2050¹³ and there is a consensus among decision-makers on that “climate change acts as an impact multiplier and accelerator to other drivers of human mobility”¹⁴. On the

⁷ See the graph retrieved on the EUObserver website on 08/10/19 at <https://s3.eu-central-1.amazonaws.com/euobs-media/f59cee8cc40a6681861979f55c9a96a0.jpg>

⁸ Tocci N., “Resilience and the role of the European Union in the world”, *Contemporary Security Policy*, 2019, DOI: 10.1080/13523260.2019.1640342

⁹ European Commission, “EU presents its strategy for more resilient states and societies around the world”, Press release, 07/07/17, retrieved from https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1554

¹⁰ European Investment Bank, “The EU Climate Bank: channeling private capital into sustainable finance”, EIB blog, 21/03/19, retrieved from <https://www.eib.org/en/press/news/the-eu-climate-bank-channeling-private-capital-into-sustainable-finance?media=rss&language=EN>

¹¹ European Commission, “European Union presents its progress towards sustainable development”, Press release, 18/07/19, retrieved from https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4250

¹² King A. D., “The inequality of climate change from 1.5 to 2°C of global warming”, *Geophysical Research Letters*, 28/05/18, DOI:10.1029/2018GL078430

¹³ Stern Review Team, “The economics of climate change”, Her Majesty Treasury, retrieved from: http://webarchive.nationalarchives.gov.uk/+http://www.hmtreasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm

¹⁴ Nansen Conference, “Climate change and displacement in the 21st century”, *Chairperson’s summary*, para. 5, Oslo, 5-7/06/11

other hand, the EU is yet to put forward a policy framework suitable to anticipate and address an issue potentially apt to produce direct political, economic and social consequences on Europe's political stability and welfare systems. Several factors contribute to explain the current situation: firstly, the exact nature of the relation between climate change and migration movements is controversial, and so are predictions on the potential magnitude of the phenomenon and related urgency to act for European regulators; secondly, climate change-induced migrants do not currently enjoy a specific legal status in according to international law, which complicates – although not excludes – EU's intervention in the policy field; thirdly, given the current focus of EU MSs' decision-makers on security measures, including strong action on border control through increased funding to FRONTEX¹⁵, it is unsurprising that the bulk of EU efforts is geared towards preventing unwanted migrants to reach the European shores rather than finding sustainable solutions under the sign of trademark European inclusive values¹⁶.

However, taking a proactive approach to the issue of climate-induced migration would be beneficial for the EU for at least three sets or reasons: 1) it would allow the EU to *anticipate and prepare* for the concerning legal loophole created by the arrival of high numbers of displaced people reaching Europe without any prospect of acquiring a clear legal status¹⁷; 2) it would *strengthen EU's leadership* in the global fight against climate change, which has been questioned by the recent challenges to multilateralism launched by a relevant part of the international community. In particular, it would represent an excellent opportunity to reinstate EU leadership at a strategic time when it is been suffering from the United States' withdrawal from the Paris Agreement on climate change¹⁸ and from the opposition of 9 of its own MSs to the ratification of the UN Global Compact for safe, orderly and regular migration (GCM) officially endorsed by the EU¹⁹; 3) strong EU action on climate change-induced migration would *reinforce the authority*

¹⁵ Schengen Visa Info, "EU allocates €101.4 million to Frontex to set up the standing corps of 10k guards by 2027", 03/09/19, retrieved from: <https://www.schengenvisainfo.com/news/eu-allocates-e101-4-million-to-frontex-to-set-up-the-standing-corps-of-10k-guards-by-2027/>

¹⁶ Emiliani T., "Refugee crisis' – 'EU crisis'? The response to inflows of asylum-seekers as a battle for the European soul", *College of Europe Policy Brief Series*, 6.16, 31/03/2016, retrieved from <https://www.coleurope.eu/research-paper/refugee-crisis-eu-crisis-response-inflows-asylum-seekers-battle-european-soul>

¹⁷ See chapter I of this article

¹⁸ Friedman L., "Trump serves notice to quit the Paris agreement", *New York Times*, 04/11/19, retrieved from: <https://www.nytimes.com/2019/11/04/climate/trump-paris-agreement-climate.html>

¹⁹ Gotev G., "Nine EU members stay away from UN migration pact", *EurActive*, 20/12/18, retrieved from: <https://www.euractiv.com/section/global-europe/news/nine-eu-members-stay-away-from-un-migration-pact/>

and legitimacy of EU supranational institutions, thus contributing to provide new momentum to further the European integration process as a whole.

Building on the above-listed assumptions on the benefits of devising a consistent EU policy framework on climate change-induced migration, this study looks at the issue both through a *migration management perspective* – in view of regulating the movement of climate change-induced migrants in ways conducive to EU interests – and an *normative perspective* – suggesting to address the relation between environmental degradation and migration flows regardless of numbers in view of reinforcing the perception of the EU as a community based on inclusive values.

Due to the analytical framework considered, a series of methodological choices have been made. Firstly, while acknowledging the relevant question of the responsibility of industrialised states that historically have been and continue to be the main emitters of greenhouse gases, this study does not tackle the issue from a *state responsibility perspective*. As it is hardly possible to prove:

- a direct relation between the contamination produced by a state at a given time and a climate change-related event;
- the extent to which a particular state is liable under international law for the breach;
- a particular instance of displacement;

linking prescribed action to state responsibility for gas emissions would shift a large and multi-issue discourse to a narrow legal approach which is outside the scope of this paper²⁰. Secondly, the paper does not tackle the ongoing discussion on the *appropriate terminology* to use to refer to climate change-induced migration phenomena, including the heated discussions on the applicability of the definition of ‘refugees’ for persons displaced by environmental disasters²¹. As such, this article employs the notion of ‘climate change-induced migration’ to describe the

²⁰ For a discussion on greenhouse gas emissions, state responsibility and applicable framework under international law see Kälin W. & N. Schrepfer, “Protecting people crossing borders in the context of climate change normative gaps and possible approaches”, *UNHCR Legal and Protection Research Series*, PPLA/2012/01, 02/12, retrieved from: <https://www.refworld.org/docid/4f38a9422.html>

²¹ For two opposing views see Ionesco D., “Let’s talk about climate migrants, not climate refugees”, *Migration Data Portal*, 26/07/19, retrieved from: <https://migrationdataportal.org/es/blog/lets-talk-about-climate-migrants-not-climate-refugees> and Narea N., “Julián Castro’s climate change plan would recognize a new class of refugees”, *Vox*, 04/09/19, retrieved from: <https://www.vox.com/policy-and-politics/2019/9/4/20849369/julian-castro-climate-refugee>

macro-phenomenon and ‘climate change-induced migrants’ to describe the persons affected by it. Thirdly, this analysis does not account for the issue of the *mitigation efforts* pledged by the national community through emission cutting targets set out by the Paris Agreement and the International Panel on Climate Change (IPCC) and apt to have some impact on the climate events-migration nexus in the future. Thirdly, in line with the policy goals set out for the analysis, this publication purposely focuses on the case of climate change-induced *international migration* – with special attention to the flows potentially affecting the EU - although it acknowledges that a vast majority of the victims of extreme climate events are in fact displaced internally and never cross the borders of their own state of residence²².

The research question for this article is therefore the following: does the EU possess the necessary ‘actorness’, as described by Bretherton & Vogler²³, to put forward a consistent policy framework on climate change-induced migration inflows? In order to provide a comprehensive answer to this question, the article articulates its analysis in three chapters. The first one discusses the so-called climate change-migration nexus, including conflicting approaches to data collection, typology of environmental hazards and applicable legal frameworks at the international level; the second one carries out an assessment of EU ‘actorness’ according to the qualitative criteria of ‘presence’, ‘opportunity’ and ‘capability’ as defined by Bretherton & Vogler in their seminal publication; the third one sums up the findings of this publication and puts forward a series of policy recommendations for EU policy-makers.

THE CLIMATE CHANGE-MIGRATION NEXUS

Despite the consensus reached today in academia on the existence of a relation between climate change and human mobility, scholars agree that a direct causal link, as well as the exact extent to which the former influences the latter are complex variables to identify and isolate²⁴. This is so

²² Norwegian Refugee Council, *Displacement due to natural hazard-induced disasters, Global estimates for 2009 and 2010*, 06/11, retrieved from: <https://reliefweb.int/report/world/displacement-due-natural-hazard-induced-disasters-global-estimates-2009-and-2010>

²³ Bretherton C. & J. Vogler, *The European Union as a global actor*, Routledge, London, 2006.

²⁴ Martin S., “Climate change and international migration”, *Background paper WMR*, 201, 5, 2010, retrieved from http://publications.iom.int/bookstore/free/WMR2010_climate_change_migration.pdf

mainly because human migration, including when climate change-induced, is hardly ever the outcome of one single cause. Environmental degradation aggravates, and sometimes precipitates, other pushing factors such as social and economic exclusion, poverty and inequitable distribution of resources, land issues, demographic developments, institutional constraints, inter-group tensions and conflict in countries of origin as well as several factors in countries of destination²⁵. The criterion set out by international humanitarian law to identify climate change as the exact cause of those movements as a pre-condition to make legitimate use of definitions such as ‘climate refugees’ or ‘environmentally displaced persons’ is therefore often impossible to satisfy as several causes reinforce each other. Furthermore, experts do not only discuss on how much climate change is responsible for migration flows, but also disagree on which kind of migration flows should be taken into account in order to precisely assess the magnitude of the phenomenon.

Two main approaches can be pointed out in the debate on the climate-migration nexus²⁶. The ‘maximalist’ school of thought factors into estimations on climate change-induced migration everyone who has to move for reasons somehow related to climate change, irrespective of the multi-causality of migration and of whether related movement is internal or cross-border and short- or long-term. Experts belonging to this school can thus justify claims that there may be up to 1 billion people displaced in 2050 if adequate measures are not taken on time²⁷. On the other hand, a ‘minimalist’ school of thought stresses that displacement is triggered by complex and multiple causes among which climate change is just one, and predicts that only in very few cases displacement can be directly linked to the effects of climate change²⁸. These scholars tend to focus narrowly on the number of people moving to other countries solely for reasons that have a clear relationship with the natural effects of climate change.

The debate between ‘maximalist’ and ‘minimalist’ experts is particularly interesting because it cross-cuts ideological approaches to climate change and migration management. The maximalist

²⁵ Council of Europe, “Environmentally induced migration and displacement: a 21st century challenge”, *Report Committee on Migration, refugees and Population, Council of Europe Parliamentary Assembly, Doc 11785, 23//12/08*

²⁶ Kälin W. & N. Schrepfer, *op. cit.*

²⁷ Christian Aid, *The human tide: the real migration crisis*, Report, 05/07, retrieved from: <https://www.christianaid.org.uk/resources/about-us/human-tide-real-migration-crisis-2007>

²⁸ Piguet E., “Climate change and forced migration”, *UNHCR New Issues in Refugee Research*, research paper no. 153, Geneva, 01/08

stance is in fact held by both anti-migrant alarmists in the Global North - who aim at spreading the myth that Europe and North America will be invaded by large groups of disenfranchised people to justify tougher border control measures²⁹ – and by natural scientists fully committed to the fight against climate change– who do so in order to lobby for increased awareness and global efforts for environmental protection³⁰. Social activist Greta Thunberg’s infamous cry that “People are dying!”³¹ may also be interpreted as an expression of this sensibility. On the other side, the minimalist (or restrictive) approach is defended by both climate change deniers – who do not trust the scientific consensus on global warming and therefore do not believe that climate change will have an impact on migration³² – and pragmatic advocates for migrants’ and refugees’ rights – who see in the lack of differentiation between the different drivers to migration a potential risk of jeopardising the existing legal protection framework for war refugees³³.

In line with its policy purposes, this study embraces a middle ground approach between the two schools of thought: on the one hand, it acknowledges the multi-causality of migration movements and the need to define as precisely as possible the drivers specific to different flows, so as to avoid to water down the protection schemes in place for categories such as Internally Displaced People³⁴ and refugees as defined by international law³⁵. On the other hand, it recognises that climate induced-migration is an increasingly concerning reality that needs to be addressed by scholars and decision-makers with coherent policy proposals and a comprehensive vision. The next paragraph carries out a short review of the main climate events bearing the potential to trigger (international) migration events.

²⁹ Deem T., “Right-wing politicians fear “invasion” of Europe & US by migrants and refugee”, *InterPresse Service*, 30/09/19, retrieved from: <http://www.ipsnews.net/2019/09/right-wing-politicians-fear-invasion-europe-us-migrants-refugees/>

³⁰ Morissey J., “Environmental change and forced migration: a state of the art review”, *Refugee Studies Centre Report*, retrieved from: <http://www.rsc.ox.ac.uk/events/environmental-change-and-migration/EnvChangeandFmReviewWS.pdf>

³¹ Diaz A., “Greta Thunberg tells off U.N.: ‘People are dying ... and all you can talk about is money’”, *Los Angeles Times*, 23/09/19, retrieved from: <https://www.latimes.com/environment/story/2019-09-23/greta-thunberg-un-climate-summit-people-are-dying-and-all-you-can-talk-about-is-money>

³² Investor’s Business Daily, *The climate refugee hoax*, 13/04/11, retrieved from: <https://www.investors.com/politics/editorials/the-climate-refugee-hoax/>

³³ Martin S., *op. cit.*

³⁴ UN High Commissioner for Refugees (UNHCR), *Guiding Principles on Internal Displacement*, Geneva, 22/98/98

³⁵ International Committee of the Red Cross (ICRC), *Geneva Convention relative to the protection of civilian persons in time of war*, 75 UNTS 287, 12/08/49

Typology of extreme climate events affecting human mobility

Although scholars have identified as many as five scenarios linked to climate change likely to produce human displacements³⁶, this study will focus on the three main ones:

- *Rapid on-set events* such as storms, floods, droughts, tropical cyclones, etc:

During such events, livelihoods, productive assets and homes may be destroyed, making temporary shelter abroad necessary. In general, movements are short-term internal displacements as a high proportion of the affected population returns home as soon as possible to reconstruct their home. However, the type of migration flow generated by the events depends on the level of vulnerability of the affected community and the way disasters are managed³⁷. A high frequency of disasters increases the vulnerability and encourages people to move away permanently. The same applies to the access to support systems provided by governments and communities themselves³⁸;

- *Slow-onset events* such as drought, desertification, land degradation, etc:

Water scarcity is expected to intensify due to climate change, which will further exacerbate desertification. Such phenomena may prompt people to consider migration as a way to adapt to the changing environment and explain why people temporarily move to regions and countries with better living conditions and income opportunities³⁹. However, if areas become uninhabitable over time because of further deterioration, finally leading to complete desertification, permanent flooding of coastal zones or similar situations, population movements will amount to forced displacement and become permanent. Many factors, including the resilience of communities or the degree to which adaptation measures taken and successful will determine the extent of population movements in these situations⁴⁰. In contrast, there is clear evidence that rising sea levels are and will become an even more significant cause of population movements in low-lying areas⁴¹;

³⁶ Kälin W. & N. Schrepfer, *op. cit.*

³⁷ Morrissey, *op. cit.*

³⁸ Naudé W., "Conflict, disasters and no Jobs. Reasons for international migration from Sub-Saharan Africa", UNU-WIDER Research Paper, 01/02/08

³⁹ Hammer T., "Desertification and migration", in J. D. Unruh, M. S. Krol, and N. Kliot (eds.), *Environmental change and its implications for population migration*, Kluwer, Dordrecht, 2004

⁴⁰ See next paragraph of this study

⁴¹ Pigué E., *op. cit.*

- *Submersion of low-lying small islands:*

As a consequence of rising sea levels and their low-lying topology, such areas may increasingly become uninhabitable, triggering emigration to other countries as people prepare to leave their homeland permanently. In extreme cases, the remaining territory of affected states may no longer be able to accommodate their population. When this happens, populations would become displaced to other countries. In the most extreme cases, such states may disappear entirely from the surface of the earth, but in any event, the protection concerns of their populations will arise long before actual disappearance⁴².

International legal framework and protection gaps

The multi-variable causality of migration flows appears evident from the typology presented above. For a climate change-related event to cause a remarkable impact on human mobility, the vulnerability produced by an environmental hazard should exceed the affected community's coping capabilities⁴³. The issue of devising effective mechanisms that would allow people to overcome environmental disasters and therefore reduce international displacement is particularly relevant, as it has a direct impact on communities' exposure to risk, their adaptation to structural vulnerability and the legal protection available after the disaster.

There is consensus on that the effects of climate change cannot be fully prevented from occurring even if effective mitigation measures were adopted and implemented. States parties to the IPCC have already recognised that the temperature of the Earth will increase as a minimum of 1,5° in the near future with tangible consequences for people around the world, and this even if the emission cutting targets accepted by the international community for 2030 were achieved on time⁴⁴.

⁴² McAdam J., "Swimming against the tide: why a climate change displacement treaty is not the answer", *International Journal of Refugee Law*, n. 23(1), 2011, 9-32

⁴³ For a detailed discussion on the relation between the three variables see Intergovernmental Panel on Climate Change, "Climate change and its possible security implications", *Report of the Secretary-General*, , A/64/350, 11//09/09

⁴⁴ Intergovernmental Panel on Climate Change, *Summary for policymakers of IPCC special report on global warming of 1.5°C approved by governments*, 08/18, retrieved from: <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

Although both the UN General Assembly and the High-Level Conference on Climate Change and Displacement have reiterated that it emanates from the primary responsibility of the states to enact effective measures to reduce disaster risks, including measures to protect people on their territory⁴⁵, there is increasing attention at the international level to the issue of supporting vulnerable communities to build up sustainable and human-rights based resilience. The EU has put resilience at the core of its external action, especially with respect to support to capacity building in areas such as early warning capacities, vulnerability assessments and risk reduction⁴⁶. While support to be provided to the adaptive capabilities of affected states is a discussion item always featuring the agenda of the Conferences of Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), the protection dimension - and with it the issue of displacement - has been largely neglected thus far.

International humanitarian law offers relevant provisions, especially with regard to the relevant principle of *non refoulement*, that does not allow a state to expel or return an individual to the frontiers of territories where his life or freedom would be threatened. Although codified in the context of the 1949 UN Geneva Convention protecting war refugees, the principle was highlighted in the 2011 Nansen Conference as a suitable minimal protection framework for those displaced across borders not falling under the refugee protection regime⁴⁷. This kind of protection is however insufficient, as it does not create a real right to admission into a foreign state and does not prescribe which kind of legal the *non refouled* persons should be accorded during their stay abroad. The International Convention on the Protection of the Rights of All Migrant Workers and Their Families offers a degree of protection applicable to those who cross borders in the context of climate change. However, it only applies if the individual concerned is a 'migrant worker'⁴⁸ and, in any case, it has so far only been ratified by 54 states worldwide.

⁴⁵ United Nations General Assembly, *International Strategy for Disaster Reduction*, Resolution 64/200, 25/02/08 and Nansen Conference, Chairperson's Summary, Oslo, 5-7/06/11, available at <https://www.nrc.no/resources/reports/the-nansen-conference---climate-change-and-displacement-in-the-21st-century/>

⁴⁶ Tocci N., *op. cit.*

⁴⁷ Nansen Conference, *op. cit.*

⁴⁸ UN General Assembly, *International Convention on the protection of the rights of all migrant workers and members of their families*, 2220 UNTS 93, 18/10/90

The applicability of international refugee law provisions including the right to asylum, albeit intuitively suitable to accommodate the needs of climate change-induced migrants, is also very controversial. The main binding legal text on which it is based, the 1949 UN Geneva Convention, was in fact conceived to protect solely people displaced by reason of war. As such, it only applies to persons able to demonstrate to have moved to another country “because of persecution on account of specific reasons (race, religion, nationality, membership of a particular social group or political opinion)”⁴⁹. If, on the one hand, a number of voices in the international community has launched the idea to amend the Convention so as to include climate change-induced events among the ‘specific reasons’ justifying the right to obtain asylum⁵⁰, on the other hand it is the very concept of ‘persecution’ that does not fully fit the category of climate change-induced migrants. In fact, while the main threat for war refugees is represented by their own state (or the non-statutory forces occupying the state), people displaced by environmental disasters do not necessarily escape from their governments, which in many cases are in fact the actors most invested in gathering aid and support from the international community.

While there are no legally binding international regimes that explicitly protect climate change-induced migrants, there are voluntary compacts offering avenues for policy development. In 2015, the states parties to the UNFCCC decided to create, in the framework of the Paris Agreement, a task force ‘to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change’⁵¹. At the same time, the UN 2030 Agenda for Sustainable Development reunited 193 countries under the target to “facilitate orderly, safe, and responsible migration of people, including through implementation of planned and well-managed policies” in the framework of an Agenda where links between climate change and migration management are clearly present, albeit not explicit⁵². The UN Sustainable Development Goals (SDGs) have in fact prompted the discussions on the recently adopted GCM, that establishes a ground-breaking recognition of the link between environmental hazards and migration. Under Objective 2 on minimizing adverse drivers of migration, states

⁴⁹ International Committee of the Red Cross, *Geneva Convention relative to the protection of civilian persons in time of war*, 75 UNTS 287, 12/08/49, art.1A(2)

⁵⁰ Brown O., *Migration and climate change*, International Organisation for Migration, Geneva, 2008

⁵¹ Conference of Parties of the UNFCCC, “Adoption of the Paris Agreement”, Decision 1/CP.21, FCCC/CP/2015/10/Add.1, 25/01/16, paragraph 49

⁵² UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 21/10/15, targets 10, 13.1 and 13.3

commit to “harmonizing and developing regional and sub-regional mechanisms to ensure access to humanitarian assistance for persons affected by sudden- or slow-onset disasters” and to “developing coherent approaches to address the challenges of migration movements in the context of sudden-onset and slow-onset disasters”⁵³. Also, Objective 5 enshrines the commitment to enhancing regular migration pathways for “migrants in a situation of vulnerability”, mentioning humanitarian visas or temporary work permits for people displaced across borders in the context of sudden-onset disasters⁵⁴.

EU ‘ACTORNESS’ IN THE FIELD OF CLIMATE-INDUCED MIGRATION MANAGEMENT

In their influential 2008 book “The EU as a global actor”, scholars Bretherton and Vogler developed a coherent conceptual framework to understand how the way the EU acts on the international stage in terms of the processes of social interaction through which it engages with the other actors. Solidly grounded in Social Constructivism, this analytical approach attempts to grasp both the formal and informal processes that “shape the evolution of actors’ identities and provide contexts within which action is constrained or enabled”⁵⁵. The authors define ‘actorness’ as the way and the extent to which the EU engages in external activities in a sectorial field. Three components contribute to shape EU actorness: opportunity, presence and capability. An assessment of the intensity (‘low’, ‘medium’, ‘high’) of each of these three in the field of migration management and fight against climate change will help to establish the EU’s potential for leading the establishment of an international regime in the field of climate change-induced migration management.

⁵³ UN General Assembly, *The Global Compact for safe, orderly and regular migration (GCM)*, A/RES/73/195, 11/01/19, paragraph 18

⁵⁴ UN General Assembly, GCM, paragraph 21

⁵⁵ Bretherton C. & J. Vogler, *op. cit.*, p.13

Opportunity

Bretherton & Vogler define ‘opportunity’ as the external policy context, which is composed of the global institutional setting and the constellation of norms and interests⁵⁶. With regard to the establishment of a global migration governance, the power to regulate movements of people across national borders has long been regarded as a core component of sovereignty and thus an exclusive competence of sovereign states⁵⁷. It is not surprising, therefore, to observe an absence of binding multilateral frameworks in this policy area. However, since the 2000s a ‘bottom-up’, UN-sponsored movement started to build momentum for the creation of a regulated framework, addressing the increasing dissatisfaction with the existing (mainly bilateral) migration and asylum policies and the rising pressure on states for international solutions⁵⁸. The analysis carried out in the previous section accounts for these progressive developments, that have found in the ratification of the UN Agenda for Sustainable Development and the GCM the latest and most remarkable achievements so far.

In terms of interests and norms constellation, the stance of many international actors appears to show some degree of ambiguity. While states seem to share a ‘hard’ security interest in curbing irregular migrants’ inflows so as to minimise perceived threats to their internal security and welfare systems, understandings of international obligations regarding people seeking for international protection largely differ from region to region and state to state. The EU defends, on the one hand, the abstract right of every individual fleeing persecution to apply for asylum in a member state. On the other hand, since the beginning of the so-called ‘refugee crisis’ in 2015 it has been hosting only a small fraction of displaced people from ongoing conflicts. Countries such as Jordan, Lebanon, Iraq and Turkey have, on their side, have been accepting considerably higher numbers of migrants without, however, granting them a formal protection status⁵⁹.

Overall, no binding global multilateral migration and asylum governance architecture has been achieved so far. However, a certain degree of bottom-up institutionalisation, promoted within the

⁵⁶ Bretherton C. & J. Vogler, *op. cit.*, p.23

⁵⁷ Anderson, B., “Overseas Domestic Workers in the European Union”, Report for Stichting Tegen Vrouwenhandel, Utrecht, 1996, retrieved from: .

⁵⁸ Emiliani T. & A. Linck, “The External Dimension of EU Immigration Policies: Reacting to External Events?”, in S. Gsthoel, *et al.* (eds.), *The Emerging External Dimension of EU Policies*, Routledge, London 2017, p.7

⁵⁹ Emiliani T. & A. Linck, *op. cit.*, p.9

UN system, has led to the creation of relevant fora addressing the issues of legal migration, asylum and development and their relation with climate change. As a counterweight for the argument on the widespread interest in an improved international management of migration flows, however, the reluctance of key international players to give up their national sovereignty must be factored in. The case of the 9 EU MSs, as well as the United States, refusing to ratify the GCM is in this sense a clear example. Furthermore, a shared interest in regulating migration flows at the international level does not necessarily mirror a constructive approach towards the extension of protection provisions to climate change-induced migrants. On the opposite, much of the cooperation in migration management happening today is geared towards producing restrictive frameworks apt to better protect individual states', and well as regional organisations' borders from the arrival of irregular migrants, or to agree on the conditions of readmission and return thereof⁶⁰.

Taking all the elements into account, the analysis of the external policy context reveals a medium degree of 'opportunity' for the EU: on the one side, there is momentum for the development of shared policy frameworks respectful of both states' security interests and migrants' rights (including those of climate change-induced migrants), as the creation of the Task Force on Displacement under the Paris Agreement and the ratification of the GMC shows. On the other hand, key states' reluctance to give up sovereignty in decision-making to international institutions constitutes a real hurdle in the establishment of a binding migration governance framework. Furthermore, the current emphasis on the security aspects related to the regulation of migration flows reduces the place available in the public discourse to propose new legislation aimed at recognising new rights to climate change-induced migrants.

Presence

Defined as the "ability of the EU to exert influence externally"⁶¹, EU 'presence' is assessed through the analysis of what the EU stands for in the migration management and asylum domains

⁶⁰ Emiliani T., "Ex Pluribus Unum? The Communitarization of EU Migration, Asylum and Border Management Policies in Times of Crisis", *European Integration Studies*, 11(1), 06/16

⁶¹ Bretherton & J. Vogler, *op. cit.*, p.27

in terms of its legal and policy *acquis*. ‘Presence’ refers to the potential to shape and influence the perceptions and expectations projected onto the EU beyond its borders. The EU can wield influence by means of its presence in specific policy domains that are of interest to third parties.

Since the Lisbon Treaty, EU competence in migration, asylum and border management have been integrated into the community framework, so that they now also include legal migration and policies aiming at the integration of migrants⁶². Nonetheless, Article 79(5) TFEU states that this shift of national competence to an EU level “shall not affect the right of member states to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed”⁶³, thus setting limitations to rule harmonisation even under the current legal framework.

The EU’s approach to legal migration consists in adopting sectoral legislation by category of migrant. EU legislation regulates the right to reunification of regular migrants’ family members, whereas MSs can set a limit on the number of people admitted on their territory to seek work. The EU also regulates the immigration of highly skilled workers under the so-called ‘EU Blue Card Directive’⁶⁴. As regards irregular migration, EU legislation regulates the return of irregular migrants to their countries of origin or transit through the s-called ‘Return Directive’⁶⁵ and has introduced sanctions against employers who infringe the prohibition to employ illegal third-country nationals.

In April 2013, the EU Commission published a staff working document on climate change and migration in which it downplayed the likelihood of mass migration flows into Europe resulting directly from climate stress in developing countries⁶⁶. However, the EU’s sensibility seemed to change in coincidence with the signature of the Paris Agreement, as it is showed by EU Commission’s President Jean-Claude’s Juncker 2015 State of the Union statement that: “Climate

⁶² Weinar A., “EU cooperation challenges in external migration policy’, *Background report for EU-US Immigration Systems*, Robert Schumann Centre for Advanced Studies, European University Institute, 02/11.

⁶³ European Union, *op. cit.*, art.79(5)

⁶⁴ Council of the European Union, *Directive 2009/50/EC*, OJ L 155, Brussels, 18/06/09

⁶⁵ Council of the European Union, *Directive 2008/115/EC*, OJ L 348, Brussels, 24/12/08

⁶⁶ European Commission, *Climate change, environmental degradation, and migration*, SWD(2013) 138 final, Brussels, 16/04/13

change is one of the root causes of a new migration phenomenon. Climate refugees will become a new challenge – if we do not act swiftly”⁶⁷.

Following the so-called 2015 ‘refugee crisis’, the European Agenda on Migration, a new policy framework, was put forward to address migration challenges perceived as new⁶⁸. The Agenda identifies short-term and long-term objectives and names four pillars to address migratory challenges: (1) Reducing the incentives for irregular migration; (2) saving lives and securing the external borders; (3) strengthening the common asylum policy; and (4) developing a new policy on legal migration. As compared to the past, the Agenda seems to put a stronger focus on the underlying causes of migration and how those could be addressed in the long term. In an October 2019 report on the progress on the implementation of the Agenda, the European Commission cited climate change as a potential risk for extra migratory pressure requiring external funding to help exposed countries to face events in the spirit of EU solidarity⁶⁹.

With respect to EU asylum policy, no common EU asylum system has so far been achieved. Article 18 of the EU Charter of Fundamental Rights guarantees the right to asylum but limits it to cases of persecution as defined by the 1951 UN Geneva Convention and its 1967 Protocol⁷⁰. Human rights law does provide an indirect right to be admitted and to stay in any EU MS, where the removal of a person back to the country of origin would amount to inhuman treatment. As such, The European Court of Human Rights has long derived from the right to protection against inhuman treatment⁷¹ and from the protection of the right to life⁷² a prohibition to forcibly transfer a person to a state where he or she would be exposed to the risk of being subjected to arbitrary deprivation of life, torture or other serious violation of fundamental human rights⁷³. It can be argued that the Court might, in the future, consider to apply such provision to climate change-induced displaced persons where applicable.

⁶⁷ European Commission, *State of the Union 2015: Time for Honesty, Unity and Solidarity*, Strasbourg, 09/09/15, retrieved from: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_15_5614

⁶⁸ European Commission, *A European Agenda on Migration*, COM(2015) 240 final, Brussels, 13/05/15

⁶⁹ European Commission, *Progress report on the implementation of the European Agenda on Migration*, COMM (2019) 481, Brussels, 16/18/19

⁷⁰ European Union, *Charter of fundamental rights of the European Union*, OJ C 326, Brussels, 26/10/2012

⁷¹ *Ibid.*, art. 3

⁷² *Ibid.*, art. 2

⁷³ For a judicial case review, see Kälén W. & N. Schrepfer, *op. cit.*, p. 35

The EU Directive on minimum standards of procedures in member states for granting and withdrawing refugee status lays down the rules regarding ‘safe third countries’, which are then decided upon based on national law and procedures in each MS⁷⁴. ‘Safe third countries’ list mean that EU MSs establish that asylum-seekers coming from those countries are not in principle considered as in need of international protection. So far, considerations on environmental degradation have been completely excluded when producing such lists.

The so-called ‘Qualification Directive’ allows for subsidiary protection in cases of “a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict” as well as in cases of inhuman or degrading treatment in the country of origin, allowing some degrees of flexibility to apply the interpretation of the latter clause to the case of climate change-induced migrants. However, it is to be considered that the Directive also prescribes that subsidiary protection cannot be granted in case “in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country”⁷⁵.

The so-called ‘Temporary Protection Directive’ provides for the possibility of “giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin”⁷⁶, a notion broad enough to at least cover some categories of persons displaced abroad by effects of climate change, even though the non-exhaustive definition of ‘displaced persons’ does not mention such situations⁷⁷. However, it should be noted that, in the context of the 2015 so-called “refugee crisis”, attempts of the Maltese and Italian foreign ministers to invoke the application of the Directive for activating the mechanism so as to assure an equal distribution of persons among MSs as result of mass influx of individuals from Libya and Tunisia failed repeatedly. This evidences shows that as long as the existence of a ‘mass influx’ of displaced individuals is decided by the Council of the EU on a proposal from the EU Commission, there will be major political discussions among MSs to activate the temporary protection mechanism, that so far has in fact never been activated.

⁷⁴ Council of the EU, *Directive 005/85/EC*, OJ L 326, Brussels, 13/12/05

⁷⁵ Council of the EU, *Directive 2011/95/EU*, OJ L 337, Brussels, 20/11/11, art. 8

⁷⁶ *Ibid.*, art. 1

⁷⁷ *Ibid.*, art. 2

To conclude, while the Lisbon Treaty has increased EU competence, the migration and asylum policy domains still fall under so-called shared competence, which allows EU MSs to act in areas where the EU has not yet adopted legislation. In combination with the principle of subsidiarity, which allows the EU to act only when the policy goal can best be achieved at the supranational level, there are still many areas in which the EU MSs regulate migration policies⁷⁸. Considering all these factors combined, EU ‘presence’ in the field of migration management and asylum regarding climate change can be assessed as moderate, as it is unlikely to see the rapid development of legal migration schemes at the European level that would provide legal migration opportunities to citizens of countries affected by climate change.

Capability

Capability refers to those aspects of the EU policy process that constrain or enable external action by responding to opportunity and capitalising on presence⁷⁹. The Treaty of Lisbon has enabled the EU to engage external partners to achieve its migration management and asylum goals in several ways. The EU has thus been given the capacity to sign readmission agreements with third countries⁸⁰ and to manage flows of asylum-seekers in cooperation and partnership with third countries⁸¹. Thus, it has been argued that such extension of competences may also lay the ground for the EU to “expand its external action potential”⁸².

The current EU external policy approach on migration is formulated in the 2011 Global Approach to Migration and Mobility’ (GAMM)⁸³. The GAMM seeks to institutionalise collaboration with third countries on a variety of migration-related issues. Its flagship instruments, the Mobility Partnerships, engage third countries to better manage migration flows, and in particular to fight illegal migration in partnership with the EU in exchange for enhanced legal mobility pathways

⁷⁸ Monar J., “The external dimension of the EU’s Area of Freedom, Security and Justice – progress, potential and limitations after the Treaty of Lisbon”, *SIEPS Working Paper 1*, Swedish Institute for European Policy Studies, 2012

⁷⁹ Bretherton C. & J. Vogler, *op. cit.*, p.24

⁸⁰ European Union, *Treaty on the Functioning of the European Union*, art. 79(3)

⁸¹ *Ibid.*, art. 80

⁸² Monar, *op. cit.*, p.26

⁸³ European Commission, *The Global Approach to Migration and Mobility*, COM/2011/0743 final, Brussels, 18/01/11

for their citizens. Given their flexible nature, Mobility Partnerships bear the potential to include clauses on climate change-induced migrants in the future.

The 2015 European Agenda on Migration emphasises partnerships with countries of origin and transit as crucial and sets out a series of bilateral and regional cooperation frameworks on migration. As further measures, the Agenda proposes to enhance the role of EU Delegations in migration in the countries most affected by migration outflows, by placing European migration liaison officers to cooperate with the Immigration Liaison Officers Network, local authorities and civil society.

To sum up, EU's 'capability' is constrained by the sub-division of migration issues in regular and irregular migration. EU competence is rather developed when it comes to irregular migration. The EU has a clear mandate to enter into readmissions agreements with third countries and to curb incentives to illegally work on the EU. Regular migration, however, is only regulated on a sectoral basis and does not foresee clear pathways for migrants displaced by climate change-induced events. Therefore, it can be stressed that EU 'capability' contributes only to a limited extent to EU actorness.

The 2016 EU Global Strategy aimed at the horizontal integration of migration issues in other policy areas and called on the EU to “make different external policies and instruments migration-sensitive – from diplomacy and CSDP to development and climate – and ensure their coherence with internal ones regarding border management, homeland security, asylum, employment, culture and education”⁸⁴. However, such a joined-up approach has not been fully achieved yet, although some of the goals formulated in the European Agenda on Migration have been increasingly taking into account the EU's commitment to fight climate change.

CONCLUSION & POLICY RECOMMENDATIONS

⁸⁴ External Europe Action Service, *A Global Strategy for the European Union's Foreign and Security Policy*, Brussels, June 2016, p. 31

This article tackled a number of intertwined political issues of relevance for the EU. It firstly investigated the relation between climate change, the extreme events produced by it and migration flows. It found that while there is a scientific consensus on the existence of a causal relation between sudden - as well as slow – onset events produced by environmental degradation and human mobility, this relation is rather indirect than direct. Migration is often caused by a plurality of factors. By reducing resources for livelihood, climate change can lead to conflict over remaining resources and, as a result, to intensified migration flows. This relates to the vulnerability of the affected populations and their adaptation capacities as well as the rapidity and severity of events. A major distinction can be made between rapid-onset climate events describing extreme weather events, slow-onset climate events comprising drought, desertification and land degradation and sea-level rise. When rapid-onset disasters occur people often flee to avoid loss of life or physical harm, or people might decide to move because of the destruction of livelihoods. The links between drought, desertification and migration are more complex and the occurrence of migration due to these events is more difficult to identify.

However, experts agree that the migration of people affected by the effects of climate change is a phenomenon that will grow in importance in the coming decades, and that international law contains gaps regarding admission, stay, and legal status of migrants. So far, a piecemeal approach has prevailed with regard to regulating the legal status of climate change-induced migrants, which clearly highlights the problems related to defining what kind of migrants they are and to what extent their movement can be attributed to climate change and environmental degradation. While the EU has so far not put forward a policy framework aimed at addressing the issue, it has expressed growing concern and has taken action to support and develop resilience in the countries potentially affected by climate-related stress.

An analysis of its actorness reveals that the EU has the potential to play an important role in taking the leadership in the creation of an international regime addressing the issue of climate change-induced migration. Borrowing from the typology developed by Bretherton & Vogler, it can be argued that the EU should seize the necessary political ‘opportunity’ created by the increasing development of multilateral for a where issues of climate change and migration can be discussed and commitments can be made – and that in spite of the resistance of some strategic players to play on equal footing at the international level, as the United States’ withdrawal from

the Paris Agreement or the non-ratification of the GCM by 9 EU MSs show. The EU has also the necessary ‘presence’ and ‘capability’ to produce meaningful action, as the Lisbon Treaty has equipped it with a remarkable degree of decision-making power in the field of internal - as well as external - migration management that could be usefully exploited to put forward relevant legislation. The amendment of existing Directives, as well as the potential creation of new bills and policy framework, is however made more complicated by the persisting reality of EU MSs retaining control over key decisions at the European level. At a time when rampant populism dictates the political agenda in many states, fuels anti-migrant feelings and instigates the promotion of strict border control policies, supporting inclusive legislation that would produce new rights for climate change-induced persons is indeed a challenging task.

Yet, the momentum provided by the ‘European Green Deal’ presented by the von der Leyen Commission after the 2019 European elections offers a unique chance to step up EU leadership and enhance its identity as a norm-maker. In particular, Executive Vice-President designate Frans Timmermans, who will also be responsible for the climate portfolio, will have to play a proactive role in order to push the borders of EU action. In fact, during his hearing before the European Parliament Timmermans has already pledged to “end the contradictions” that have characterised EU climate policy in the past, as well as to “ensure that all policy dimensions are taken into account”⁸⁵. Furthermore, in the mission letter for the new High Representative for Foreign and Security Policy/Vice-President Josep Borrell, President elect von der Leyen clearly states that EU External Relations must be entertained so as to increase EU leadership on the global scene, and that it is key to ensure a better link between the internal and external aspects of EU policies⁸⁶. As migration flows are multi-causal, any approach aimed at tackling the phenomenon must be multifaceted, containing internal and external components.

In order for a joint-up approach to migration management and climate policy to materialise, this article proposes an holistic strategy articulated through the following policy recommendations:

⁸⁵ European Parliament, *Hearing of Executive Vice-President designate Frans Timmermans*, 08/10/19, broadcast retrieved from: <https://www.europarl.europa.eu/news/en/press-room/20190926IPR62264/hearing-of-executive-vice-president-designate-frans-timmermans>

⁸⁶ von der Leyen U., Mission letter to Josep Borrell, 10/09/19, retrieved from https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-josep-borrell-2019_en.pdf

- Relevant Directives aimed at providing subsidiary protection to specific categories of persons should be amended so as to include the emerging reality of environmental hazard victims. For instance, the so-called Qualification Directive could be amended in its article 15 so as to add environmental disasters to the foreseen sources apt to generate protection needs in addition to armed conflict. With regard to the so-called Temporary Protection Directive, a more flexible and objective criterion to define the ‘mass influx’ susceptible to activate its financial and political mechanisms is needed, as currently the Directive can only be activated upon a Commission proposal and a related decision by the Council;
- Preventive measures aimed at reducing communities’ exposure and vulnerability to climate change-induced events and at enhancing their coping and recovery capacities should be devised so as to allow people to not be forced to migrate. In this sense, the insistence on the concept of ‘resilience’ in the 2016 Global Strategy should be operationalised through concrete support to building risk assessment and reduction capabilities and through financial aid to affected countries;
- Legal migration pathways, including immigration quota or targeted admission of migrants from particularly affected areas would help maximising the impact of migration as an adaptive strategy. As such, the Mobility Partnerships negotiated by the EU Commission on behalf of willing MSs under the GAMM could represent a suitable framework to integrate clauses on climate change-induced migration flows in the discussions;
- Although climate change-induced migrants do not qualify for the protection regime established by the UN Refugee Convention, they can still benefit from the principle of *non refoulement* as derived from humanitarian law. The EU should monitor its MSs so that they fully comply with their obligations and consider the legal and operational obstacles migrants could face if returned to their disaster-struck countries;
- The EU should recognise the structural interdependence existing between addressing the needs of the countries most exposed to environmental degradation and its own trade and security interests. If migration inflows in the context of climate change reach a certain level, they may have negative impacts on existing capabilities to control admission, raise security concerns linked to irregular movements of persons, overburden asylum procedures if no alternative ways of admission are available, and exacerbate existing

humanitarian crises. All these challenges can hardly be tackled by EU MSs on an individual basis and require coordination at the supranational level;

- As studies found that most of the climate change-induced mobility happens at the internal or regional level, the EU should step up its support to regional and sub-regional initiatives that are currently under development in the most affected areas. Regional organisations might also be more suitable to tailor approaches and solutions to the specific contexts of the respective area, which is indeed of key importance since different regions will be differently affected by climate change and will require different capacities to adapt to these changes.

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