

Climate Change & Migration: What is the Role for Migration Policies?

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Executive Summary

Environmentally induced migration has gained **increasing attention** from researchers, activists and the media in recent years. While there is a broad **consensus that environmental factors can play an important role** in relation to human mobility, there has been no agreement on how environmental factors impact migration, forced migration and displacement and how much weight should be given to environmental factors as opposed to other drivers of migration. Global debates on policy responses to environmentally induced migration have particularly focused on displacement induced by environmental change and on how individuals displaced by environmental events can be protected through international instruments. More recently, there has also been increased interest in the role of the European Union (EU), especially in terms of EU policies on migration and asylum.

Against this background, this policy brief focuses on the role of EU policies on migration and asylum policies in addressing environment-related migration. It reviews global debates on environmentally induced migration and related policy responses and **assesses to what extent the current overall EU framework for immigration and asylum offer adequate responses** to environmentally induced displacement. It also examines **how the legal framework could evolve** in order to provide an improved response to the phenomenon.

The policy brief finds that amongst the available legal instruments, **temporary protection** is the only instrument that, in principle, could be activated in case of mass displacement following an environmental event. However, other available instruments, notably **subsidiary protection**, could be expanded to cover individuals displaced by natural disasters. In addition, **non-harmonised protection mechanisms** available in EU Member States under national law sometimes explicitly, and more often implicitly, allow responding to cases of individuals displaced by environmental events and unable to return. These mechanisms could offer a model for developing similar mechanisms at the EU level. In addition, the external dimension of the EU's migration policies, notably the **Global Approach to Migration and Mobility (GAMM)** and the **EU's development cooperation**, provides important possibilities to support countries affected by adverse environmental changes and serious environmental events. These possibilities include strengthening countries' policy framework on the protection of environmentally displaced persons, enhancing governments' capacities to respond to disasters and medium-/long-term environmental change, and increasing the resilience of local communities.

The policy brief is based on a recent study commissioned by the European Parliament¹ tasked to examine the **legal and policy aspects** of climate- and environment-related displacement.

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Increasing recognition of the importance of environmentally induced migration at the global level

Role of EU policies on migration and asylum

Legal framework on international protection

The external dimension

Background of the Study

Environmentally induced migration has gained **increasing attention** from researchers, activists and the media in recent years. Various analysts have proffered estimates as to the number of environmentally induced migrants. The most influential estimates by the Stern Review Team put the number of ‘environmental migrants’ at 200 million by 2050.² However, most of these estimates are based on a rather poor understanding of migration dynamics and are rather crudely derived from estimates of persons likely to be seriously affected by environmental events and adverse long-term changes. While there is a broad **consensus that environmental factors can play an important role** in relation to human mobility, there has been no agreement on how environmental factors impact migration, forced migration and displacement and how much weight should be given to environmental factors as opposed to other drivers of migration. There has also been no agreement on the terminology, which is reflected in the contrasting terms used to describe the phenomenon, such as ‘climate refugees’ vs. ‘environmental migrants’. This policy brief uses the terms ‘environmentally induced migration’ to denote the broader phenomenon and ‘environmentally induced displacement’ to characterise forced forms of mobility primarily engendered by environmental change.

The controversies are, to some extent, also reflected in the debates on possible policy responses to environmentally induced migration, and most policy proposals have focused on environmentally induced displacement as a phenomenon where the link between migration and environmental events appears to be much clearer. As a corollary, the main focus of global debates is on providing protection to victims of environmental events. Nevertheless, there is also no consensus on whether there is indeed a need for specific protection mechanisms and if so, in what context these should be developed. At the global level, **five main policy options** have been proposed: (1) an extension of the scope of the **Geneva Convention**, (2) Promoting the **Guiding Principles on Internal Displacement**, (3) the creation of a **new legal framework**, (4) the addition of a protocol on climate-induced migration to the **United Nations Framework Convention on Climate Change** and (5) using **temporary protection mechanisms** for persons displaced by environmental events. Besides the protection options, planned resettlement as either a post- or pre-displacement option and strengthening the resilience capacities of affected populations should be considered as additional options.

The study assessed to what extent the current European Union framework for immigration and asylum, in general, and the specific instruments in regard to asylum, in particular, already offer an adequate response to environmentally induced displacement and **how the legal framework could evolve** in order to provide an improved response to the phenomenon.

Main Findings of the Study

Most social science literature on the **link between migration and climate change** agree that a determinative and direct link between environmental change and migration is **not easy to identify** because migration results from a combination of triggers in source and destination countries. The degree to which environmental factors will lead to mass displacement is part of a **controversial debate**. Any prediction is difficult because of the **high level of uncertainty** of the effects of **environmental change** and because of their differential impacts on affected populations. How populations will be affected generally depends less on exposure to processes of environmental change or single environmental events as such than on their vulnerability and adaptation capacities. These in turn are determined by the

Impact of environmental factors on human mobility is increasingly recognised, although their exact role is contested

Global debates on policy responses focus on environmentally induced displacement

Aims of the study

Controversial debate on the link between migration and climate change

broader socio-economic context, as well as policy responses to environmental change.

A major distinction can be made between **rapid-onset** climate events describing extreme weather events such as monsoon floods, storms, hurricanes, typhoons and glacial lake outburst floods and **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. Sea-level rise can be characterised both as a slow-onset gradual environmental change and as a contributor to the impact of flooding and storms. At the same time, sea-level rise is the most dramatic manifestation of climate change because of the possible disappearance of small island states. However, while migration may be perceived as a failure to adapt to worsening conditions in countries or areas of origin, migration can also, in many cases, be seen as an effective adaptation strategy. Migration, in particular seasonal migration, is a way to diversify household income while at the same time allowing family members to remain in the area of origin.

Due to the fact that the term environmental refugee has been challenged both in the academic and political debate, it has been suggested to use the more general term of “**environmentally induced migration**” to denote the broader phenomenon and “**environmentally induced displacement**” to characterise forced forms of mobility primarily engendered by environmental change. In addition, one needs to differentiate between **temporary** forms and **permanent** forms of environmentally induced displacement because they require different responses.

However, as a major recent study commissioned by the UK Government Office for Science³ has highlighted, there is a need to extend the debate on migration and environmental change beyond the role of environmental change in provoking migration from areas affected by it. **Migration may also become less likely an adaptation strategy when environmental change undermines the livelihood of most vulnerable populations** and, thus, undermines the resources needed to migrate. Particularly vulnerable populations, therefore, may become locked in areas affected by severe environmental change. Finally, policymakers also need to be concerned about **in-migration to areas affected by environmental change or particularly at risk of severe environmental events**.

Apart from the academic debate on environmentally induced migration, the subject has increasingly become a topical issue at the policy level, notably in the context of **international efforts to counter climate change** and its effects. The international debate on possible policy responses was triggered by the discussion of ‘protection gaps’ existing for people displaced by the impact of environmental or climate change. Protection gaps are especially apparent for **persons displaced across borders** and in cases of slow-onset climate events. A clear protection gap also exists for **internally displaced persons** due to poor implementation of legal standards and the weak status of the Guiding Principles on Internal Displacement.

Five options are generally considered at the **global level**. The first option is the extension of the scope of the **Geneva Refugee Convention**. However, the emerging consensus is that an extension and amendment of the refugee definition is neither a feasible nor a desirable option. In the present political climate, opening up the Geneva Convention might risk undermining the scope of protection presently extended to beneficiaries of international protection under the Convention, while extending the personal scope of the Convention is unlikely to materialise for similar

Key distinction between rapid-onset and slow-onset events

Typology of environmentally induced migration

Environmental change may also make migration less likely

Policy debates on environmentally induced displacement

Five main policy options considered at the global level

reasons. Promoting the **Guiding Principles on Internal Displacement** is discussed as one of the most promising options in the literature. As “guidelines”, however, they lack legal force and, thus, depend on the political will of governments and other relevant actors to put them into practice. The creation of a **new legal framework** applying to environmentally induced displacement is unlikely to materialise, mainly because **political will is lacking**. A fourth option proposed is the addition of a **protocol on climate-induced migration** to the **United Nations Framework Convention on Climate Change** (UNFCCC). The inclusion of a paragraph on climate-induced displacement, migration and planned relocation in the Cancun Adaptation Framework adopted in 2010 might have opened a window of opportunity to pursue this option. A fifth possible option is using various forms of **temporary protection as a protection instrument** for accommodating persons displaced by environmental events, such as severe weather events. Protection for those who leave, however, can only be part of a more comprehensive policy response. Besides the protection options, **planned resettlement** and **reducing the vulnerability** of affected populations through tailored development cooperation measures should be considered as additional options that can be employed to both slow- and rapid-onset events. In addition, **bilateral migration agreements**, including possible seasonal migration plans, may be useful tools to promote migration as an adaptation strategy to longer term environmental change, particularly on a regional level.

What becomes clear from the preceding discussion of global policy debates is that the debate largely focuses on possible protection gaps and, thus, although not often explicitly so, is largely about environmentally induced displacement following rapid-onset events. Reflecting this focus of the policy debate, the following analysis of the EU policy framework similarly largely focuses on displacement.

Protection for Environmentally Displaced Persons under the Current EU Legal Framework

At the EU level there is currently neither a distinct instrument specifically covering **‘environmentally displaced individuals’** nor provisions under existing instruments that could lato sensu be interpreted as extending individual protection to third-country nationals affected by environmental events. However, in case of a **massive influx** following a natural disaster, the temporary protection mechanisms under the **Temporary Protection Directive** (2001/55/EC) could – in theory – be activated. Unlike the Qualification Directive, its personal scope is not limited to persons in need of international protection sensu strictu, i.e. refugees in the meaning of the Geneva convention or persons under subsidiary protection. Not only are the circumstances described in the directive in which it may be activated not understood as an exhaustive list, but individuals displaced following a serious environmental event also may be argued to “be at serious risk” or to have become victims of “systematic or generalised violations of human rights.” Yet as a political mechanism of burden-sharing within the EU requiring a Council decision on the activation of the directive, the Temporary Protection Directive is an inherently limited instrument. In addition, it does not provide individual protection, but provides collective protection to a group to be defined on a case by case basis by the Council.

What is missing, however, on the EU level is a protection mechanism for **individual victims of environmental disasters**. Amending the recast **Qualification Directive** (2011/95/EU) through expanding the scope of subsidiary protection and, in particular, the notion of “serious harm” to include also disaster situations could be a possible option. Using subsidiary protection would have the advantage of being able to use an established protection status with a clearly defined set of rights associated to the status. Compared to the original directive, these rights have been considerably

Temporary Protection Directive

Potential of the Qualification Directive

expanded in the recast Qualification Directive adopted in December 2011. The renewable, temporary nature of subsidiary protection also would well reflect the largely temporary nature of displacement and inability to return in the event of serious environmental or geophysical events.

Several Member States do have **protection mechanisms under national law** that accommodate situations where individuals cannot return to their home country because of natural disasters and which could be a model for similar provisions on the EU level. More rarely, Member States allow for admission for humanitarian reasons or state interests, which, in principle, also would allow admitting victims of natural disasters. Residence permit grants under such provisions are typically framed in terms of “humanitarian” or “exceptional” circumstances. At the EU level, they have been discussed in terms of “complementary”, “non-harmonised” or “categorical” protection.

Four Member States explicitly provide for protection in cases of **environmental disasters** (CY, FI, IT and SE). Existing legislation in other Member States providing different forms of humanitarian status grants leave scope to grant a legal status to ‘environmentally displaced individuals’ too. An example of the consideration of environmental factors in humanitarian status grants can be seen in Denmark, which between 2001 and 2006 granted residence permits on humanitarian grounds to families and destitute Afghans from certain areas in Afghanistan where the drought at that time was particularly severe and who would have been placed in a vulnerable situation had they been returned.⁴ In addition to or as an alternative to humanitarian statuses, some Member States provide for discretionary status grants on the grounds of state interest, which could also be invoked for individuals affected by environmental disasters and who are unable to return or who have been admitted on such grounds. In the majority of cases, national protection statuses are granted to persons unable to return. This is also covered by the Return Directive (2008/115/EC), which requires Member States to suspend a return decision should return not be possible and also explicitly allows Member States to withdraw a return decision and grant a residence status. A future review of the Return Directive could consider establishing a mechanism to define additional cases, including serious environmental events in which removal should be suspended complementing the grounds currently listed under the relevant provisions of the directive. In a similar vein, one could imagine a mechanism at the EU level responding to situations of serious disruption of public life as a result of a major natural disaster affecting a particular country. This mechanism would allow the validity of visas or residence permits of citizens of these countries present in an EU Member State to be automatically prolonged as long as the situation in the country of origin prevails, comparable to Temporary Protection in the US.

There are no mechanisms at the EU level that would allow accommodating individuals affected by slow-onset events, i.e. a more gradual deterioration of their natural environment. However, as the effects of adverse environmental change are mediated by a range of social and economic factors and migration is but one among several adaptation strategies, it is not clear whether international protection mechanisms would, in fact, help address effects of environmental change. In view of the debates about the usefulness of the very notion of environmentally induced migration, it is indeed questionable whether potential beneficiaries of any protection mechanism could be sufficiently defined at all, except perhaps in very specific cases, such as citizens of small island nations that are threatened by extinction by sea level rise. In general, therefore, policy responses to slow-onset environmental change need to focus on measures “prevent[ing] harmful environmental changes, reduc[ing] their impact, and build[ing] resilience in communities” and promoting migration as a “transformational adaptation strategy” and a way to build local resilience.⁵

Protection available under national law

Four EU Member States explicitly provide for protection of victims of environmentally induced displacement

Protection for victims of gradual environmental degradation

When mass displacement and serious environmental stress coincide, such as in the case of Kenya's arid and drought-ridden Dadaab region, which is a major receiving area for Somali refugees, **resettlement** should be considered as an option. However, so far, only a minority of EU countries accept resettled refugees from third countries. Reflecting the reluctance to engage in resettlement, it is implemented only on a **voluntary basis** at the EU level and there is **no coordinated mechanism** on resettlement issues. However, to promote resettlement, a **joint resettlement programme** was adopted in March 2012. The joint resettlement programme provides financial incentives and also defines common priorities for resettling refugees from third countries in order to better coordinate resettlement programmes of individual countries. Yet, with global resettlement needs in 2012 projected at some 172,200 persons and only some 80,000 resettlement places available in countries of resettlement,⁶ there remains a significant shortfall.

Overall, however, policies on admission of individuals affected by serious environmental events or resettlement of refugees in need of international protection from environmentally strained areas are in themselves insufficient to address the migration and environment nexus comprehensively. The EU frameworks on development cooperation and humanitarian aid, as well as the framework for cooperation on migration with third countries, provide a basis for such a broader strategy. Thus, the fight against climate change, including strengthening the resilience of local communities against environmental degradation, is one of the priority areas of the EU's development cooperation activities in the area of environment and natural resources. To some extent, links between migration and environment are already considered in existing country strategy papers under the EU's development assistance framework for ACP countries, although these linkages could be further strengthened.

In addition, while migration and climate change was absent from the initial debates on the Global Approach to Migration (GAM), the importance of the link between environmental change and migration has recently been more recognised and explicitly addressed in the Stockholm Programme (2009) and the renewed Global Approach to Migration and Mobility (GAMM) adopted in 2011. Preceding it, the European Commission undertook a broad consultation on migration and climate change with the results feeding into the GAMM. In particular, the GAMM highlights the potential role of Mobility Partnerships as providing a framework to help countries affected by environmental change address issues linked to environment and migration.

Conclusions & Policy Recommendations

Climate change and **environmental factors** are likely to exacerbate other drivers of migration and, therefore, will have consequences on future patterns of **human mobility, migration** and **displacement**. The impact of environmental change will depend on the vulnerability and adaptation capacities of the affected populations, as well as policy responses to environmental change. Most persons fleeing natural disasters remain within their country or region of origin, while international migration only accounts for a small proportion of all disaster-related movements. In particular, migration as a response to gradual deterioration will take different forms. From the perspective of households affected by environmental degradation, migration can also be seen as a strategy that assists people in their adaptation to changing circumstances. In several countries, rural livelihoods include mobility as a way to diversify income activities instead of relying solely on a singular income-generating activity. Therefore, drawing a line between forced and voluntary environmental

Resettlement as an option

Complementary avenues

Using development cooperation and the Global Approach on Migration and Mobility (GAMM)

Climate change and environmental factors are likely to exacerbate other drivers of migration

migration is challenging.

This points to the fact that **different policies** and responses are needed at **different stages of environmentally induced migration**. In the pre-migration phase, actions to mitigate climate change and to strengthen the adaptation capacities of communities can take place. In the phase of migration and displacement, which can be temporary or permanent, internal and across borders, policies providing for the protection of affected individuals or populations and facilitating measures are necessary. In the last phase of the migration cycle, return or resettlement measures, as well as measures that support either reintegration processes into the home location or integration into the new location, might be needed.

The EU should consider further developing complementary forms of protection. This may initially be limited to an ad hoc mechanism and made dependent on the development of the situation in the country of origin. Current national approaches regarding **non-harmonised protection statuses** can be used as a **model for the European legislator** in amending the content of the **Qualification Directive**. As long as the reasons listed in the Article 15 shall be applicable to qualify for subsidiary protection, an amendment to its paragraph (c) might include, in addition to armed conflict, **environmental disasters**.

There are strong arguments that in cases of a mass influx of environmentally displaced individuals, the **financial** and **political mechanisms** available under the **Temporary Protection Directive** might be applicable. However, a **more flexible** and, at the same time, more objective mechanism to activate the directive should be considered, as the directive currently can only be activated upon a Commission proposal and a related decision by the Council.

The EU should consider **ad hoc mechanisms** to respond to serious environmental events informed by a human rights-based approach and building on existing instruments regarding legal and irregular migration. These could include recommendations to automatically extend residence permits for third-country nationals whose countries of origin have been affected by environmental disasters and who, therefore, cannot return or common decisions on the suspension of removing individuals who come from such countries.

In addition, third countries affected by climate change-related phenomena should be assisted in order to support the national institutions in dealing with adverse environmental change under the EU development cooperation agenda and the Global Approach to Migration and Mobility. Measures may comprise **strengthening the adaptation and resilience capacities** of third countries to reduce the vulnerability of affected populations and enhancing the protection of environmentally displaced individuals outside the European Union. The EU should consider providing support to local governments to address migration as an adaptation strategy and to facilitate migration while ensuring that the **human rights** of the migrants are protected during the whole migration cycle. The **Mobility Partnerships** would be, in principle, a relevant instrument to bilaterally cooperate on all sorts of measures regarding environmentally displaced persons.

Different responses needed at different stages of the migration processes

Using complementary forms of protection and expanding the scope of subsidiary protection

Reviewing the Temporary Protection Directive

Developing ad hoc mechanisms

Strengthening of adaptation and resilience capacities

Notes

¹ A. Kraler, T. Cernei, M. Noack (2011): "Climate Refugees". Legal and Policy Responses to Environmentally Induced Migration. Briefing paper prepared for Directorate General for Internal Affairs, Policy Department C: Citizens' Rights and Constitutional Affairs of the European Parliament. Brussels: European Parliament, available through <http://research.icmpd.org/2011.html>.

² Stern Review Team (2006): The Economics of Climate Change. London: H.M. Treasury. Available at http://webarchive.nationalarchives.gov.uk/http://www.hm-treasury.gov.uk/sternreview_index.htm.

³ Foresight: Migration and Global Environmental Change (2011): Final Project Report. London: UK Government Office for Science. Available at <http://www.bis.gov.uk/foresight/our-work/projects/published-projects/global-migration>.

⁴ ICMPD (2006): Comparative Study on Categorized Protection. Comparative Study on the Existence and Application of Categorized Protection in Selected European Countries. ACVZ Preliminary study no. 12/2006, January 2006, available at http://www.acvz.org/publicaties/S_VS12_ENG.pdf, p.33.

⁵ Foresight, op.cit., p.10.

⁶ UNHCR (2011): Projected Global Resettlement Needs 2012. Geneva: UNHCR.

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