

# **Asylum in a Climate-Changed World: Bridging the Protection Gap in the EU**

**Article by Maria Giovanna Manieri**

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Climate change and the consequential natural disasters have become common drivers of migration – a phenomenon that will be further exacerbated as the climate crisis continues. Maria Giovanna Manieri, Advisor to the Greens/EFA group in the European Parliament on Civil Liberties, Justice and Home Affairs, explains the policy framework affecting climate refugees and highlights prospects for Greens in the European Parliament to foster progress on the issue.

Since at least 2015, the response to migration and increased arrivals of asylum seekers has become one of the most important – as well as most divisive – political issues in the European Union. The humanitarian urgency quickly transformed into a heated debate about perceived threats to identity and security, something exemplified by the inability of the European Council to agree on reform measures related to the Common European Asylum System (CEAS), and in particular to the reform of the Dublin Regulation. This establishes the criteria to determine which EU member state is responsible for examining an asylum application and would allow member states to respect the principle of solidary and responsibility sharing.

In the last legislature, the European Parliament was ready to negotiate with the Council on no fewer than seven pieces of legislation, with the aim to comprehensively reform the CEAS and specifically the Dublin Regulation. Member states, however, were unable to reach an agreement due to a lack of political will, and thus not a single measure to reform the CEAS was adopted.

While the overall EU asylum system is in dire need for reform, the much-needed legislative proposals allowing for more flexible legal channels for migrant workers and their families on the EU level have not yet become the focus of the co-legislators. And even though the actual numbers suggest that migration and the reception of asylum seekers in Europe could be managed in a much more effective and rational way, perceptions around migration are still impacted by the negative, fear-driven rhetoric promoted by the far-right.

## **Adding climate to the equation**

Having seen how divisive the issue of migration has become in the political and legislative fora, it is not hard to predict that ongoing and future discussions around climate migration will not be an easy task for EU co-legislators. There is a widespread lack of recognition of climate change being one of the main drivers of forced displacement and reasons for migrants to leave their country of origin or residence.

“Climate refugees” or “climate change induced displacement” are the two common terms used to refer to this current challenge (1). While definitions and terminology used to refer to the issue of climate migration are still debated, the phenomenon needs to find its normative framework to bridge the existing protection gaps, both in the European Union and internationally. The protection gap traces back in part to the fact that the term “climate refugee” does not exist in international law : the 1951 Geneva Convention defines a “refugee” as a person who has crossed an international border “owing to well-founded fear of being persecuted for reasons of race, religion,

nationality, membership of a particular social group or political opinion”.

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Climate migration, however, is already a reality and is set to intensify further – even if, under current legal provisions, people who move because of a long-term, climate-related threat are considered voluntary or economic migrants with no entitlement to protection. Even those moving after sudden environmental disasters only qualify for short-term humanitarian aid, and no longer-term support. If not closed, these legal gaps will cause major difficulties and humanitarian crises. The EU should therefore grasp the opportunity and act as a leading political force in this process.

## **An issue of poverty**

It’s important to emphasise that climate migration is strongly cross-related to poverty. It is mainly poor countries that have the fewest resources to adapt to climate change, and climate change can, in turn, further aggravate poverty. Within these countries, it is the poorest populations that are forced to live in high-risk zones, such as riverbanks prone to erosion.

Most displaced persons (including those affected by climate change) migrate within their countries’ borders. National governments thus have a responsibility to manage migration and protect people who were forced to leave their homes, though they often lack the resources to do so. As a result, assisting those stakeholders through the established channels of development cooperation is essential for cushioning the negative impact of climate change.

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On the other hand, development aid should not replace proper legal and institutional solutions to address climate migration, or serve as an excuse not to push for such solutions. This is why a coherent and binding solution – including appropriate definitions, rules, institutions and funding – must be determined at the EU and international levels.

In addition, the European Union should consider improving the flexibility of legal channels for labour migration for migrant workers and their families through an overall reform of the legal migration acquis in the EU. From a Green point of view, providing common channels for migration could complement our refugee policies by providing an additional path for people affected by climate change – especially when fleeing slow-onset changes of the environment, where the decision to migrate may be voluntary and planned, even if constrained.

## **The international dimension**

Due to the international nature of both climate change and migration, Europe is far from being the only territory impacted. Thus, there have already been examples of members of the international community coming together and defining strategies for cooperation on this issue. Most countries in the world, and also the majority of the EU member states have, for example, subscribed to two United Nations Global Compacts, frameworks for equitable responsibility-sharing between nations, which the EU is now starting to implement: one for Safe, Orderly and

Regular Migration, and the other on Refugees.

Both of these documents could have a positive impact on the situation of climate refugees. On the one hand, the Global Compact on Refugees could allow for measures that lead to more effective protection for those fleeing their countries of origin. On the other hand, the Global Compact on Safe, Orderly and Regular Migration identifies climate change as a driver of migration and suggests that countries work together to start planning for people who move due to natural disasters and climate change. The Global Compact on Safe, Orderly and Regular Migration also restates the need to tackle the causes of climate change and to support adaptation in developing countries so that people are not forced to leave their homes. While recognising climate change as a driver of migration is an important first step, it is now crucial to closely follow the implementation of the Global Compact to ensure actual policy change, for instance by the establishment of humanitarian visas for those displaced by drought or rising seas.

The implementation, especially of the Global Compact on Safe, Orderly and Regular Migration, is posing some challenges in terms of identifying next steps for both the EU as a whole and its member states. But there is absolutely no doubt that with the coordination of the United Nations (which established a Coordination Group for the implementation of the Global Compact) the European Union will have to engage concretely and actively with implementing the different objectives of the two Global Compacts.

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Despite the optimistic signs, there are still reasons to be cautious. One of the most difficult tasks for the various signatories of the compacts is to refrain from picking and choosing on different objectives. The European Union and its members, for instance, should not emphasise their achievements in the fight against smuggling at the expense of other objectives. Instead, UN member states and the European Commission must put a greater emphasis on objectives that appear to be less cared for at this moment, such as saving lives.

It's also crucial not to forget that the Global Compacts are not binding, and thus require further attention from political forces that want to make them relevant for European politics. One way is to introduce references to the Global Compact or its objectives in the EU's ongoing legislative reforms. In this sense, despite the delicate new political balance of the European Parliament, the Greens may have an opportunity to be part of an influential majority to push for legislative initiatives and reform in the area of climate migration. But here, Greens in the European Parliament still need to determine how to find meaningful political compromises with a broad spectrum of political groups which should necessarily include the Socialists and Democrats (S&D), the liberal Renew Europe (RE) and the European United Left – Nordic Green Left (GUE/NGL) in order to find a majority. That remains an important task for the future.

## **Growing interest, but further challenges**

In the European Union, although the qualifications directive in place does not define climate refugees, some positive changes in attitudes can be observed. These are also reflected in resolutions (such as the European Parliament [resolution of 12 April 2016](#) on the situation in the Mediterranean and the need for a holistic EU approach to migration) on which the Greens have voted in the near past. Although the texts are non-binding and mentions of climate change as a driver of migration only appear as brief references, it still is an indicator that the issue is starting to be discussed. In October 2019 the Parliamentary Assembly of the Council of Europe called for

protection measures to be developed in the asylum systems of Council member states to “protect people who are forced to move as a consequence of climate change.”

Whether these initiatives can turn into actual policy will depend, first and foremost, on how the executive branch of the EU is dealing with the issue. For now it is questionable whether the new European Commission under Ursula von der Leyen will be willing or able to come up with a migration and asylum policy that respects the proposal of the Council of Europe and provides a progressive solution to climate change-induced migration.

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The Commission’s attention is much more focused on border procedures that speed up the examination of asylum applications and then quickly return people to their country of origin, a country of transit, or a third country. It is to be expected, then, to see much political and legislative attention directed at making or establishing border procedures, emphasising the concept of “safe third countries” and pushing for assessment procedures that take place while asylum applicants are in detention. Efforts to discuss border procedures aimed first and foremost at providing short-term and short-sighted solutions will regrettably draw political and legislative attention away from the need to urgently develop long-term measures to introduce safe and legal channels to ensure proper and effective migration management. In such a context, there is deplorably not much place for climate migration in the policy debate.

## **The way forward**

In 2013, Greens in the European Parliament published a [position paper](#) on climate change-induced migration (2). In that document, it was found that the Lisbon Treaty provides a broad enough mandate to revise the EU’s asylum and migration policy to include people who were forced to leave their homes due to the effects of climate change. The paper proposed possible solutions, such as circular migration schemes and preferential access for workers coming from regions seriously affected by climate change, and brought examples of some member states – Cyprus, Finland, Italy and Sweden – whose national legislation considers climate migration (at least on paper).

Building on the experiences from the last years, it can be reiterated that regular migration pathways are able to provide relevant protection for climate migrants and to facilitate migration strategies in response to environmental factors. There are many migration management solutions available to respond to challenges posed by climate change, environmental degradation, and disasters in terms of international migratory movements. These solutions can provide a status for people who move in the context of climate change impacts, via for example humanitarian visas, temporary protection, authorisation to stay, and regional and bilateral free movement agreements.

A holistic and human rights-based approach to climate change could bridge several of the existing gaps simultaneously. Climate migration is a multi-faceted phenomenon. As such, linking policies on climate change, environment, development, migration, disaster risk reduction, conflict prevention and peacebuilding under a human-rights umbrella could therefore represent a major step towards improving climate change policy. Such a combination of efforts would provide a useful framework through which the international community could identify the most vulnerable people, and those areas where the need for action is greatest.

1. The terminology has been subject to lengthy debate: terms like “environmental refugee” or “climate refugee” have been questioned, among others by the UNHCR, which emphasises that the term “refugee” already has a specific meaning in international law as defined by the Geneva Convention, and thus using it in contexts not covered by the Convention may undermine systems currently in place to protect refugees. The 2011 study [Climate Refugees: Legal and Policy Responses to Environmentally Induced Migration](#) prepared for the Civil Liberties Committee of the European Parliament suggests using the more general term “environmentally induced migration” to denote the broader phenomenon and “environmentally induced displacement” to denote forced forms of mobility primarily engendered by environmental change. A number of politicians and experts, however, argue that “refugee” rather than “migrant” clarifies that movements are forced and not voluntary. Other experts suggest using the terms “environmentally displaced person” and “environmentally induced migration” because they see it as impossible to pinpoint the impact of climate change on a person’s decision to move. For others still, the word “environmental” is too broad: industrial accidents or nuclear catastrophe, for instance, are environmental but rarely related to climate change.

2. Greens in the European Parliament are now collaborating with the Green European Foundation (GEF) to produce a new document aimed at renewing attention on the issue of environmental migration and pushing for practical solutions. For more on this project, visit the [GEF website](#).

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