

Mark Alfano: Europe has a responsibility to help island nations hit hardest by climate change

Background information on existing regulations/policy issues/initiatives

Keywords: *climate change, climate refugees, European citizenship, migration and climate change, refugee rights*

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Topic: Proposals on EU/United Nations level that define/provide rights to climate refugees

Overview

- Climate change has been **verbally** recognized by EU- and UN-representatives as a contributing factor to migration and flight:
 - “Climate 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”
- Jean-Claude Juncker, President of the European Commission¹
 - “If you look at the root causes of many crisis that we are now experiencing, it has lot of connection with the impacts of climate change impact.”²
- Ban Ki Moon, Secretary-General of the United Nations
- However, while the term “climate change refugee” has gained traction in the media, it has no legal weight. “Climate refugees” are “are not recognized or specifically protected under international law. In fact there is not even an agreed upon definition on how to categorize these types of migrants.”³
 - Neither the EU nor the UN **legally** recognize “climate refugees”. (1) The UN Refugee Convention does not recognize this class of people as ‘refugees’ since climate/environmental causes are not enlisted within the Convention⁴ / (2) Similarly, the term is not legally recognized by the EU and it is not possible to

¹ http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm

² <https://economictimes.indiatimes.com/opinion/interviews/the-issue-of-climate-change-is-one-of-the-top-priorities-ban-ki-moon/articleshow/55469374.cms>

³ <https://www.undispatch.com/climate-refugees-explained/>

⁴ <http://blogs.lse.ac.uk/humanrights/2017/08/01/the-quandary-of-the-climate-change-migrants-revisiting-the-climate-change-displacement-co-ordination-facility-and-their-legal-status/>

interpret existing legislation as incorporating “climate refugees” within the protection regime”⁵

In detail

Official UN or EU proposals are therefore mostly absent:

- A singular official report in which a general connection between migration and climate change is being drawn by the EU-Commission is “Migration in response to climate change”⁶ / Also a very general link between sustainable development and migration is established in a Commission Staff Working Document named “The Next Steps for a Sustainable European Future”⁷
- With regards to the UN, the only body that officially draws a (mostly superficial) link between climate change and migration is UNHCR: <http://www.unhcr.org/environment-disasters-and-climate-change.html>

Proposals for EU or UN action on the topic of climate-induced migration are mostly academic...

- http://www.law.harvard.edu/students/orgs/elr/vol33_2/Docherty%20Giannini.pdf
- [https://www.colorado.edu/law/sites/default/files/Mayer%20\(Corrected\)-S.pdf](https://www.colorado.edu/law/sites/default/files/Mayer%20(Corrected)-S.pdf)
- <http://harvardelr.com/wp-content/uploads/2013/05/Wyman.pdf>

... or provided by special interest organizations, NGOs and political parties such as:

- A Convention for Climate Change Displaced Persons
- <http://www.ccdpconvention.com>
- Environmental Justice Foundation
<https://ejfoundation.org/what-we-do/climate/protecting-climate-refugees>
- European Greens
<https://europeangreens.eu/sites/europeangreens.eu/files/news/files/Greens%20EFA%20-%20Position%20Paper%20-%20Climate%20Change%20Refugees%20and%20Migration.pdf>
- Voice
<https://www.voicebd.org/iccr>

However, it is important to note that there are also dispersed independent voices critical of changing existing refugee conventions to accommodate climate refugees:

- <https://www.sbs.com.au/topics/life/culture/article/2017/06/09/changing-refugee-convention-might-harm-more-refugees-it-helps>

⁵ <https://eulawpol57.wordpress.com/2017/10/10/climate-refugees-and-the-eu-a-silent-response-of-what-to-come/>

⁶ http://ec.europa.eu/environment/integration/research/newsalert/pdf/migration_in_response_to_environmental_change_51si_en.pdf

⁷ https://ec.europa.eu/europeaid/sites/devco/files/swd-key-european-actions-2030-agenda-sdgs-390-20161122_en.pdf

Twelve Stars Initiative and Bertelsmann Foundation (Eds.). *Twelve Stars: Philosophers Chart a Course for Europe/Philosophen schlagen einen Kurs für Europa vor*. Gütersloh: Verlag Bertelsmann Stiftung (2019)

Topic: Proposals on EU-citizenship unbound by national citizenship

There are currently no official proposals connected to a EU-citizenship untied to member state nationality.

Further reading

<https://www.economist.com/blogs/economist-explains/2018/03/economist-explains-3>

http://essay.utwente.nl/72992/1/Döpker_BA_BMS.pdf

<https://www.eesc.europa.eu/sites/default/files/resources/docs/eesc-2016-00620-00-00-web-edi.pdf>

http://www.un.org/en/development/desa/population/migration/events/other/other/documents/250416_COLUMBIA_UNI_Susana_Adamo.pdf

<http://classic.austlii.edu.au/au/journals/NSWBarAssocNews/2008/11.pdf>