



CLIMATE CHANGE KNOWS NO BORDERS

Addressing Protection Gaps and Enhancing Policy Responses to Climate Mobility featuring In-Depth Research from The Gambia

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**CHANGE
MAKERS**
FOR CLIMATE JUSTICE

FINANZIATO DA



PARTNER



*As you are laid to rest, the somber earth embraces you,
taking with it a piece of our collective soul*

In memory of Salimina Bah, ActionAid LRP 8 Coordinator,
Kudang - Niamina Central River Region

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INTRODUCTION

The environmental repercussions of climate change are increasingly affecting larger segments of the world's population. Droughts, heatwaves, floods, and storms are causing devastating social and economic consequences, resulting in half of the world's population grappling with challenges such as limited access to water, reduced agricultural productivity, and the erosion of livelihoods. The heightened risks and vulnerabilities are already influencing human mobility through internal and cross-border migration, as well as forced displacement.

Contrary to the initial narrative, which highlighted climate refugees and garnered significant media and political attention, recent evidence suggests that climate mobility is primarily an internal phenomenon, occurring predominantly along rural-urban axes, with cross-border movements generally remaining within the same region. Predicting the number of future climate migrants is challenging due to the absence of a clear causal link, limitations of climate models, data scarcity, and the influence of migration governance regimes. Moreover, ongoing debates persist regarding the appropriate terminology and whether a singular term is necessary.

As evidenced by research conducted in Gambia, which involved interviews with 146 individuals and stakeholder including returnees, internal migrants, and rural residents affected by climate change, climate mobility is a complex and multifaceted phenomenon shaped by various contextual factors. Additionally, the spectrum of climate mobility encompasses both mobility and immobility, whether voluntary or involuntary, and migration can serve as both an adaptive and erosive strategy. While migration can offer insurance against environmental damage caused by climate change, it may

not necessarily improve living conditions, particularly in the presence of insecure migration policies that contribute to exploitation and human trafficking.

In the case of the European Union, policy responses appear fragmented and compartmentalized. The European Commission, under Ursula Von Der Leyen's presidency, has distinctly separated initiatives addressing climate challenges through the European Green Deal from efforts to manage migration and asylum governance via the New Pact on Migration and Asylum. This division contradicts achievements at the policy, judicial, and scientific levels. To be truly comprehensive and effective, the EU should foster synergies between its environmental and migration policies, including the Green Deal and the New Pact on Migration and Asylum.

As long as migration policies are driven by a deterrence paradigm, effective solutions to protect those displaced by climate change will remain elusive. While the establishment of a new international legal protection regime for climate migrants may be unlikely, there is a crucial need to develop new approaches to expand protection opportunities for those affected by climate-induced displacement, especially considering the disparity between humanitarian protection channels for sudden environmental events and the greater number of people affected by progressive environmental changes.

Although the EU can establish common policy and legal frameworks to enhance protection opportunities for climate migrants, protection for those compelled to flee due to climate and environmental factors currently falls under national jurisdiction. Hence, comparing Member States' protection mechanisms for climate migrants is crucial in the absence of a standardized EU-level protection

framework. The case of Italy, as explored in this report, provides an interesting example of a country with specific legal frameworks for individuals displaced by disasters, despite being governed by a populist “anti-immigrant” party, it has created and maintained a specific residence permit for disaster victims.

Despite the complexity of defining a multifaceted phenomenon like environmental mobility, it is likely that the consequences of climate change will inevitably impact international migration, although assessing the extent of this impact remains challenging. While climate mobility predominantly involves

internal movements rather than international migration at present, the link between internal and international migration in the context of climate change remains largely unexplored. Additionally, restrictive migration policies significantly shape climate migration, at least in the short to medium term. However, the complexity of the relationship between climate and migration should not justify inaction by the international community. Addressing the effects of climate change on migration is feasible, necessitating a holistic approach grounded in rights and spanning multiple policy domains.

1- CLIMATE MOBILITY: HOW TO NAVIGATE THROUGH THE COMPLEXITY OF CONCEPTS, DEFINITIONS, FIGURES, AND POLICY RELATED RESPONSES

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1.1 The Impacts of Climate Change on People and the Environment

On March 2nd, 2023, the Intergovernmental Panel on Climate Change (IPCC), the primary international body for assessing climate change, released the Sixth Assessment Report (AR6),¹ which presents the most recent and updated scientific evidence on the phenomenon. The report details the devastating consequences of increasing greenhouse gas (GHG) emissions on the planet: destruction of homes, loss of livelihoods, and the destruction of entire communities. Furthermore, scientists emphasise the irreversible risks that will occur if there is no radical shift towards reducing greenhouse gas emissions. The consequences of climate change are already underway, affecting all regions of the world: rising sea levels and temperatures, ocean acidification, increased average temperatures, melting glaciers, and so on.² As a result, there is an intensification of extreme climate events such as droughts, heatwaves, floods, and storms, leading to devastating social and economic consequences. Currently, half of the world's population must live with water

scarcity for at least one month per year, while rising temperatures are leading to the spread of vector-borne diseases such as malaria.³ Climate change is also having serious consequences on agricultural productivity in low and middle latitudes, with estimates indicating a one-third reduction in production capacity for the African continent compared to 1961.⁴ Each slight increase, even by just a fraction of a degree, will exacerbate these dangers. Even if we succeed in limiting the rise in global temperatures to 1.5°C, significantly below the 2°C threshold outlined in the Paris Agreement, 950 million people worldwide will encounter difficulties accessing water, endure heatwaves and desertification, and the portion of the global population exposed to floods will rise by 24%.⁵

All these factors have profound implications for sustainable development and poverty alleviation. Despite the fact that the poorest countries are not responsible for the increase in climate-altering emissions, they are the ones most exposed to climate change as they lack the resources and infrastructure necessary to address and adapt to its impacts. It is estimated that by 2030, climate change will push over 130 million people into poverty due

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¹ Allan, Richard P., et al. *Intergovernmental Panel on Climate Change (IPCC). Summary for Policymakers. Climate Change 2021: The physical science basis. Contribution of working group I to the sixth assessment report of the intergovernmental panel on climate change.* Cambridge University Press, 2023. 3-32.

² Boehm, Sophie, and Clea Schumer. *big findings from the 2023 IPCC report on climate change, World Resources Institute, March 20 (10).*

³ Idem.

⁴ Idem.

⁵ Idem.

to the intersection with social vulnerabilities, economic fragility, and political instability.⁶

The escalation of risks and the amplification of vulnerabilities are already reshaping human mobility. By the end of 2022, for example, the global number of internally displaced people (IDP)⁷ due to extreme environmental events stood at 32.6 million, constituting 53% of the total (71.1 million), with 98% attributed to floods, storms, and droughts.⁸ According to the Internal Displacement Monitoring Center (IDMC), in 2022 alone, the number of people displaced due to environmental disasters reached 8.7 million, marking a 45% increase compared to the previous year.⁹

1.2 How the Environment Influences Mobility

The onset of climate change has sparked a renewed interest in the environment's role in shaping mobility dynamics.¹⁰ Moving in response to environmental dynamics is a phenomenon that has always occurred. Throughout history, mobility has served as a strategy for diversifying livelihoods, offering a means to spread risks amidst environmental changes, societal pressures, and individual aspirations over the course of a lifetime.¹¹ The resurgence of this theme within academia, institutions, and civil society can be attributed, among others, to two influential factors that have the potential to impact its dynamics

and magnitude: the environmental impacts of climate change and the prevailing restrictive migration policies.¹²

The ways in which environmental dynamics influence mobility are varied. For this reason, as we will see, reaching a shared definition of the phenomenon is complex. Climate change is contributing to environmental shifts, which in turn, alongside other factors, influence various forms of mobility. For instance, rapid onset events can prompt brief, short-distance displacement of individuals trying to avoid life-threatening risks. However, once minimal conditions are restored, people should return to their communities, although this does not always happen as indicated by the aforementioned IDMC data. When these rapid onset extreme environmental events occur more frequently within shorter timeframes, the “displacement-return” cycle can become unfeasible, leading to permanent migration and displacement.¹³ Alternatively, when places of origin become uninhabitable due to factors like water resource salinization, flooding of homes, or excessively high temperatures, permanent relocations can occur.¹⁴ These relocations may unfold gradually but accelerate once a critical threshold is reached, as exemplified by the case of Pacific Islands.¹⁵

Although migrations and displacements are increasingly viewed as the result of the effects of climate change, human mobility is multifaceted and operates across spatial

⁶ <https://climatepromise.undp.org/news-and-stories/what-climate-security-and-why-it-important#:~:text=Why%20does%20climate%20security%20matter,economic%20fragility%2C%20and%20political%20grievances.>

⁷ The Internal Displacement Monitoring Center (IDMC) defines internally displaced persons (IDPs) as individuals forced to move within their own country. Typically, this term is situated at the opposite extreme of the mobility spectrum compared to migration, with the latter seen as a voluntary action compared to the former, which is characterised by coercion. As we will see, this distinction is not always straightforward. Rather than indicating dichotomous categories of mobility, we should place these two concepts on a continuum where migratory experiences vary along this spectrum depending on the temporal and spatial environmental conditions in which they occur. Please see Erdal, Marta Bivand, and Ceri Oeppen, *Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary. Aspiration, desire and the drivers of migration.* Routledge, 2020. 73-90.

⁸ IDMC e Norwegian Refugees Council, *2023 Global Report on Internal Displacement. Internal displacement and food security*, 2023, p.9.

⁹ *Idem*, p.8.

¹⁰ Ionesco, Dina, Daria Mokhnacheva, and François Gemenne. *The atlas of environmental migration*, Routledge, 2016.

¹¹ Cundill, Georgina, et al. *Toward a climate mobilities research agenda: Intersectionality, immobility, and policy responses*, *Global Environmental Change* 69 (2021): 102315.

¹² McAdam, Jane, *Climate Change Displacement and International Law*. Geneva, UNHCR: Side Event to the High Commissioner's Dialogue on Protection Challenges (2010).

¹³ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, *Policy Papers* 292 (2023).

¹⁴ *Idem*.

¹⁵ Fornale, Elisa, and Sophia Kagan, *Climate change and human mobility in the Pacific region: plans, policies and lessons learned*, World Bank, Washington (2017).

(internal, international), temporal (short and long-term), and political dimensions. In this context, environmental factors are better understood as threats or “vulnerability multipliers” that exacerbate pre-existing inequities. Field studies suggest diverse scenarios regarding migratory experiences linked to rapid and slow onset events. This indicates that migration and displacements are part of a spectrum of responses to environmental changes.¹⁶ However, it is useful to emphasise that, in terms of causal linkage, sudden onset disasters allow for a less complex or disputable cause-effect correlation, despite the fact that, even in this case, existing inequalities and power dynamics play a determining role in the outcome of the migratory journey, influencing its destination, duration, and conditions. If this consideration is valid for forced displacements in conflict contexts, it is all the more so when we refer to progressive environmental disasters.

1.3 Challenging the “Sedentary Bias”: (Im)mobility

Within the spectrum of mobility, it is essential to also include *immobility*. Indeed, it is a highly relevant phenomenon that reflects the complexity of the relationship between the environment and mobility. This relationship is seldom characterised by a simple cause-and-effect dynamic, but rather functions as a “multiplier” of socio-economic vulnerabilities. These vulnerabilities, in turn, contribute, along with other factors, to influencing the decision to either move or to stay.¹⁷ The concept of immobility has garnered growing attention in recent years, sparking a surge in literature on

the subject, in particular of qualitative field research.¹⁸ From a conceptual standpoint, three forms of immobility have been identified: *involuntary, voluntary, and acquiescent*. Involuntary immobility arises when climate shocks deplete resources, leaving families unable to opt for relocation, thus confining them to their areas of origin. This inability to move may stem from both extreme sudden onset events, such as hurricanes, tornadoes, floods, droughts, as well as slow onset events, such as soil salinization, desertification, loss of biodiversity, etc. As with all categories developed around the theme of migration, and more generally mobility, these categories are not fixed across time and space.¹⁹ For example, individuals can “become immobile while moving”,²⁰ meaning they may initially relocate to the city but then become involuntarily stuck there. Similarly, they may choose to stay in their original communities, attempting to adapt *in situ* but ultimately failing to do so effectively.²¹

Furthermore, individuals may choose not to move (*voluntary immobility*) despite the deterioration of their living conditions due to climate change. The decision to stay is complex and subjective, as also evidenced by research on The Gambia presented in this report. Family relationships and attachment to the place of origin can be as decisive as economic and political factors in influencing the decision to stay or leave. Even in the case of rapid onset disasters, such as cyclones, people may have cultural, religious, and social reasons that motivate them, despite everything, to remain.²²

A third and more recent (sub)category of immobility is what specialised literature has

¹⁶ Warner, K. *Global Environmental Change and Migration: Governance Challenges*, 2009.

¹⁷ MMC, *Shaping the Future of Mobility in Africa Climate and Mobility: Perceptions, attitudes and decision-making. Synthesis of field research findings*, (2023).

¹⁸ Zickgraf, Caroline. *Theorizing (im) mobility in the face of environmental change*, *Regional Environmental Change* 21.4 (2021): 126.

¹⁹ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, *Policy Papers* 292 (2023).

²⁰ *Idem*, p. 33.

²¹ *Idem*.

²² Ayeb-Karlsson, Sonja, et al., *I will not go, I cannot go: cultural and social limitations of disaster preparedness in Asia, Africa, and Oceania*, *Disasters* 43.4 (2019): 752-770.

termed “acquiescent,”²³ referring to those who lack both the capacity and the intention (aspiration) to migrate. Choosing not to move is a combination of lacking aspiration coupled with various barriers that would in any case hinder the possibility. Acquiescent immobility seems to characterise a significant portion of the individuals interviewed in rural areas in the research conducted in The Gambia, the evidence of which is presented later in this work. Furthermore, in a recent study involving 1,500 families impacted by progressive negative environmental effects stemming from rising sea levels in Bangladesh, it is asserted that migratory outcomes are determined more by individuals’ psychological inclination to move, while capital plays a greater role in shaping the forms, timing, and outcomes of migratory responses rather than determining the choice itself.²⁴

The distinction between “voluntary immobility” and “acquiescent immobility,” as well as between voluntary and involuntary immobility, poses significant challenges in terms of defining intervention policies.

Nevertheless, it is important to emphasise the significance of developing such concepts for a better understanding of the phenomenon, which can then guide more appropriate responses. Furthermore, studies on the relationship between environmental changes and human mobility have predominantly focused on the impact that natural environments have on people’s movement. However, the proportion of people who move is relatively lower than those who instead remain, even in the face of adverse conditions. As Caroline Zickgraf emphasises, one possible explanation for this lack of consideration of immobility is the “*sedentary bias*” that

characterises modern societies, leading to the belief that, given the opportunity, people would prefer to stay, thus fuelling the notion that environmental migrations are a problem to be solved.²⁵ At the same time, the relationship between the environment and mobility is highly complex and contextual: a diverse range of factors and territorial specificities influence the decision to move, its course, and its consequences just as much as the risk or environmental event itself.²⁶ Furthermore, the type of risk and the speed at which it occurs can shape human mobility in terms of agency, as well as temporally and spatially.²⁷

1.4 From “Climate Refugees” to Mobility as Adaptation

The early studies on this topic were dominated by two opposing views. On one hand, there were those who tended to downplay the issue, while on the other were the “alarmists.” The latter argued that migration was the inevitable consequence of climate change effects and would lead to a humanitarian disaster. Among the “alarmists” were actors with vastly different stances regarding possible solutions. On one side, NGOs, civil society, and some United Nations agencies began to use terms such as “environmental refugee” and “climate refugee”. Such terminology was used to emphasise the involuntary nature of mobility associated with the environmental effects caused by climate change. However, the use of the term “refugee” raised concerns as it carried a specific legal meaning referring to the 1951 Convention relating to the Status of Refugees and international refugee law.²⁸ On the other side, institutions such as the European Union,

²³ Schewel, Kerilyn. *Understanding immobility: Moving beyond the mobility bias in migration studies*, *International migration review* 54.2 (2020): 328-355.

²⁴ Adams, Helen, and Susan Kay, *Migration as a human affair: Integrating individual stress thresholds into quantitative models of climate migration*, *Environmental Science & Policy* 93 (2019): 129-138.

²⁵ Zickgraf, Caroline, *Theorizing (im) mobility in the face of environmental change*, *Regional Environmental Change* 21.4 (2021): 126.

²⁶ Zickgraf, Caroline, *Climate change, slow onset events and human mobility: reviewing the evidence*, *Current Opinion in Environmental Sustainability* 50 (2021): 21-30.

²⁷ Idem.,.

²⁸ Hiraide, Lydia Ayame, *Climate refugees: A useful concept? Towards an alternative vocabulary of ecological displacement*, *Politics* 43.2 (2023): 267-282.

²⁹ while not adopting well-defined strategies, nonetheless adopted a defensive approach, considering so-called climate migrations a threat to the security of their external borders.

³⁰ The distinctions between the “alarmists” and those who sought to downplay the issue were not solely academic but also influenced by political considerations. Indeed, in highlighting the risks of climate migrations, minimalists feared, understandably, a potentially securitized responses from institutions.³¹ Besides the challenges on the legal front and the political risks it entailed, the term “refugee” was also subject to analytical criticism, implied a simplistic and mono-causal relationship between climate change, mobility, and environmental events.³² The term “climate refugee” is not adopted by the United Nations High Commissioner for Refugees (UNHCR), which prefers to refer to individuals forced to move within the context of disasters, climate change, and environmental degradation.³³ Nonetheless, this should not detract attention — as also acknowledged by the 2018 Global Compact on Refugees— from the fact that the increase in disasters due to the effects of climate change and environmental degradation is influencing the very drivers of refugee movements.³⁴ Given the clear increase of displacement due to environmental factors, there is a growing urgency for the adoption of protection mechanisms at both international

and national levels. This includes considering the possibility of providing some form of protection based on environmental reasons.

1.5 From Climate Mobility to Climate Mobilities: Definitions, Quantifications, Interests, Approaches, and Impacts

From the early 2000s onward, the debate surrounding the term “refugee” gradually lost momentum. Concurrently, research aimed at quantitatively estimating future climate migrations increased.³⁵ Even today, estimating the number of people who will migrate due to climate change remains a rather futile endeavour.³⁶ There is, in fact, no clear-cut category of “climate migrant” to reference. As we have observed, forced displacements and climate migrations are multi-causal events, and environmental factors are contextual, impacting individuals, families, and communities differently. Even when faced with situations of severe environmental degradation, populations can exhibit a certain degree of resilience and agency in migration decisions or other adaptation choices.³⁷ If estimates of future flows of climate migrants have generated criticism and intense debate within the

²⁹ In an official document from the High Representative and the European Commission for the European Council in 2008, the then Secretary-General of the Council of the European Union and High Representative for the Common Foreign and Security Policy, Javier Solana Mandariaga, stated: “The UN predicts that there will be millions of ‘environmental migrants’ by 2020 and that climate change will be one of the main causes of this phenomenon. Some countries that are extremely vulnerable to climate change are already seeking international recognition of such environmentally induced migration. The latter can increase conflicts in transit and destination areas. Europe must expect a substantial increase in migration pressure.” Solana, Javier, and Union européenne. Commission européenne. *Climate change and international security: Paper from the High Representative and the European Commission to the European Council*, Office for Official Publications of the European Communities, 2008, p.7.

³⁰ Geddes, Andrew, and William Somerville, *Migration and environmental change in international governance: the case of the European Union*, Environment and planning C: government and policy 30.6 (2012): 1015-1028. Also, see ActionAid, *Climate migration: risks and challenges for adaptation policies*, 2021.

³¹ Ionesco, Dina, Daria Mokhnacheva, and François Gemenne, *The atlas of environmental migration*, Routledge, 2016.

³² Kraler, Albert, Caitlin Katsiaficas, and Martin Wagner, *Climate change and migration. Legal and policy challenges and responses to environmentally induced migration*, (2020).

³³ United Nations High Commissioner for Refugees (UNHCR), *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, 2020.

³⁴ United Nation, *Report of the United Nations High Commissioner for Refugees (Part II). Global compact on refugees*, General Assembly Official Records Seventy-third Session Supplement No. 12, 2018.

³⁵ Two influential contributions from those years were the fourth Assessment Report (AR4) by the IPCC and the Stern Review on the Economics of Climate Change, which estimated significant increases in migration due to the growing impacts of climate change. Bernstein, Lenny, et al., *IPCC, 2007: climate change 2007: synthesis report*, (2008). See also Stern, Nicholas Herbert, *The economics of climate change: the Stern review*, Cambridge University press, 2007.

³⁶ Piguet, Etienne, *Linking climate change, environmental degradation, and migration: An update after 10 years*, Wiley Interdisciplinary Reviews: Climate Change 13.1 (2022): e746.

³⁷ Idem.

scientific community, their impact on the media and politics has also been significant, contributing in many cases to a “catastrophist” representation of the phenomenon.³⁸ In recent years, however, predictive quantitative studies have generally scaled back from the initially “alarmist” figures,³⁹ focusing primarily on internal rather than international mobility.⁴⁰ Measuring climate mobility poses a series of significant challenges both from a methodological standpoint and due to the lack of reliable data.⁴¹ On one hand, while the anthropogenic cause of intensifying extreme environmental events due to climate change is indisputable, its systematic attribution remains scientifically complex.⁴² On the other hand, available data on both internal and international migrations are still insufficient. Many rely on census data, referring to overly broad time intervals and failing to capture short-term movements, which are often the most prevalent.⁴³ Apart from methodological challenges, quantifying the phenomenon also reveals conceptual limitations stemming from the pervasive attempt to categorise migrants into classifications that are difficult to observe empirically.⁴⁴

Even today, there is ongoing debate not only about the precise term to employ but also whether it should necessarily be a singular term.⁴⁵ Indeed, a plethora of terms has emerged in recent years within academic papers, books, institutional documents, and newspaper articles: climate refugees, environmental refugees, ecological migrants, environmental migrants, climate-induced migration, environmental displacements, eco-migrants, and so forth.⁴⁶

In recent years, international processes and documents addressing the topic refer to human mobility in the context of disasters, climate change, and environmental degradation,⁴⁷ recognizing three main forms of human mobility: migration, forced displacement, and planned relocation.⁴⁸

Despite an emerging international consensus that climate change will have an increasingly significant impact on mobility, it remains a phenomenon characterised by strong competition among disciplinary, territorial, and institutional interests.⁴⁹ For example, scientists studying climate change will apply models to predict how many people may potentially move due to rising sea levels, whereas lawyers and legal experts may focus on developing

³⁸ De Haas, Hein, *How migration really works: a factual guide to the most divisive issue in politics*, Random House, 2023.

³⁹ In 2002, Myers estimated that the number of “environmental refugees” would reach 200 million by 2050. Myers, N., *Environmental refugees: a growing phenomenon of the 21st century*, *Philosophical Transactions of the Royal Society Series B*, 357(1420), pp. 609–613, (2002).

⁴⁰ A recent study by the World Bank estimates that by 2050, 216 million people will be forced to migrate within their borders due to the environmental effects of climate change. Among the most affected regions are Sub-Saharan Africa with 86 million people, followed by East Asia and the Pacific (49 million), South Asia (40 million), North Africa (19 million), Latin America (17 million), Eastern Europe and Central Asia (5 million). Clement, Viviane, et al., *Groundswell part 2: Acting on internal climate migration*, (2021).

⁴¹ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, *Policy Papers* 292 (2023).

⁴² Clarke, Ben, et al., *Extreme weather impacts of climate change: an attribution perspective*, *Environmental Research: Climate* 1.1 (2022): 012001.

⁴³ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, *Policy Papers* 292 (2023).

⁴⁴ Boas, I., et al., *Climate migration myths*, *Nature Climate Change*, 9, pp. 901–903, (2019).

⁴⁵ Ferris, Elizabeth, *Research on climate change and migration where are we and where are we going?*, *Migration Studies* 8.4 (2020): 612–625. See also, Morrissey, James. *How should we talk about climate change and migration?*, *Migration Studies* 9.1 (2021): 150–157.

⁴⁶ Ionesco, Dina, Daria Mokhnacheva, and François Gemenne, *The atlas of environmental migration*, Routledge, 2016, p.6.

⁴⁷ For example the *Global Compact For Migration*, the *Nansen Initiative Protection Agenda*, the *Cancun Adaptation Framework* and the decisions and documents within the UNFCCC’s *Warsaw International Mechanism for Loss and Damage*, the *New York Declaration on Refugees and Migrants* in 2016, and the work of intergovernmental organizations such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Mokhnacheva, Daria, *Implementing the commitments related to addressing human mobility in the context of disasters, climate change and environmental degradation: a baseline analysis report under the global compact for safe, orderly and regular migration*, *Platform on Disaster Displacement* (2022).

⁴⁸ The International Organization for Migration (IOM) identifies three main forms of mobility associated with climate change: *migration*, broadly defined as the movement of people within or outside their country for a variety of reasons, including environmental ones; *displacement*, referring to movements forced by the occurrence of environmental disasters; and *planned relocations*, involving communities moved to safer locations due to the inability to remain in areas compromised irreversibly by environmental events. See Blocher, Julia, and Andrea Milan. *Making mobility work for adaptation to environmental changes: Results from the MECLIP global research: Empirical research and methodology*, 2017.

⁴⁹ Ferris, Elizabeth. *Research on climate change and migration where are we and where are we going?*, *Migration Studies* 8.4 (2020): 612–625, p.1.

legal remedies to ensure effective protection for those moving because of climate change.⁵⁰ However, efforts across different disciplinary domains do not always align or yield transformative outcomes. This is not only due to theoretical or methodological differences⁵¹, but also, and above all, different political interests. For instance, the strong emphasis on the international dimension of climate-related mobility, which initially prompted an alarmist and securitized response from countries like those in Europe, has not been adequately supported by evidence, given that these movements mainly occur within the same country or in neighbouring ones. As we will explore further, this has led to a shift in attention from migration policies to climate policies and from the focus on protection (and repressing flows) to that of adaptation, thereby directing response efforts primarily towards countries experiencing climate-related mobility.

Over the years, the political and academic debate has increasingly focused on *how much* climate change affects mobility and its consequences, rather than on *how* mobility occurs and the various meanings and practices associated with these movements.⁵² This has significant implications for protection measures, where responses, for instance, are defined more by the causes of needs than the needs themselves.

Among the strands of research attempting to contextualise and pluralize the complex relationship between the environment and

mobility, a term that is gaining increasing interest in academic circles is “climate mobilities”.⁵³ It is an analytical approach that seeks to address the growing need to diversify understanding regarding how people respond to both old and new migratory pressures within the context of climate change.⁵⁴

The response, as mentioned, can vary from mobility to immobility, whether voluntary or not. The case study on climate mobility in The Gambia presented in this publication was conducted through this analytical approach, that draws upon the theory of migrants’ capabilities and aspirations.⁵⁵ In this case, the focus is on people’s agency, where the decision to migrate stems from a complex interplay between *aspirations* (goals, desires, perceived costs and benefits) and *capabilities* (social networks, education, skills, material resources), the latter being shaped by various structural factors encompassing the economic, political, cultural, and environmental spheres. This theory argues that migration is not solely influenced by macro-level factors such as demographic shifts, levels of development, environmental degradation, and climate change, but also by individual motivations. Although macro factors influence migrations, they do so indirectly rather than directly, affecting the aspirations and capabilities of people to move.⁵⁶ This explains the multiplicity of forms of (im)mobility in relation to climate change, which result from a wide variation and irregular distribution of aspirations and capabilities among individuals.⁵⁷

⁵⁰ Idem.

⁵¹ de Sherbinin, Alex, et al., *Migration theory in climate mobility research*, *Frontiers in Climate* 4 (2022). See also, Cundill, Georgina, et al., *Toward a climate mobilities research agenda: Intersectionality, immobility, and policy responses*, *Global Environmental Change* 69 (2021): 102315.

⁵² Wiegel, Hanne, Ingrid Boas, and Jeroen Warner, *A mobilities perspective on migration in the context of environmental change*, *Wiley Interdisciplinary Reviews: Climate Change* 10.6 (2019): e610.

⁵³ Idem.

⁵⁴ Idem.

⁵⁵ For further insight, see De Haas, Hein, *A theory of migration: the aspirations-capabilities framework*, *Comparative migration studies* 9.1 (2021): 8. Additionally, Carling, Jørgen, and Kerilyn Schewel, *Revisiting aspiration and ability in international migration. Aspiration, Desire and the Drivers of Migration*, Routledge, 2020. 37-55.

⁵⁶ de Sherbinin, Alex, et al., *Migration theory in climate mobility research*, *Frontiers in Climate* 4 (2022).

⁵⁷ Wiegel, Hanne, Ingrid Boas, and Jeroen Warner, *A mobilities perspective on migration in the context of environmental change*, *Wiley Interdisciplinary Reviews: Climate Change* 10.6 (2019).

1.6 Migration as Adaptation

Starting from 2010, the academic and political debate has progressively focused on considering migration as a form of adaptation, suggesting a positive correlation between the two.⁵⁸ Contributing to this shift in “paradigm” was the growth of empirical research showing that migration was not necessarily the last resort for people facing the environmental consequences of climate change.⁵⁹ Viewing migration as a form of adaptation allowed for reframing the issue as a solution. It’s no coincidence that as early as 2010, migration became integrated into the Cancun Adaptation framework, and since then, international negotiations on climate change have been considered the most appropriate political forum for addressing environmental migration.⁶⁰

In broad terms, the approach to *migration as adaptation* tends to emphasise optimism in the technical capacity to respond to climate-induced migrations. Instead of tackling the structural inequalities and underlying power imbalances that contribute to failures in the adaptive capacities of vulnerable communities, viewing migration as a form of adaptation promotes a narrative where migrants emerge as central figures—capable of confronting climate change and shaping a different future through the myriad opportunities provided by mobility. Within this framework, migration isn’t merely a reactive measure, but if managed effectively, it represents success on multiple fronts: for the migrants themselves, the destination communities, and the communities of origin.⁶¹ This

perspective presents significant shortcomings both from a *rights-based*⁶² perspective and in terms of *climate and environmental justice*.⁶³ Indeed, the concept of migration as adaptation contributes to absolving the most industrialised countries of their failures in mitigation efforts, their lack of commitments to adaptation, and the increasingly growing costs represented by damages and losses related to the environmental impacts of the climate crisis. On the other hand, it promotes individual responses rather than institutional ones and places the burden of adaptation choices solely on the affected families and communities,⁶⁴ failing to adequately address both the erosive and adaptive aspects of migration.⁶⁵ This perspective must grapple with the current context where prevailing security-oriented migration policies pose the primary obstacle to freedom of movement and, consequently, to the positive impact of migration on development. On one hand, there exists a narrative encouraging movement as a form of adaptation; on the other hand, there are policies impeding effective mobility, both internationally and regionally. However, as we will explore in the section devoted to European Union policies, due to the deterrence strategy, this contradiction has unfortunately led to an apparent convergence toward an approach heavily biased toward the external dimension of addressing the phenomenon.

⁵⁸ Foresight: Migration and Global Environmental Change, *Final Project Report The Government Office for Science*, London, 2011.

⁵⁹ Ionesco, Dina, Daria Mokhnacheva, and François Gemenne, *The atlas of environmental migration*, Routledge, 2016.

⁶⁰ Idem

⁶¹ Felli, Romain, and Noel Castree, *Neoliberalising adaptation to environmental change: foresight or foreclosure?*, *Environment and Planning A* 44.1 (2012): 1-4.

⁶² Liguori, Chiara. *The response of the European Union to human mobility in the context of climate change*, (2021).

⁶³ ActionAid, *Climate migration: risks and challenges for adaptation policies*, 2021.

⁶⁴ Bettini, Giovanni, *Climate migration as an adaption strategy: de-securitizing climate-induced migration or making the unruly governable?*, *Critical Studies on Security* 2.2 (2014): 180-195.

⁶⁵ Felli, Romain, and Noel Castree, *Neoliberalising adaptation to environmental change: foresight or foreclosure?*, *Environment and Planning A* 44.1 (2012): 1-4.

1.7 The Technocratic Governance of Climate Mobility and the Deterrence Paradigm

Although in recent years the issue of climate mobility has been the subject of numerous international political initiatives,⁶⁶ the resulting landscape remains rather fragmented and characterised by conflicting interests, differing approaches, competition over mandates and resources, and poor coordination.⁶⁷ As previously noted, within the United Nations framework, the thematic has been integrated into the negotiation agenda within the United Nations Framework Convention on Climate Change (UNFCCC). At the 2010 Conference of the Parties (COP16), the link between climate change and human mobility was recognized for the first time.⁶⁸ Following the COP21 in Paris, within the framework of *Warsaw International Mechanism for Loss and Damage Associated With Climate Change Impacts*, a *Task Force on Displacement* was established. Its mandate was to develop a series of recommendations to “avoid, minimise, and address” forced displacement caused by climate change.⁶⁹ It’s important to note that the Task Force’s initial mandate focused solely on forced displacements caused by climate change, which, despite the increasing significance of the cross-border dimension,⁷⁰

primarily occur within national borders. There was no mention of other forms of climate mobility, such as migration. This underscores how, when crossing international boundaries, the mobility issue largely becomes a matter of security, which countries are hesitant to address in multilateral fora.⁷¹

This is further confirmed by the case of the Global Compact on Migration (GCM), the first international agreement to outline an integrated approach to international migration in all its forms.⁷² The GCM recognizes the link between migration and disasters, climate change, and environmental degradation,⁷³ stating, among other things, in goal five, the importance of ensuring availability and flexibility of regular migration pathways for those who move due to climate change.⁷⁴ The inclusion of the environmental dimension within international migration governance frameworks undoubtedly marks a significant achievement. At the same time, it is important to emphasise that this is a non-binding document, primarily focused on cooperation and currently characterised by a low level of implementation. Furthermore, regarding climate mobility, it does not explicitly address the issue of international protection.⁷⁵

Despite, the aforementioned initiatives and soft law arrangements targeting climate mobility, there is no global agreement governing this phenomenon climate mobility, and while it presents an intriguing and likely necessary

⁶⁶ For example, the *Nansen Initiative*, a consultative process initiated in 2011 at the behest of the Swiss and Norwegian governments, aimed to develop principles and measures for the protection of people displaced across borders due to disasters and environmental risks, including those related to climate change. The process led to the adoption in 2015 of an *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*. Although the focus is on cross-border forced displacement, the Agenda also covers other areas including internal and circular migration, planned relocations, and internal forced displacement. Following the adoption of the *Protection Agenda* the *Platform on Disaster Displacement (PDD)* was established to support states in its implementation. Other examples include the *Sendai Framework for Disaster Risk Reduction 2015–2030* and the *UN Guiding Principles on Internal Displacement* of 1998.

⁶⁷ Helena, Hahn e Melanie Fessler, *The EU’s approach to climate mobility: Which way forward?*, EPC e EIB, 2023.

⁶⁸ Cancun Adaptation Framework (2010), para 14(f). <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

⁶⁹ Conference of the Parties, Decision 10/CP.24, para 49. <https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf#page=2>

⁷⁰ PDD, UNHCR, *Protection of Persons Displaced Across Borders in the Context of Disasters and the Adverse Effects of Climate Change*, Policy Brief, 2023.

⁷¹ Vanhala, Lisa, and Elisa Calliari, *Governing people on the move in a warming world: Framing climate change migration and the UNFCCC Task Force on Displacement*, *Global Environmental Change* 76 (2022).

⁷² <https://www.iom.int/global-compact-migration>

⁷³ Kälin, Walter, *The Global Compact on Migration: a ray of hope for disaster-displaced persons*, *International Journal of Refugee Law* 30.4 (2018): 664-667.

⁷⁴ Mokhnacheva, Daria, *Implementing the commitments related to addressing human mobility in the context of disasters, climate change and environmental degradation: a baseline analysis report under the global compact for safe, orderly and regular migration*, *Platform on Disaster Displacement* (2022).

⁷⁵ Liguori, Chiara, *The response of the European Union to human mobility in the context of climate change*, (2021).

perspective, its realisation is challenging.⁷⁶ Although the existing regime of international protection may sometimes apply to so-called “climate migrants”,⁷⁷ defining this category clearly remains elusive. Consequently, this tool proves difficult to apply universally across the spectrum of cross-border mobility linked to climate change, particularly concerning slow-onset events.⁷⁸

Moreover, the current international governance of migration is shaped by profound power asymmetries and economic and social inequalities. Here, it is not human rights but rather states’ interests that dominate the agenda, emphasising the deterrence paradigm⁷⁹ and the implementation of border externalisation strategies.⁸⁰ There is a glaring absence of clear political will to provide adequate responses, both in terms of effectively protecting migrants’ human rights and ensuring climate justice. Consequently, despite the growing acknowledgment of the impact of climate change on mobility, international and regional responses are characterised by a technocratic approach. This approach focuses on promoting non-binding good practices and principles that countries can adopt, alongside other Disaster Risk Reduction (DRR) strategies, aiming to address the underlying causes of climate mobility.⁸¹

The primary focus of governments in the Global North remains the prevention of so-called irregular migration. The initiatives undertaken, whether targeting protection, prevention, or management of climate-related mobility — whether involving migration or forced displacement — are often driven more

by the aim of containing potential migratory flows rather than by the imperative to safeguard people’s human rights.⁸²

1.8 The European Union’s Lack of Coherence in addressing Climate Mobility

The European Union serves as an interesting example of an approach to climate mobility informed by the logic of deterrence. Many member states have indeed subscribed to the Nansen Initiative and its subsequent Protection Agenda. This Protection Agenda is characterised by a “toolbox” approach: a collection of non-binding best practices primarily focused on intra-regional mobility.⁸³ As a result, initiatives adopted in the Global South are far more numerous and significant than those involving countries in the North, confirming how the phenomenon has been progressively informed by a technocratic narrative rather than built on arguments that emphasise the duty to protect human rights and the responsiveness of Northern countries to climate change.⁸⁴ Despite the efforts made by individual European Union member states, as discussed in chapter 3, to provide legal protection for those displaced by disasters, climate change, and environmental degradation, the situation remains highly fragmented, and a unified approach to legal protection within Europe, as part of the implementation of the Protection Agenda, has yet to materialise. Despite the EU being an important example of a regional institution

⁷⁶ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, Policy Papers 292 (2023).

⁷⁷ UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, 2020. See also UNHCR, *Climate Change impact and cross border displacement: international refugees law and the UNHCR’s mandate*, 12 December 2023

⁷⁸ Traore Chazalnoël, M., and Randall, A. (2022), *Migration and the slow-onset impacts of climate change: Taking stock and taking action*, in eds. McAuliffe, M. and Triandafyllidou, A., *World Migration Report 2022*, pp. 233–255. Geneva: IOM.

⁷⁹ McLeman, Robert, *International migration and climate adaptation in an era of hardening borders*, *Nature Climate Change* 9.12 (2019): 911–918.

⁸⁰ Bates-Eamer, Nicole, *Border and migration controls and migrant precarity in the context of climate change*, *Social Sciences* 8.7 (2019): 198.

⁸¹ Matthew Scott and Carl Söderbergh, *How does border externalization relate to the climate emergency?*, Blogpost on The Comparative Network on Refugee Externalisation Policies (CONREP) website (March 1, 2021).

⁸² Idem.

⁸³ Scott, Matthew, “Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?”, *European Journal of Migration and Law* 25.1 (2023): 54–82.

⁸⁴ Idem

that guarantees a high level of freedom of movement inspired by the principles of solidarity and mutual interest, it is unlikely that these principles could guide innovative approaches concerning people moving from outside the European borders. Instead, the aim is to prevent, as much as possible, the arrival of individuals seeking protection who do not meet the restrictive requirements established by immigration laws.⁸⁵

On the eve of assuming the presidency of the Platform on Disaster Displacement (PDD), the European Commission published the new intervention strategy on the issue of climate migration,⁸⁶ updating the working document drafted ten years earlier.⁸⁷ Even this latter document, echoing the conclusions of the then recent and influential *Foresight Report* published just two years prior,⁸⁸ reflected the paradigm shift. It no longer framed climate migration as a “threat” to the security of European borders but rather as an opportunity for adaptation.⁸⁹ The migration of people due to the environmental impacts of climate change was no longer seen as a matter to be addressed by anticipating the risks of increased migratory pressure. Instead, the focus shifted to external intervention through climate policies. However, while upholding the deterrence paradigm, the efforts of European Union countries in implementing the Protection Agenda focused on the external dimensions, aiming primarily to assist people in adapting *in situ* through development cooperation tools.⁹⁰ However, while the 2013 document still made

minimal references to protection mechanisms to be implemented within European borders, such as complementary protection (subsidiary and temporary) and the mention of regular entry channels for labour reasons,⁹¹ the 2022 strategy is solely focused on the external dimension in addressing climate migrations.⁹² This is the result of the evolution that has characterised the overall European approach to migration, starting from the Global Approach to Migration of 2005,⁹³ through the Global Approach to Migration and Mobility of 2011,⁹⁴ leading to the European Agenda on Migration of 2015⁹⁵ and to the New Pact on Migration and Asylum of 2020⁹⁶, which have progressively emphasised the importance of the external dimension in migration and asylum policies.

It’s a strategy that, alongside the violent management of external borders, includes the adoption of development cooperation tools to address the so-called “root causes” of migration, including those related to climate change. Significant examples of this are the European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa (EUTF)⁹⁷ and the new Neighbourhood, Development and International Cooperation Instrument – Global Europe (Global Europe, NDICI) which, within the new European budget for 2021-2027, foresees a spending target of 10% (approximately 8 billion euros) for managing migration governance and forced displacement.⁹⁸

⁸⁵ *Idem*.

⁸⁶ European Commission, *Commission staff working document: Addressing displacement and migration related to disasters, climate change and environmental degradation*, SWD(2022) 201 final (2022).

⁸⁷ European Commission, *Commission staff working document: Climate change, environmental degradation, and migration*, SWD(2013) 138 final (2013).

⁸⁸ Foresight: Migration and Global Environmental Change, *Final Project Report The Government Office for Science*, London, 2011.

⁸⁹ François Gemenne, *One good reason to speak of 'climate refugees'*, 49 (2015) *Forced Migration Review* 17.

⁹⁰ Matthew Scott and Carl Söderbergh, *How does border externalization relate to the climate emergency?*, Blogpost on The Comparative Network on Refugee Externalisation Policies (CONREP) website (March 1, 2021).

⁹¹ European Commission, *Commission staff working document: Climate change, environmental degradation, and migration*, SWD(2013) 138 final (2013).

⁹² Scott, Matthew, *Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?*, *European Journal of Migration and Law* 25.1 (2023): 54-82.

⁹³ European Council, *Global Approach to Migration: Priority Actions focusing on Africa and the Mediterranean*, Council Conclusions, 17 December 2005, 15914/05.

⁹⁴ European Commission, *Global Approach on Migration and Mobility*, 18 November 2011, COM(2011)743 final.

⁹⁵ European Commission, *A European Agenda on Migration*, 13 May 2015, COM(2015) 240 final.

⁹⁶ European Commission, *A New Pact on Migration and Asylum*, 29 September 2020, COM(2020) 609 final.

⁹⁷ Thomas Spijkerboer, *Migration management clientelism*, *Journal of Ethnic and Migration Studies*, (2021), 12.

⁹⁸ Pope, Stephanie, *From Development to Deterrence? Migration spending under the EU Neighbourhood Development and International Cooperation Instrument (NDICI)*, (2023).

To conclude, it's important to note that with the gradual, though not total, abandonment of the emergency narrative surrounding climate migrations, intervention has shifted from migration policies, which, due to their securitized nature, no longer offer significant action spaces, to climate policies. However, the deterrence paradigm has not been completely abandoned. Indeed, this not only influences migration policies but also all policies and intervention sectors that impact migrations. Notably, as highlighted by Matthew Scott regarding the European Union's climate change adaptation strategy, the Protection Agenda's emphasis on external dimensions also shapes climate policies.⁹⁹ Indeed, this strategy acknowledges migrations as a cross-cutting element within the European Union's external climate action and that of its member states. However, it notably overlooks the aspect of climate mobility towards the EU from an adaptation perspective within European borders, through the adoption of more effective legal protection mechanisms, thus compromising the transformative potential of interventions on climate mobility and adaptation in general.¹⁰⁰

1.9 Conclusive Reflections

Despite the complexity in defining a multifaceted phenomenon like environmental mobility, it is probable that the consequences of climate change will inevitably impact international migration, although assessing the extent of this impact remains challenging.¹⁰¹ At present, as previously noted, climate mobility concerns internal movements more than international migration. Furthermore, the connection between internal and international

migration in the context of climate change remains largely understudied. Finally, some authors argue that restrictive migration policies themselves may have a significant impact on climate migration, at least in the short to medium term.¹⁰²

From a human rights perspective, climate mobility poses a global challenge that demands coordinated responses not only at the national but also at the international level, including the integration of the environmental dimension within the international protection regime.¹⁰³ However, as we have seen, achieving this goal is complex due to a political landscape that has leaned towards restricting the opportunities for regularisation provided by migration policies. Efforts to integrate the environmental dimension into the international protection regime are fraught with challenges that encompass not only political considerations but also theoretical and methodological complexities. Indeed, the goal of defining a clear category of "climate migrant" appears complex. This is due to the difficulty not only in directly attributing environmental factors to migration choices, except in rare instances, but also in isolating them from other drivers such as economic and social factors. This would indeed make the operationalization of an international protection mechanism based on the concept of climate migration truly complex.¹⁰⁴

According to some authors, given the challenging implementation of a global rights-based protection regime for environmental migrants, it is necessary to identify alternative or complementary approaches. Faced with this difficulty, authors such as Sam Huckstep and Michael Clemens suggest a

⁹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Forging a climate-resilient Europe – the new EU Strategy on Adaptation to Climate Change*, (COM(2021) 82 final).

¹⁰⁰ Scott, Matthew, *Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?*, *European Journal of Migration and Law* 25.1 (2023): 54-82.

¹⁰¹ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, *Policy Papers* 292 (2023).

¹⁰² Stojanov, Robert, et al., *Climate mobility and development cooperation*, *Population and Environment* 43.2 (2021): 209-231.

¹⁰³ Idem.

¹⁰⁴ Idem.

more pragmatic approach capable of moving beyond both exclusive focus on the global level and the need to define a clear rights-based regime.¹⁰⁵

The legal framework of international migration is currently fragmented into three different approaches: the economic approach, which focuses on facilitating mobility; the rights-based approach, which considers the rights of migrants and refugees; and the security approach, which emphasises the imperative of migration control. If, as previously observed, the latter appears predominant today and capable of significantly influencing the first two,¹⁰⁶ efforts to advance in the governance of climate migrations, Huckstep and Clemens suggest, should strive for a blend of the economic and rights-based approaches. Directing labour mobility tools towards the protection of the rights of climate migrants. This could be achieved through the development of new labour mobility schemes that take into account motivations related to vulnerabilities determined by the climatic and environmental context, known as “*climate conscious labour migration arrangement*.”¹⁰⁷ These channels draw inspiration from complementary protection mechanisms for refugees, which aim to expand international protection opportunities for individuals in need. Examples of complementary protection include access for study purposes, humanitarian needs, family reunification, employment purposes, or through individual sponsorship.¹⁰⁸ However, as we will see in the following chapters, numerous challenges

arise in both origin and destination countries which limit the effectiveness of these tools. Entry channels for labour purposes also exhibit limitations, encountering substantial administrative obstacles, a shortage of political resolve, and insufficient information and support for populations in their countries of origin.¹⁰⁹

In conclusion, although the relationship between climate and migration is complex, this complexity should not justify inaction by the international community. Addressing the effects of climate change on migration is feasible, acknowledging the need for a holistic approach based on rights and encompassing multiple policy areas. The governance system for climate migration is primarily characterised by a technocratic approach rather than a rights-based one. It appears to be oriented towards intervention strategies aimed at disseminating best practices to be implemented at sub-regional and national levels, financed through climate and humanitarian development cooperation. The international protection system does not offer significant opportunities for those who move due to disasters, climate change, and environmental degradation. While the implementation of an international legal protection regime for climate migrants is unlikely, it remains crucial to focus on developing new approaches capable of expanding protection possibilities for those who move in response to disasters, climate change, and environmental degradation.

¹⁰⁵ *Idem*.

¹⁰⁶ Boas, Ingrid. *Climate migration and security: Securitisation as a strategy in climate change politics*. Routledge, 2015.

¹⁰⁷ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, Policy Papers 292 (2023).

¹⁰⁸ United Nations High Commissioner for Refugees (UNHCR), *Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations*, 2019.

¹⁰⁹ Huckstep, Sam, and Michael Clemens, *Climate change and migration: An omnibus overview for policymakers and development practitioners*, Policy Papers 292 (2023).

2 - CLIMATE CHANGE AND MIGRATION: IMPLEMENTING EU COMMITMENTS THROUGH POLICY SYNERGIES.

Chiara Scissa*

2.1 Introduction

The European Commission Presidency under Ursula von der Leyen is flagged by two main packages of legislative proposals aimed at addressing the challenges posed by a worsening climate through the means of the European Green Deal, and at better managing migration and asylum governance through the New Pact on Migration and Asylum.

On the one hand, the Green Deal represents an ambitious, comprehensive, and innovative strategy to revolutionise Europe toward a new emissions-free future, in which both economic prosperity and environmental sustainability will succeed only if they are just and inclusive, in keeping with the principle “to leave no one behind”, enshrined in the 2030 Agenda on Sustainable Development¹¹⁰. Despite its cross-cutting elements, the Green Deal’s engagement in addressing the relevant connection between climate change and mobility is feeble. In fact, it only foresees enhancing cooperation with partners in order to prevent environmental and climate challenges, which multiply the instability and vulnerability of individuals, from becoming

sources of conflict, displacement, and forced migration, among others.¹¹¹

On the other hand, the New Pact on Migration and Asylum is a policy document that sets out a package of legislative proposals and recommendations with the purpose of “providing a comprehensive approach, bringing together policy in the areas of migration, asylum, integration and border management”.¹¹² Akin to the Green Deal, the New Pact mentions climate change among the major global challenges that will characterise present and future migration flows. However, references are characterised by a declarative tone, without any remarkable commitment from the EU.¹¹³ Such a clear-cut division contradicts the results achieved respectively at the policy, judicial, and scientific level. These three aspects are examined in greater detail here below.

First, it undermines the acknowledgement of the nexus between climate change and mobility achieved by international soft-law instruments. A number of international arrangements call for the need to enhance understanding of the nexus between climate change and mobility and to substantially reduce the risk of disaster, loss of livelihoods,

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¹¹⁰ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *The European Green Deal*, COM (2019) 640 final of 11 December 2019.

¹¹¹ *Idem*, p. 21, while the EU Strategy on Adaptation to Climate Change sees migration as a “crosscutting element in the EU’s and Member State’s external action”. See, Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999, p. 17.

¹¹² Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *on a New Pact on Migration and Asylum*, COM(2020) 609 final, 23 September 2020, p. 1.

¹¹³ K. P. Kallio, J. Riding, *Where is climate asylum?*, in *Fennia - International Journal of Geography*, 2023, Vol. 201, No. 1, p. 2.

and health, through identified targets and priority areas.¹¹⁴ Among many others, the 2018 Global Compact for Safe, Orderly and Regular Migration (GCM) encourages States to create conducive environmental conditions for people to lead peaceful, productive, and sustainable lives in their own country as well as to provide for humanitarian admission when migrants' return to their country of origin is not safe or possible, including due to sudden-onset events.

At the EU level, the recognition of the nexus between climate change and migration still needs to be strengthened. Among the few relevant examples, the Parliamentary Assembly of the Council of Europe adopted Resolution 2401 in September 2021 on climate and migration. The Resolution, among others, expresses alarm at the evidence of worsening climate change which could make life impossible and force “tens of millions of unfortunate people who have lost everything to find food and more hospitable land within or outside their country”.¹¹⁵ It calls for action to be taken “as a matter of urgency to prevent mass migration caused by climate change and help those on the move to survive and live dignified lives in their host countries”.¹¹⁶ If we look more closely to the EU, there are additional official references to the nexus between climate change and mobility. In 2013, the European Commission issued a Commission Staff Working Document on climate change, environmental degradation, and migration, where it acknowledged the complexity of the phenomenon, which

“requires comprehensive responses involving a broad range of issues and policies: climate change mitigation, disaster risk reduction, urban planning, education, social policy, asylum and migration policies, development policies and humanitarian and civil protection policies”.¹¹⁷ Similarly, in its 2022 updated Staff Working Document, the Commission identified the issue of migration and displacement in the context of disasters, climate change, and environmental degradation as a “truly global challenge”.¹¹⁸ Whereas the Commission's work seems to be more focused on policy efforts to address this *challenge*, the EU Parliament decided to look at the phenomenon from a different angle and particularly examined the existing and potential legal and policy responses to migration in the context of climate change.¹¹⁹ As seen, references at the EU level are scant and are yet to be upheld.

Second, the lack of synergies between the Green Deal and the New Pact overturns the recognition of human rights violations on environmental grounds found by an increasing number of national Courts of EU Member States and international monitoring bodies. In 2020, the UN Human Rights Committee opened up the possibility that the *refoulement* of a migrant to a country experiencing severe impacts of climate change could violate the International Covenant on Civil and Political Rights, even if the person did not meet the refugee definition. In the landmark case of *Ioane Teitiota v. New Zealand*, it held that “without robust national and international efforts, the effects of climate change in

¹¹⁴ These include, UNFCCC, *Cancun Adaptation Framework*, 10 December 2010; United Nations, *2015 – 2030 Sendai Framework for Disaster Risk Reduction*, 18 March 2015; Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, Volume I, Geneva: Nansen Initiative, December 2015 (Nansen Agenda); UN General Assembly, Resolution 71/1, *New York Declaration for Refugees and Migrants*, 19 September 2016. For a complete overview of the international policy framework on disasters, see E. Ferris, J. Bergmann, *Soft-law, Migration and Climate Change Governance*, in *Journal of Human Rights and the Environment*, Vol. 8, No. 1, 2017, pp. 6-29. It is relevant to note that the EU has signed and ratified the Paris Agreement on Climate Change, which binds signatory States, when taking action to address climate change, to respect, promote, and consider, *inter alia*, their respective obligations on human rights, the right to health, the rights of migrants.

¹¹⁵ Parliamentary Assembly of the Council of Europe, *Resolution 2401 (2021) on climate and migration*, 29 September 2021, para. 1. The Resolution was supported by a report on climate change and migration. See, Parliamentary Assembly of the Council of Europe, *Climate Change and Migration: Report*, Doc. 15348, 23 August 2021.

¹¹⁶ *Idem*, para. 2.

¹¹⁷ European Commission, *Climate change, environmental degradation and migration*, SWD/2013/0138 final, 16 April 2013, p. 15.

¹¹⁸ Commission staff working document, *Addressing displacement and migration related to disasters, climate change and environmental degradation*, July 2022, p. 3.

¹¹⁹ A. Kraller; C. Katsiaticas, M. Wagner, *Climate Change and Migration: Legal and policy challenges and responses to environmentally induced migration*. European Parliament, 2020.

receiving states may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulement obligations of sending states. Furthermore, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realized¹²⁰. The case in point did not rise to that level, but future cases might. Within Europe, although the Court of Justice of the EU and the European Court of Human Rights have yet to decide on a protection claim based purely on environmental grounds, there are many cases where national courts and tribunals of EU Member States — such as Austria, Italy, and Germany — have issued protection due to extreme weather events (such as floods and earthquakes), slow processes of environmental degradation (such as droughts), and man-made disasters (such as oil violence and pollution) in the claimant's country of origin.¹²¹

Third, such a stark separation between EU environmental policy on the one hand and EU migration policy on the other also appears to disregard scientific evidence of the global and cross-cutting effects of climate change, including its impacts on shaping mobility patterns both internally and across borders.¹²²

In light of the above, synergies need to be created between the EU's climate change efforts and its migration governance. It is

hereby argued that policy synergies are certainly warranted and will contribute to both protecting people displaced in the context of climate change, disasters, and environmental degradation from third countries, and to fostering the EU's green transition. Two content-specific policy synergies will be explored: 1) how to integrate international commitments respectively on migration and climate change into relevant EU policies; 2) how to create synergies between the European Green Deal and the New Pact on Migration and Asylum to foster regular labour migration, while tackling the EU's green skills shortage. However, these are just two of the many areas where further engagement can be explored.¹²³

2.2 Integrating International Commitments on Migration and Climate Change into Relevant EU Policies.

To move from commitment to action, it is essential to disseminate international efforts on migration in the EU's internal and external action on climate change and migration, respectively. Among others, the 2015 Nansen Agenda is a non-binding document identifying effective practices and key principles to address the protection of people displaced across borders in the context of disasters, including the adverse effects of climate

¹²⁰ UN Human Rights Committee, *Teitiota v. New Zealand*, Views adopted by the Committee under Article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016, 7 January 2020, para. 9.11.

¹²¹ For Austria, please see M. Mayrhofer, M. Ammer, *Climate mobility to Europe: The case of disaster migration in Austrian asylum procedures*, in *Frontiers*, Vol. 4, 2022; and M. Ammer, M. Mayrhofer, M. Scott, *Disaster-related migration into Europe: Judicial practice in Austria and Sweden*. *ClimMobil Report*, 2022. For Italy, please see C. Scissa, *The Climate Changes. Should EU Migration Law Change As Well? Insights from Italy*, in *European Journal of Legal Studies*, Vol. 14, No. 1, 2022. For Germany, please see C. Schloss, *The Role of Environmental Disasters in Asylum Cases: Do German Courts Take Disasters into Account?*, in S. Behrman, A. Kent (eds) *Climate Refugees. Global, Local and Critical Approaches*. Cambridge University Press, 2022.

¹²² IDMC, *Global report on internal migration (GRID)*. Geneva: Internal Migration Monitoring Centre, 2021; Field, C.B., V.R. Barros, D.J. Dokken, K.J. Mach, M.D. Mastrandrea, T.E. Bilir, M. Chatterjee, K.L. Ebi, Y.O. Estrada, R.C. Genova, B. Girma, E.S. Kissel, A.N. Levy, S. MacCracken, P.R. Mastrandrea, and L.L. White (eds.), *IPCC, 2014: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects*. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, 2014; H.-O. Pörtner, D.C. Roberts, E.S. Poloczanska, K. Mintenbeck, M. Tignor, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, *IPCC, 2022: Summary for Policymakers*, in H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.) *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, Cambridge, UK and New York, USA, 2022, pp. 3–33.

¹²³ B. Schraven, *Inclusion of Migration and Migrants in Climate-resilient Development Pathways in the Context of the European Green Deal*. IOM, 2023.

change.¹²⁴ The Nansen Agenda, which has been endorsed by 109 States worldwide including most of EU Member States, recommends Governments to, *inter alia*, allow competent authorities to permit travel, admission, and stay for people displaced in the context of disasters in line with specified criteria; grant visas that authorise travel and entry for people from disaster-affected countries, or temporarily suspending visa requirements; review existing bilateral and (sub-)regional migration agreements to facilitate migration as an adaptation measure; and develop or adapt national policies providing for residency permit quotas or seasonal worker programs in accordance with international labour standards to prioritise people from disaster-prone countries or areas.

The Task Force on Displacement, which was mandated by the 2015 Paris Agreement in Decision 1/CP.21, developed a set of recommendations under the UNFCCC Warsaw International Mechanism for Loss and Damage Associated with Climate Change. These recommendations advocate for integrated approaches to avert, minimise, and address displacement related to the adverse impacts of climate change, which are relevant for the EU and its Member States.¹²⁵

Most EU Member States have also adopted the GCM that —in confirming and re-launching the establishment of legal pathways for people displaced in the context of climate change, disaster, and environmental degradation established in previous arrangements —could play a significant role in supporting the EU policy convergence.

Through these initiatives, participating EU Member States committed to first create

conducive environmental conditions for people in their homeland (i.e. Objective 2 of the GCM; recommendation i of the Task Force on Displacement). To at least limit the structural environmental factors compelling migration, EU Member States could reinforce investments in education and green job opportunities in non-EU countries vulnerable to climate change, while enhancing third countries' responsiveness and assistance in case of sudden and slow-onset events as part of their green external action. This implies supporting third countries in the development of climate change adaptation and resilience strategies, and the promotion of inter-state cooperation in case of migration. As noted elsewhere, the EU and its Member States are most keen on promoting climate change prevention, adaptation, and mitigation measures in third countries vulnerable to its effects rather than offering protection within their territorial boundaries.¹²⁶ Therefore, efforts to support people *in situ* through financial and technical cooperation seem to be a favourable area of engagement that could be pushed forward at the national and regional levels.¹²⁷ In this regard, the Green Deal's external action — coordinated with its green diplomacy, trade, humanitarian and development policy — aims to promote far-sighted environmental policies in third partner countries and should also cover actions to prevent, protect from, and react to migration in third countries. Yet, not only have EU cooperation and development policy instruments separated priorities for climate change and migration, but some of them have also been harshly criticised for externalising migration control to third countries in Africa, such as in Niger, Libya and Tunisia.¹²⁸ According to Spijkerboer,

¹²⁴ Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, cit.

¹²⁵ COP Decision 10/CP.24, Annex. *Recommendations from the report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with climate change Impacts on integrated approaches to averting, minimizing and addressing displacement related to the adverse impacts of climate change*, 2 December 2018, https://unfccc.int/sites/default/files/resource/cp24_auv_ec%20wim.pdf.

¹²⁶ C. Scissa, *Human mobility in the context of disasters, climate change and environmental degradation in the Euro-mediterranean region: Challenges and Insights*. EuroMed Rights, February 2024.

¹²⁷ M. Scott, *Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?*, in *European Journal of Migration and Law*, Vol. 25, 2023.

¹²⁸ S. Pope, Z. Weisner, *From Development to Deterrence? Migration spending under the EU Neighbourhood Development and International Cooperation Instrument (NDICI)*. Oxfam, 21 September 2023; E. Casajuana, G. Jana Pintus, *Beyond Borders, Beyond Boundaries. A Critical Analysis of EU Financial Support for Border Control in Tunisia and Libya*. ARCI, ActionAid, Profundo, EuroMed Rights, November 2023.

financial mechanisms have instrumentalized EU development agencies to implement externalisation policies.¹²⁹ In this regard, Scott suggests that this is linked to the dominance of deterrence and securitization dynamics in EU migration governance, which will most likely hinder any national or regional efforts in the dialogue about protection avenues for people displaced by disasters, climate change, and environmental degradation.¹³⁰ A paradigm shift, therefore, needs to be embraced for the EU and its Member States to give effect to the commitments undertaken in international *fora*.

Second, States have over time confirmed their commitment to improving the access to services and rights of migrants *already* present in their territory. To this end, they need to provide migrants with access to basic services (SDG 1 of the 2030 Agenda; Commitment no. 39 of the New York Declaration; Objective 15 of the GCM), including to healthcare, affordable housing, labour market, and education (SDG 4 of the 2030 Agenda; Objective 6 of the GCM), to invest in skills development and facilitate mutual recognition of skills, qualifications, and competences of all migrant workers (SDG 4 of the 2030 Agenda; Commitment no. 57 of the New York Declaration; Objective 18 of the GCM). These actions could empower migrants already in the EU, while supporting national environmental sustainability. This specific aspect will be addressed in the next Section on enhancing livelihoods of migrants already in the EU and affected by climate change.

Third, States have committed to expanding legal pathways from third countries to their own territory (Commitment No. 59 of the New York Declaration; Objective 5 of the GCM; recommendations i and vi of the Task

Force on Displacement). As global warming accelerates, access to food, water, and basic livelihoods is compromised. The International Labour Organization (ILO) suggests that by 2030, 80 million full-time jobs will be lost due to high temperatures, especially in developing countries.¹³¹ Enhanced poverty, combined with instability and lack of opportunities, may prompt people to migrate, especially the youth. Regular migration can be a relevant adaptive response for people facing climate change. In this regard, the Union and its Member States could provide for a dynamic implementation of migration law and facilitate education and labour mobility through free movement agreements with third countries, improve regional climate mobility frameworks, and develop or build on existing national and regional practices for admission and stay for job or education purposes, among others. These measures may provide people displaced by climate change, disasters, and environmental degradation with regular and safe access to the EU.

In this regard, cooperation plays a key role in addressing human mobility, including those movements driven by environmental factors.¹³² Indeed, as several regional cooperation initiatives demonstrate, cooperation can complement existing mechanisms in promoting and supporting the integration of human mobility considerations into regional and national climate policies.¹³³ The EU could initiate regional consultations to further enhance the understanding of cross-border disasters and related migration, which would definitely contribute to assessing the feasibility of leveraging (aspects of) existing measures applied in other continents and world regions to people displaced in the context of disasters

¹²⁹ T. Spijkerboer, *Migration management clientelism*, in *Journal of Ethnic and Migration Studies*, 2021.

¹³⁰ M. Scott, *Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?*, cit., p. 65.

¹³¹ ILO, *Working on a warmer planet. The impact of heat stress on labour productivity and decent work*, 2019, p. 13.

¹³² UNEP, IOM, *Integrating displaced populations into national climate change policy and planning*. Policy brief, 2023.

¹³³ See for instance, ECOWAS, *Regional Climate Strategy and Action plan (2022-2030)*, 2022, http://www.climatestrategy.ecowas.int/images/documentation/ECOWAS%20Regional%20Climate%20Strategy_adopted%20June%202022.pdf. In 2022, the East African Community, the Intergovernmental Authority on Development, and States of East and Horn of Africa signed the Kampala Ministerial Declaration on Migration, Environment and Climate Change. See, East African Community and the Intergovernmental Authority on Development, *Kampala Ministerial Declaration on Migration Environment and Climate Change*, 2022, https://environmentalmigration.iom.int/sites/g/files/tmzbd1411/files/documents/Kampala%20Ministerial%20Declaration%20on%20MECC_English%20signed.pdf

at the EU level. This, in turn, would strengthen current EU-driven climate responses more comprehensively.

Most recently, the Progress Declaration emerging from the 2022 International Migration Review Forum, which reviewed implementation of the GCM to date, reflected this impetus:

“We will strengthen our efforts to enhance and diversify the availability of pathways for safe, orderly and regular migration [...] for migrants in vulnerable situations, as well as those affected by disasters, climate change and environmental degradation, including by working coherently across all relevant multilateral forums, concluding labour mobility agreements, optimizing education opportunities, facilitating access to procedures for family reunification through appropriate measures that promote the realization of the right to family life and the best interests of the child, and regularizing migrants in an irregular situation, in line with national laws”.¹³⁴

At the same time, it is crucial to endorse international commitments on climate change in relevant EU policies. For example, National Adaptation Plans (NAPs) are a key component of climate resilience both at the national and global level, as confirmed by the United Nations Framework Convention on Climate Change (UNFCCC) and the 2015 Paris Agreement on Climate Change. Out of 53 NAPs submitted to the UNFCCC as of February 2024, 85% mention human mobility. However, only 66% of them enshrine some form of commitments to address human mobility in the context of climate change, disasters, and environmental degradation.¹³⁵ Of these, 40% come from countries in Africa, 28% from Latin America and the Caribbean, and 26% from Asia and the Pacific. This

means that no NAP from EU Member States makes concrete reference to any form of human mobility in the context of climate change, disasters, and environmental degradation. However, as noted, the integration of human mobility into all phases and elements of NAPs “[...] is crucial to ensure that climate-related mobility can be addressed, managed, prevented, or facilitated as part of a holistic policy framework that connects the local, national, and global level and includes data collection, implementation, localization, monitoring and evaluation, and reporting”.¹³⁶ Moreover, NAPs could support policy-makers in ensuring policy coherence across migration and adaptation policies, including the relationship between sustainable human development and resilience.¹³⁷

Similarly, the National Communications (NCs) and the Nationally Determined Contributions (NDCs) play a key role in international fora, such as the COPs, as well as in the implementation of international commitments endorsed under the Paris Agreement. Whereas the former provide a description of the state of the art at the national level (i.e., national GHG emissions profile and impacts of climate change including in environmental and socio-economic terms) and envisage possible mitigation and adaptation options, the latter clarify the commitments and actions each country is willing to undertake in the context of climate change adaptation and mitigation. As reported, although States manifest a clear interest in making the connection across policy fields, policy coherence is still lacking, particularly in the EU context.¹³⁸ In fact, there are few examples of tangible references to one or more human mobility options in the context of climate change, disasters, and

¹³⁴ UN General Assembly, *Progress Declaration of the International Migration Review Forum*, A/RES/76/266, 2022, para. 59. Emphasis added.

¹³⁵ Slycan Trust, *Briefing Note: Human Mobility in National Adaptation Plans (updated version)*, March 2024, p. 3. As noted, however, most of them pertain to strategies and action plans where commitments to integrate human mobility considerations are spelled too broadly, diluting its efficacy and actionability. Plus, NAPs suffers from severe funding, understanding, and implementation gaps. See, A.C. Link, K. van der Geest, S. Miron, *The gaps in naps: More must be done to integrate human (im)mobility into national adaptation plans*, in *Researching Internal Displacement*, 6 March 2024, https://researchinginternaldisplacement.org/short_pieces/1646/. This piece updates the findings of a previous study. See, D. Mombauer, A.C. Link, K. van der Geest, *Addressing Climate-Related Human Mobility through NDCs and NAPs, State of Play, Good Practices and Way Forward*, in *Front. Clim.*, 2023.

¹³⁶ *Idem*, p. 1.

¹³⁷ K. Warner, W. Kälin, S. Martin, Y. Nassef, *National Adaptation Plans and human mobility*, in *Forced Migration Review*, n. 49, May 2015.

¹³⁸ IOM, *Mapping Human Mobility and Climate Change in Relevant National Policies and Institutional Frameworks*. Task Force on Displacement, 2018.

environmental degradation within EU Member States.¹³⁹

2.3 Synergies between the European Green Deal and the New Pact on Migration and Asylum.

The EU has pledged to implement the Green Deal in a way that is just and inclusive *for its citizens*. Migrants are not part of the picture, and there is no reference regarding if and how they would be included in the Green Deal's implementation. Yet, not only is climate change affecting migration flows globally, but it also affects the livelihoods of migrants already in the EU. Indeed, migrant communities are at a greater risk of being socio-economically disadvantaged and more likely to be exposed to environmental stressors.¹⁴⁰ Leaving migrants out of the Green Deal means, first, ignoring their presence among the hosting society, neglecting their agency, and failing to prioritise the representation of their interests.. Second, it disregards the role of migrants in several economic sectors impacted by the green transition, such as industry, agriculture, and fisheries among others, which could greatly support the advancement of the Green Deal. As underlined by the ILO, labour migration is a sustainable development driver.¹⁴¹ Including migrants in the Green Deal would not only ensure a truly just and inclusive transition, but could also lead to a more successful implementation when the potential of migrants is boosted. Supporting people affected by environmental threats should also be a consideration of internal policy. In this regard,

the Just Transition Mechanism, the fit for 55 package —set forth in 2021 by the European Commission to map out the pathway to achieving the 2030 climate target —, and the proposed Social Climate Fund, all part to the Green Deal, are key to ensuring a fair and just transition towards a climate-neutral economy for all, including actions to mitigate the impact of the transition on the most affected regions, vulnerable individuals and businesses in compliance with the principle “to leave no one behind”. The Mechanism, in particular, provides targeted support to help mobilise around €55 billion over the period 2021-2027 to support the regions most affected by the transition. It is estimated that the ecological transition will create between 1 to 2 million jobs in the EU by 2030 but, as also admitted by the New Pact a, the domestic workforce is not sufficient to address all present and future labour and skills shortages.¹⁴² A recent study similarly concluded that “the EU’s green skills gap is enormous”.¹⁴³ Labour shortages across sectors key to the green transition doubled from 2015 to 2021, and “the number of skilled workers required is monumental, cutting across many different sectors, including construction, sustainable transport, renewable energy production and the circular economy”.¹⁴⁴ The Commission itself acknowledges that “lower labour market participation among women, lower-educated people, people with a migrant background (especially migrant women), older workers and young people is one of the factors underlying labour shortages”, resulting in “some untapped potential in tackling labour shortages”.¹⁴⁵ In doing so, it points to the role of the European

¹³⁹ See, among others, Austria's 2012 Strategy for Adaptation to Climate Change; Germany's 2008 Strategy for Adaptation to Climate Change; Finland's Evaluation of the Implementation of the National Strategy for Adaptation to Climate Change 2009; Government of Denmark, *The world we share: Denmark's strategy for development cooperation*, 2021.

¹⁴⁰ OECD, *Understanding the Socio-Economic Divide in Europe*, 2017.

¹⁴¹ ILO, *Just transition policy brief: Human mobility and labour migration related to climate change in a just transition towards environmentally sustainable economies and societies for all*, October 2022.

¹⁴² A. Vandeplass, I. Vanyolos, M. Vigani, L. Vogel, *The Possible Implications of the Green Transition for the EU Labour Market*. European Commission, 2022, p. 6.

¹⁴³ S. Markkanen, K. Zálnoky, F. Giannelli, *The path towards a socially just fit for 55 package. How have social elements of the Fit for 55 package evolved in the context of the climate, energy, and cost-of-living crises?*. FEPS, Friedrich Ebert Stiftung, University of Cambridge, 2023, p. 40.

¹⁴⁴ F. Simon, K. Taylor, N. J. Kurmayer, P. Messad, V. Romano, *The Green Brief: Europe's skills gap – can we fix it?*, in EURACTIV, 1 February 2023, https://www.euractiv.com/section/energy-environment/news/the-green-brief-europes-skills-gap-can-we-fix-it/?_ga=2.117917579.382439047.1677064303-1907618460.1677064303.

¹⁴⁵ European Commission, *Employment and Social Developments in Europe 2023*, 2023, p. 16.

Skills Agenda, which supports partnerships aimed at training workers for green jobs, which stressed the importance of targeted migration pathways to both reduce labour shortage and to achieve climate neutrality.¹⁴⁶

Migrants in the EU are traditionally over-represented in essential sectors, ranging from agriculture and food service activities (11.4%) to domestic work and construction (15.1%). Moreover, more than 25% of migrants are highly educated and almost 40% are overqualified for the job they do.¹⁴⁷ Conversely, almost 20% have only primary school education and need further support. Other challenges migrants face in obtaining an adequate position in the EU labour market relate to linguistic barriers (24%), the recognition of qualifications obtained abroad (16%), and the absence of suitable jobs (15%).¹⁴⁸ Hence, to fully unlock migrants' development potential, redirect migrant workers to greener sectors, and respond to the higher workforce demand, it is crucial that those migrants already in the EU will be able to access vocational and re-skilling programmes, jobs in new economic sectors, and relevant green services. Furthermore, policies addressing the insufficient investment in migrants' upskilling and reskilling, as well as the inefficient use of their skills, are needed to remove the above-mentioned obstacles, thereby reducing labour shortages. This seems also the intention of the Commission, which in April 2022, published a communication arguing that migration is "an investment in the economy and the society as a whole, supporting the EU's green and digital transition, while contributing to making

European societies more cohesive and resilient"¹⁴⁹.

What is more, regular labour immigration, whether temporary, seasonal, circular or permanent, can serve as a significant adaptation strategy.¹⁵⁰ Policy synergies could foster regular labour mobility opportunities that align States' economic and ecological targets with migrants' needs and aspirations. At the EU level, the Commission could leverage its Skills and Talent Package, launched within the New Pact with the aim to better match labour and skills needs, especially in the field of healthcare, as well as the green and digital sectors in the EU, by supporting mobility schemes for work or training.¹⁵¹ The EU Talent Pool pilot initiative, which is part to the operationalization of the Skills and Talent Package, aims to concretely facilitate effective labour market integration of foreign workers by fostering cross-regional cooperation and by matching the demand and supply of foreign workforce across the EU. Boosting the ecological education, training, and skill upgrading of foreign students, researchers, and workers would be beneficial to the EU's green ambitions. This would respond to the Green Deal's need to mobilise further research, and would enable migrants to strengthen the skills and capabilities that could be invested both in their country of origin and destination, thereby contributing to reducing communities' vulnerability to climate change. More broadly, fully integrating migrants into the labour market could generate large economic gains, including fiscal profits, contributions to national pension schemes, and national welfare.¹⁵² Similarly, the recently revised Blue Card Directive under the New

¹⁴⁶ European Commission, *European Skills Agenda for sustainable competitiveness, social fairness and resilience*, 1 July 2020.

¹⁴⁷ European Commission, *Statistics on migration to Europe*, https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en#employment-of-immigrants

¹⁴⁸ European Commission, *Employment and Social Developments in Europe 2023*, cit., p. 77.

¹⁴⁹ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions *Attracting skills and talent to the EU*, COM/2022/657 final, 27 April 2022.

¹⁵⁰ See for instance, C. Farbotko, *Best Practices for Addressing the Legal and Policy Challenges of Climate Mobility*. UNICEF Background Paper, 2021; IOM, *Policy Developments and Options to Address Human Mobility in the Context of Climate Risk in the Pacific Islands Region*, 2021.

¹⁵¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Attracting skills and talent to the EU*, COM/2022/657 final, 27 April 2022.

¹⁵² Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Region *Action plan on Integration and Inclusion 2021-2027*, COM(2020) 758 final, 24 November 2020.

Pact is key to granting regular labour migration to the EU. It applies to highly qualified third-country nationals and to their family members, including highly skilled beneficiaries of international protection, allowing them to enter and stay in the EU. The Blue Card scheme, combined with the Green Deal's objectives, would support foreign professionals to research and develop new climate-smart technologies, sustainable solutions, and disruptive green innovation. At the same time, enabling faster and simpler access to the Member States' labour markets to high-skilled migrants coming from climate-affected countries can boost climate resilience in their community of origin through the generation of remittances, knowledge and skills transfer, and the development of networks that can lead to entrepreneurship and job creation.

Beyond labour migration, the New Pact aims to revitalise the Common European Asylum System and the protection guarantees enshrined therein. It could therefore constitute a significant opportunity to recognize the role that climate change is having, and will have, in shaping mobility patterns. In this regard, the Commission might consider using the New Pact's recommendation on legal pathways, which aims to offer legal admission for migrants in need of international protection, to comprehensively tackle the impacts of climate change on vulnerable populations. In this proposal, climate change, disasters, and environmental degradation are neither explicitly nor implicitly mentioned. However, as priority should be given to admit the most vulnerable from third countries to the EU, the environmental and climatic conditions of the country of origin and the person's individual exposure to climate-related stressors should be duly considered. In this regard, a group of experts have recently advanced three proposals to the German government in order to regulate future migration linked to climate change.¹⁵³ Although they need to be

further elaborated, they constitute a good starting point for discussion on the possibility of creating or strengthening legal pathways from climate-affected non-EU countries. First, the proposal for a climate passport foresees providing permanent residency to migrants coming from countries that are becoming inhabitable due to climate change. It would be given to limited groups of people, especially from sinking island states. Second, the proposal for a climate card envisages lower requirements and fewer rights than the climate passport. Beneficiaries could be migrants from countries that are considerably affected by climate change but not to an extreme extent, for which temporary residency is provided. Third, the proposal for a climate work visa would enable third country nationals from particular states to access the German labour market. Claimants would need to have an employment contract to enter Germany.

2.4 Concluding Remarks

The Chapter noted that the EU's efforts to address two challenges, namely climate change and migration, are not tied together despite their global dimension and inextricability. The fact that both the European Green Deal and the New Pact on Migration and Asylum make only declarative references to the nexus between climate change and migration with no concrete commitment foreseen is emblematic of the intention of the European Commission to keep the two well separated.

As explained, however, such clear-cut division contradicts the results achieved at the policy, judicial, and scientific level. Moreover, it undermines the key role that migrants can play in boosting the green transition in a fair and inclusive manner as well as the disproportionate impact that climate change will have on vulnerable communities and households.

¹⁵³ Sachverständigenrat für Integration und Migration, *Klimawandel und Migration: was wir über den Zusammenhang wissen und welche Handlungsoptionen es gibt*, 2023; S.L. Nash, *The perfect (shit)storm: Discourses around the proposal to introduce a 'climate passport' in Germany*. Environment and Planning C: Politics and Space, 2023.

This section envisaged two content-specific synergies between the EU environmental and migration policies that the EU would need to endorse for its climate actions to be truly comprehensive, inclusive, and effective.

This analysis is not exhaustive of all the different types of synergies that the EU could create between its environmental and migration policies in general, and specifically between the Green Deal and the New Pact on Migration and Asylum. The need for further research is also compounded by

the difficulty of the EU to fully integrate and address the social component of the Green Deal, which specifically focuses on minimising factors of vulnerability to ensure a fair and equal transition for all.¹⁵⁴ As vulnerability is transversal among groups in society and touches upon social, economic, political, and cultural factors, the Union would be short-sighted if it was to set forth vulnerability counterstrategies for its citizens only. The EU has now a further opportunity to provide comprehensive responses so as to ensure an efficient and just transition for all.

¹⁵⁴ K. Arabadjieva, *The missing link between social inequalities and the European Green Deal narrative*. European Trade Union Institute, 14 June 2022; K. Arabadjieva, A. Casamenti, V. Naydenova, *Empowering vulnerable groups in the green economy*. European Alliance for a Just Transition, October 2023.

3 - SHORT SURVEY ON THE LEGAL PROTECTION OF MIGRATIONS IN THE CONTEXT OF DISASTERS, CLIMATE CHANGE, AND ENVIRONMENTAL DEGRADATION: THEMES, ISSUES, AND PERSPECTIVES FROM A DECOLONIAL LENS

Francesco Ferri* and Lorenzo Figoni**

3.1 The Political Implications of Terminology Choices

The words used to describe the movement of people across borders are anything but neutral. Starting from the most common ones (immigrant, migrant, refugee), each of the many terms used in academic, institutional, political, and discursive contexts is laden with far-reaching political, legal, social, ethical, and philosophical implications. Additionally, each definition is arbitrary in its own way.

This is also true for the topic of this discussion, which looks at the movement of people across borders in the context of disasters, climate change, and environmental degradation (hereinafter, for convenience, “climate and environmental migration”) and its legal classification. Over the last three decades, various terms have been proposed to define this phenomenon, and the choice of definitions varies, sometimes considerably, depending on the perspective adopted.

Although we are aware of the various forms mobility can take in relation to environmental dynamics, in this chapter, we will simply use the term “migrations.” The use of this term aligns with the focus of this section, which looks at the movement of people across

transnational borders rather than other forms of mobility possible in the context of disasters, climate change, and environmental degradation (forced displacement, internal migration, etc.).

The absence of a consolidated definition, solely from the perspective of legal codification, is also a consequence of the lack of comprehensive legislative interventions that engage with this phenomenon and provide a general legal framework for it. Indeed, “More than thirty years after the spread of the subsequently abandoned notion of ‘environmental refugees’ by the UNEP (United Nations Environmental Programme), international and European Union law still do not provide a definition of environmental migrants nor do they envisage the granting of a protection status for this category.”¹⁵⁵

The destiny of the “refugee” classification, applied to migration in the context of environmental disasters, is symptomatic of this constant, irreducible tension. The spread of this term in the early studies related to the phenomenon led to its adoption in non-sectoral public debates. Subsequently, many have emphasised the inadequacy of the notion. For instance, the term has been “strongly criticised especially by various United Nations agencies for being

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¹⁵⁵ C. Scissa, *Migrazioni ambientali tra immobilismo normativo e dinamismo giurisprudenziale: Un'analisi di tre recenti pronunce*. *Questione giustizia*, 2021.

considered inadequate compared to the 1951 Geneva Convention relating to the status of refugees”¹⁵⁶. The reasons for this inadequacy are numerous and significant, especially when viewed through the lens of law. The word *refugee* in fact has a specific legal connotation: currently, the application of such status is far from clear-cut in the widespread recognition of legal protection for people migrating in the context of climate change, environmental degradation, and disasters. On the contrary, as will be concisely analysed later on, the application of the 1951 Geneva Convention is subject to non-definitive experiments aimed at expanding its “framework” of application. To delve into the significance of the lack of consensus around a shared definition, it may be useful to take a step back and look at this “framework” and its colonial dimension.

3.2 Broadening the Horizon: Protection as a Colonial Category

Following the presence of significant numbers of refugees and displaced persons in Europe, and in response to the horrors of the Holocaust, the foundations of international human rights legislation were laid in the post-World War II era, with the right to asylum constituting one of its fundamental elements. Indeed, the 1951 Convention was initially aimed at a specific audience: European displaced persons who were victims of persecutions prior to 1951. The creation of the “refugee” classification occurred directly as a consequence of the Second World War, but was based on the groundwork laid during the First World War. The era of free movement came to an end starting from 1914 when, for reasons of national security, one after the other, the belligerent countries reinstated the passport requirement, which had fallen into

disuse fifty years earlier. After the conflict, the issue of restoring freedom of movement was raised at the Paris Peace Conference of 1919. In the majority of participating countries, primarily in the Western world, security concerns prevailed: passport requirements had been standardised, and the era of unrestricted global movement was definitely over.¹⁵⁷ The concept of “refugee” thus responded to the need to make the border permeable, clearly establishing who is allowed to cross it and who is not. This distinction between two different types of migration, which are still subject to distinct legal regimes and separate political and administrative management today, was thus enshrined into the categories of political refugees and economic migrants. This distinction arises from a predominantly Western conceptualization: “The crucial element that allows the clear distinction between the two types of migration is contained in the text of the 1951 Convention, and upon closer examination, it concerns not so much the issue of violence, but that of *choice*. The refugee is defined as a person who ““cannot” (or “for serious fear” does not want to) stay in their own country and is therefore *forced* to migrate. It is this element of (non) choice that distinguishes political refugees from economic migrants considered, on the contrary, “voluntary migrants”¹⁵⁸. International protection thus arises as an exception that confirms the rule of border impermeability, essentially as a device for maintaining borders themselves. A tool designed entirely by the West and for the West, on a framework that places Europe at the centre of the world and its power relations, within the domain of coloniality understood as the persistence of those practices, informed by inequitable power relations inherited from colonialism in contemporary societies.¹⁵⁹ The dichotomy (political refugee/economic

¹⁵⁶ A. Brambilla, *Migrazioni indotte da cause ambientali: quale tutela nell'ambito dell'ordinamento giuridico europeo e nazionale?* Diritto, Immigrazione e Cittadinanza, Issue No. 2/2017.

¹⁵⁷ G. Del Grande, *Il secolo mobile. Storia dell'immigrazione in Europa*. Mondadori, 2023.

¹⁵⁸ B. Sorgoni, *Antropologia delle migrazioni. L'età dei rifugiati*. Carocci editore, 2022.

¹⁵⁹ N. Maldonado-Torres, *Thinking through the decolonial turn: Post-continental interventions in theory, philosophy, and critique—an introduction*. In *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World*, 2011.

migrant) that arises from the border reveals its colonial essence precisely in the power imbalance determined by identifying who is “deserving” of entry based on their lack of choice, their *vulnerability*, which configures them as incapable of constituting a “threat” to what we intend to protect through borders. In this “non-choice”, *vulnerability* inevitably emerges, becoming the sole condition that allows one to be a “true” refugee, accepted—albeit with suspicion—and distinguished from “false” refugees, namely “those who would have voluntarily chosen to migrate despite being able to stay, and who ‘pose’ as asylum seekers in an attempt to access the resources offered by wealthier countries”¹⁶⁰. The refugee category supports a concept of border that is “designed to exclude the world’s racialized poor from the resources Europe looted from them”¹⁶¹.

3.3 Expanded Interpretation of the Geneva Convention: Opportunities and Limits

The attempt to recognize the application of the Convention to those migrating in the context of disasters, climate change, and environmental degradation proves necessary from a legal standpoint, as “Neither the 1951 Refugee Convention nor international or regional human rights law provisions expressly extend a right to enter or remain to persons whose movement is connected to disasters or climate change.”¹⁶²

From both a jurisprudential perspective and in relation to academic and institutional debate, significant progress has been made in this

regard, but many more steps are yet to be taken. We are still far from a scenario, on a European scale, in which the Convention is applied in a generalised and uniform manner to environmental and climate migrants. It should be noted that, in the evolution of the debate, UNHCR and the Platform on Disaster Displacement¹⁶³ have played a leading role thus far. Generally, “in recent years (...) UNHCR seems to have opened the door to the possibility that, in certain and very specific cases, climate change and disasters may be a relevant factor substantiating the need for refugee protection”.¹⁶⁴

In particular, the document released by UNHCR in 2020¹⁶⁵ has contributed to a significant quality improvement. It encapsulates many of the insights that have emerged in legal discourse and jurisprudence in previous years. The agency outlines some of the interpretative limitations that have so far hindered significant recognitions of international protection for people migrating in the context of disasters, climate change, and environmental degradation, and suggests potential approaches to overcome them.

The document aims to provide “key legal considerations concerning the applicability of international and regional refugee and human rights law when cross-border displacement occurs in the context of the adverse effects of climate change and disasters”.¹⁶⁶

From a legal perspective on framing the phenomenon in question, UNHCR emphasises the importance of examining the “social and political characteristics of the effects of climate change or the impacts of disasters or their interaction with other drivers of displacement”, surpassing any interpretation

¹⁶⁰ *Ibid.*

¹⁶¹ Suhaiymah Manzoor Khan, *Tangled in terror. Uprooting Islamophobia*. PlutoPress, 2022.

¹⁶² M. Scott, *Adapting to Climate-Related Human Mobility into Europe: Between the Protection Agenda and the Deterrence Paradigm, or Beyond?* in *European Journal of Migration and Law*, 2023

¹⁶³ Platform on disaster displacement, *Protection of Persons Displaced Across Borders in the Context of Disasters and the Adverse Effects of Climate Change*, 2023.

¹⁶⁴ EuroMed Rights, *Human mobility in the context of disasters, climate change and environmental degradation in the euro-mediterranean*. Edited by C.Scissa, 2023.

¹⁶⁵ UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, 2020.

¹⁶⁶ *Ibid.*

of environmental disasters as mere acts of nature. Employing such an approach may help uncover the genuine circumstances surrounding border movements and, if in line with Convention guidelines, could facilitate the recognition of the refugee status. On the subject of overcoming some of the interpretative limitations that have hindered the application of the Convention, the notion that the often collective dimension of this type of transnational mobility is in itself a barrier to recognizing individual requests for international protection is set aside. As is well known, to assess the applicability of the Convention, it is essential to evaluate the well-founded fear of being persecuted for one or more reasons specified therein, in relation to which the authorities of the country of origin cannot or do not want to provide protection. Additionally, it is not redundant to mention that this well-founded fear need not necessarily be based on events that have already happened; it can legitimately be linked to incidents, in line with the content of the Convention, that have yet to occur.

Even in the case of “collective” migrations in the context of disasters, climate change, and environmental degradation, with regards to the specific individual applying for international protection, it is possible to identify a well-founded fear of persecution, in line with the content of the Convention. The potentially widespread and plural dimension of this need for protection is not, in itself, in any way a barrier to the recognition of the individual claim.

It is also important to consider that “while admitting that certain natural and environmental events generally impact the entire population indiscriminately, it is generally accepted that the effects they cause and the resulting need to migrate vary depending on the vulnerability conditions of the affected individuals”.¹⁶⁷

From a broader perspective, considering the well-founded fear of persecution, individuals affected by environmental disasters may be exposed to serious human rights violations on a discriminatory basis, which may often include, for example, the right to life and health. At the same time, as with any other request for protection, it is necessary to verify the existence of a causal link between the well-founded fear of persecution and one of the five reasons listed in Article 1A(2) of the Convention, which defines a refugee as someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country”.

This is, evidently, a matter of crucial importance, often underestimated by those who approach the issue from a perspective that is not a strictly legal one, and who hope for a generalised recognition of the levels of protection provided by the Convention in the context of climate change, disasters, and environmental degradation. It is not the event itself that inherently constitutes a form of persecution as defined by the Convention, but rather the human actions within and around the event that could be relevant; in any case, it is essential to identify the perpetrator of the persecution. For example, the preventive or responsive action taken by state authorities may vary depending on the personal characteristics of the individuals to be protected, and such discrimination may call into question the criteria established by Article 1A(2) of the Convention. A similar assessment can also be made about the potential responsibility of non-state actors, in cases where state authorities are unable or unwilling to provide protection. In general, both acts of persecution and acts of omission, as well as the state’s indifference to risk factors

¹⁶⁷ M. Castiglione, *Oltre l’ hazard paradigm: la Convenzione di Ginevra sullo status dei rifugiati e il fondato timore di essere perseguitato a seguito dei cambiamenti climatici, disastri naturali e degradazione ambientale*. In *Diritto, Immigrazione e Cittadinanza*, Issue No. 1/2023.

related to disasters, climate change, and environmental degradation, are legally relevant for the application of the Convention.¹⁶⁸

When the persecuting agent cannot be identified, the perspective becomes much more complex, as “environmental reasons *per se* can hardly amount to ‘persecution’ because climate change is unlikely to qualify as a ‘persecutor’, and because evidence regarding the individual adverse impact of general climate conditions is often lacking”.¹⁶⁹

The notion that the responsibility for environmental disasters could be attributed to countries with the greatest emissions may be fascinating (and convincing) from a political and ethical standpoint. However, from a legal perspective, and in regards to identifying the perpetrator of the persecution, it is difficult to envision solid solutions, also, but not only, because such an event must necessarily fall within the definitions and requirements contained in the Convention.

In conclusion of this brief and schematic overview, it remains to be seen whether the application of the Convention in the context of climate and environmental migrations has reached its full potential — and therefore it is necessary to seek appropriate protection tools elsewhere —, if the evolutionary process is ongoing and, in the foreseeable future, it might be conceivable to extend the Convention’s applicability beyond its currently defined boundaries. The evolution of UNHCR’s position — which, as previously noted, significantly broadened its approach in 2020¹⁷⁰ — is symptomatic of the variability of these scenarios.

The question remains open: scientific research, further judicial rulings, and institutional initiatives may provide important

answers in one direction or another in the coming years, bearing in mind that the debate is not only theoretical and abstract: at stake is the recognition of the fundamental rights of migrants in the context of disasters, climate change, and environmental degradation, and with it, European legal culture as a whole.

3.4 The “Environmental Refugee” and the Crisis of Asylum Law

If the categorization based on Western patterns is considered a colonial tool for managing borders, labour force, and the defence of resources, why is it so challenging to reach a consensus on incorporating climate and environmental migrations into the possibilities for international protection recognition? Why, despite reform opportunities like those outlined in the Pact, does the European legislator not adopt concrete commitments in this regard? One potential explanation lies in expanding the understanding of disaster and environmental degradation: slow-onset (droughts, sea-level rise, environmental degradation, and desertification) and rapid-onset (floods, earthquakes). The natural, sudden, “contingent and exceptional” calamity is easily circumscribed in temporal and spatial terms and therefore more easily attributable as a direct cause of migration. Therefore, in such scenarios, it becomes easier to regulate border access (see below, 7.1), aligning perfectly with what Sorgoni refers to as “the pitfall of migration monocausality (voluntary/forced)”.¹⁷¹

Conversely, it is challenging to adapt this mechanism in situations of slow-onset events: in fact “it is not simple to isolate the

¹⁶⁸ On the relevance of the State’s omission and indifference as evidence of the absence of protection, see J. Hathaway, Michelle Foster, *The Law of Refugee Status*. Cambridge University Press, 2014.

¹⁶⁹ C. Scissa, *The climate changes, should EU migration law change as well? Insights from Italy*. European Journal of Legal Studies, 2022.

¹⁷⁰ “Hypotheses of applying or extending the Geneva Convention to environmental migrants or adopting an additional protocol are however viewed unfavourably by the United Nations High Commissioner for Refugees itself, due to the risk of further reducing effective protection levels or lowering standards due to the current political climate”, A. Brambilla, *Migrazioni indotte da cause ambientali: quale tutela nell’ambito dell’ordinamento giuridico europeo e nazionale?* in *Diritto, Immigrazione e Cittadinanza*, ssue No. 2/2017.

¹⁷¹ B. Sorgoni, *Antropologia delle migrazioni. L’età dei rifugiati*. Carocci editore, 2022.

environmental/climatic factor from other factors of forced migration, such as wars and persecutions, especially because the mono-causal concept of the climate refugee is scientifically unfounded,¹⁷² and even more so in the case of intersecting migration “drivers”. In a context where the impetus for mobility includes slow-onset environmental events and the intersection of migration causes becomes so complex, the colonial function of protection can no longer be exercised. The level of border permeability via the protection mechanism inevitably faces some challenges: to what extent can such vast, structural, and potentially enduring occurrences such as rising sea-levels or desertification realistically be accommodated before the mechanism fails? Are the levels of vulnerability and the potential numbers of those involved high enough to justify their entry? The issue becomes decisive especially in light of the global nature of the climate change phenomenon.

Global warming, if considered as a slow-onset climate disaster of global magnitude, involves — and will increasingly involve — everyone, albeit to varying degrees. If the concept of refugee inherently relies on the border apparatus, the category of “environmental refugee” would constitute the first refugee category applicable, in theory, to almost anyone, particularly in a future determined by the realisation of the worst predictions regarding global warming. In a world where the “cause” of vulnerability is the same and transcends borders, the “environmental refugee” category no longer includes — and therefore no longer supports — the border mechanism. The evolution of a colonial category in this direction would thus expose the Achilles’ heel of the containment system which safeguards the nation-state, thereby

challenging the fundamental concepts of asylum and border control.

The resistance to broadening forms of protection, even within the context of a general legislative inertia aimed at safeguarding environmental and climate migrants, necessitates a reflection on the underlying principles of asylum law. A concrete challenge to the Eurocentric and colonial approach to migration is imperative, especially today, given that “understanding root causes may entail exploring centuries of social history but practically invites an assessment of the fundamental structures of a society, including its political, economic, and social structures, the definition and protection of rights, gender relations, and other ideological elements”.¹⁷³

3.5 Inertia of the European Legislator and Medium-term Prospects

We are witnessing significant inertia in terms of legislative interventions on a European scale aimed at providing protection for climate and environmental migration. This standstill runs counter to the actual situation as “the volume of cases reflected in these studies establish unequivocally that people seek to enter or remain in European states in the context of disasters and climate change. There is therefore good reason to revisit questions about cross-border displacement and migration towards Europe”.¹⁷⁴

The factors contributing to this inertia are manifold. Generally, current European migration policies are structured around two pillars: the progressive externalisation of borders¹⁷⁵ and the experimentation with the hotspot approach¹⁷⁶ in managing the European

¹⁷² E. Padoa-Schioppa, *Antropocene. Una nuova epoca della Terra, una sfida per l'umanità*. Il Mulino, 2021.

¹⁷³ B. Wisner, *At Risk: Natural Hazards, People's Vulnerability and Disasters*. Routledge, 2004

¹⁷⁴ EuroMed Rights, *Human mobility in the context of disasters, climate change and environmental degradation in the euro-mediterranean*. Edited by C. Scissa, 2023.

¹⁷⁵ For an overview of the topic, see G. Pascale, *Esternalizzazione delle frontiere in chiave antimigratoria e responsabilità internazionale dell'Italia e dell'UE per complicità nelle gross violations dei diritti umani commesse in Libia*. In *Studi sull'integrazione europea*, XIII (2018) and the activities of the Sciacaca&Oruka project conducted ASGI, Associazione per gli studi giuridici sull'immigrazione.

¹⁷⁶ On the characteristics of this approach, see: *Dentro e oltre l'approccio hotspot. Brevi riflessioni su funzionamento e significato del sistema degli hotspot in Italia*, AA VV, Studi sulla questione criminale, 2018.

Union's external borders, aimed at the rapid — and often superficial — differentiation between migrants deemed not in need of protection under European Union law and those classified as asylum seekers. Both cases are born out of a defensive rationale, which is an entirely different, and in many respects contrary, approach to what is necessary for the development, on a European scale, of legislative provisions aimed at legal protection for migrants in the context of environmental disasters. The first paradigm informing the European agenda is that of the externalisation of borders, which entails the negotiation of agreements, either at the European or national level, with countries of origin or transit of migrants. These agreements are intended to engage the authorities of those nations in managing migration streams and addressing cross-border mobility. In this context, it is worth noting that these activities often occur in environments that are exposed to the environmental consequences of climate change. As long as this approach continues to be one of the main pillars informing overall strategies for managing external borders, the need to protect people who migrate due to climate and environmental reasons will likely be widely overlooked. Similar assessments can be made regarding the other pillar that has been informing European migration management policies since 2015: the hotspot approach. Introduced with the European Agenda on Migration in 2015¹⁷⁷, the hotspot approach has led, through experiments mainly implemented in Greece and Italy, to the introduction of procedures aimed at the immediate differentiation, near border areas, between people who are considered asylum seekers and those who, instead, are subject to expulsion measures.

This strategy, which has intensified with the introduction of accelerated border procedures that formalise the rapid examination of asylum applications under

detention conditions, results in a superficial evaluation of the protection requirements of individuals arriving at external borders. Within this paradigm it's easy to imagine that migrants moving due to climate and environmental reasons may struggle more to understand how their subjective condition can also be compatible with the recognition of international or national forms of protection. While these two mechanisms are structured, they are the product of very specific political initiatives that, as such, can be questioned and overcome as part of a broader revision of the fundamental strategies implemented by European institutions regarding migration policies. Ultimately, the main obstacle does not lie in the failure to understand the scope of the phenomenon under discussion, but rather in the readiness to develop the necessary tools to manage it effectively: “*emblematically, the Commission recognises climate change in many Communications as one of the major global challenges that will characterise present and future migration flows but fails to take concrete actions to comprehensively address these interconnected challenges*”¹⁷⁸.

This begs the question of when these two paradigms could be replaced and, at the same time, when viable protection measures could be explored.

3.6 The ‘Bangladesh Case’ and the Construction of ‘Effective’ Protection in Italy

With judgement No. 7832/2019, the Court of Cassation notes that the catastrophic environmental situation in the country can give rise to the need for humanitarian protection. In the present case, the appellant had left Bangladesh due to the situation of extreme poverty caused also by the “disastrous climatic situation”, with the Court highlighting how such a situation is not

¹⁷⁷ European Commission, Agenda europea sulle migrazioni, Bruxelles, 13.5.2015.

¹⁷⁸ C. Scissa, The climate changes, should EU migration law change as well? Insights from Italy. In European Journal of Legal Studies, 2022.

irrelevant to the recognition of humanitarian protection “in fulfilment of the constitutional and conventional obligations of the Italian State, in the presence of a specific situation of particular subjective *vulnerability*”. The following year, with judgement No. 2563/2020, the Court of Cassation again ruled on a similar case, also concerning an asylum seeker from Bangladesh. In this instance, it was considered that the destruction of the applicant’s home following a flood in 2012 and then again in 2017 could “impact the *vulnerability* of the applicant if accompanied by adequate allegations and evidence related to the possible violation of primary rights of the person, which may expose the applicant to the risk of living conditions that do not respect the minimum core of fundamental rights that constitute their dignity”. In this case, the Court of Cassation seems to take a step forward: the disastrous natural event itself can be the cause of a specific *vulnerability* of the person who is then forced to leave and suffer the violation of their primary rights.¹⁷⁹ In the aforementioned cases, the Court of Cassation referred to proceedings initiated before the dismantling of the humanitarian protection mechanism.

In seeking to adopt a broader perspective, it is necessary to go beyond legislative and jurisprudential efforts concerning migration in the context of environmental disasters, climate change, and environmental degradation. It is thus essential to also observe interventions of a different nature, specifically those related to flow management, border control, and the so-called “externalisation of asylum law”. An example in this regard is the Repatriation Policies Reward Fund for in Article 12 of

decree-law No. 53/2019 (so-called Security Decree bis), which was established with the aim of incentivizing the collaboration of third countries in the readmission of their citizens through the the funding of institutional capacity-building, support for vulnerable migrants and refugees, and assisted voluntary return interventions. In addition to being an important country of origin for migrations towards Italy through the Mediterranean and Balkan routes,¹⁸⁰ Bangladesh is the second country for interventions financed by the Reward Fund with two projects that were launched in 2022 for a total of 6 million euros.¹⁸¹ One of the two initiatives, carried out by the International Organization for Migration (IOM), aims to assist the government of Bangladesh in addressing the impacts of climate change on human mobility. On one hand, it provides assistance to those who undergo forced displacement due to extreme environmental events; on the other hand, it offers alternative and resilient livelihood sources to the local communities most vulnerable to climate change.¹⁸² The intervention follows the logic of “root causes”, intervening on the drivers of climate mobility to prevent so-called irregular migrations or to “make migration a choice rather than a necessity”.¹⁸³ It is interesting to read these initiatives in relation to legislation and case law regarding forms of protection for environmental migrants.

Indeed, the recognition of international protection is subject to the absence of any possibility of protection by various entities, including state actors. Such protection must be “effective” and not temporary, consisting

¹⁷⁹ T. Affi, J. Jäger, *Environment, Forced Migration and Social Vulnerability*. Springer, 2010; B. S. TURNER, *Vulnerability and Human Rights*. Pennsylvania State University Press, 2006.

¹⁸⁰ The data regarding landings counts 7,824 arrivals for 2021, 14,982 for 2022, and 12,169 for 2023.

¹⁸¹ ActionAid, “Fondo di premialità per le politiche di rimpatrio, funzionamento”, <https://www.thebigwall.org/fondo-premialita-per-le-politiche-di-rimpatrio/>

¹⁸² “In order to assist the Government of Bangladesh to manage the potential human mobility implications of climate change, including increased unsustainable urban drift to Bangladesh’s «mega-cities», and to support those impacted to ensure that migration is a choice, rather than a necessity, sustainable, climate-resilient livelihoods alternatives must be available to those who have been displaced as a result of climate change, and those whose current livelihoods are under threat from the impacts of climate change” IOM, Project proposal - Bangladesh: Reducing irregular migration and supporting returnees & displaced persons.

¹⁸³ “Outcome 3 of this project will support the Government of Bangladesh in ensuring they are in a position to provide climate-resilient livelihoods alternatives to those vulnerable to displacement due to the impacts of climate change, thus reducing the likelihood that displaced people will seek to migrant overseas irregularly”. *Ibid.*

of the adoption of adequate measures to prevent the infliction of persecutory acts or serious harm. The actions outlined in the project under consideration, though limited in scope and guided by a security-oriented approach, with their actual impacts yet to be demonstrated, could theoretically be seen as contributing to the adoption of “adequate measures” by states. The issue of adequate measures is a significant factor in determining the recognition of subsidiary protection, especially following the judgement of the Court of Cassation No. 5022/2021, which upheld the appeal brought by an asylum seeker from the Niger Delta region. Indeed, by referencing the principle established in the Teitiota case, it underscores the notion that “states have an obligation to ensure and guarantee the right to life of individuals, which extends to reasonably foreseeable threats and potentially lethal situations that may result in loss of life or a substantial deterioration in living conditions, including environmental degradation, climate change, and unsustainable development.”¹⁸⁴

Using a tool like the Reward Fund to help establish, even if only superficially, conditions in third countries to justify significantly reducing access to protection within the national territory is a form of colonial imposition that, according to the author, cannot be ignored. This illustrates the “coloniality of power,” rooted in the enduring racial distinction between Europeans and non-Europeans, perpetuated through various means of subjugation, such as leveraging Western institutional power in non-Western societies,¹⁸⁵ mirroring the colonial imposition seen in border externalisation processes.

3.7 Conclusion: Changing Course

The New European Pact on Migration and Asylum mentions climate change among the major global challenges shaping the present and future of migration flows, yet it does not adopt concrete commitments in this regard¹⁸⁶. However, its definitive implementation will effectively reinforce the exclusionary and selective trends experienced at both the European and national levels over the last decade. With the uniform adoption of the hotspot approach and externalisation of borders across Member States, there is a concrete risk of significantly hollowing out the right to asylum. When considering the short-term scenarios related to the outcomes of the upcoming European elections, it becomes evident that the political space for envisioning policy approaches capable of ensuring more effective and adequate protection for climate and environmentally-induced migration is, in reality, absent.

For some time now, both activists and the scientific community have been united in calling for a serious and heightened commitment to mitigate scenarios concerning the future impacts of climate change. Meanwhile, these scenarios also forecast a notable rise in socio-economic vulnerabilities, which, in turn, shape migratory patterns amid escalating border securitization and intensified repression. How can we counter this alarming trend when even simply halting it appears nearly impossible? A serious, mature, and profound examination from a decolonial standpoint of the West’s power — and Europe’s in particular — and the categories that sustain it is evidently of extreme urgency.

¹⁸⁴ See P. Bonetti, *La protezione speciale dello straniero in caso di disastro ambientale che mette in pericolo una vita dignitosa*, in LEX AM- BIENTE 2/2021; C. Scissa, A. Brambilla, *Migranti ambientali nel diritto italiano: un'evoluzione storico-normativa*, 2023.

¹⁸⁵ A. Quijano, *Coloniality of power and Eurocentrism in Latin America*. In *International Sociology*, 2000.

¹⁸⁶ C. Scissa, *Climate change and migration: implementing EU commitments through policy synergies*, 2024.

4 - POPULISM AND ENVIRONMENTAL MIGRATION: THE PECULIAR ITALIAN DUO

Chiara Scissa*

4.1 Introduction

Italy has long adopted a securitized approach to migrant and refugee flows, tightening the criteria for protection statuses available at the national level as well as those for entry and residency conditions for third-country nationals. This includes limiting the nature, duration, and conversion of residence permits and adopting externalisation policies with third countries of origin and transit in order to restrict inflows, especially from the African continent. This trajectory appears to be part of a broader trend at the EU level and among its Member States, where the political climate increasingly favours border externalisation and the tightening of substantive and procedural guarantees in support of migrants.¹⁸⁷ In recent years, the rise of populism in Italian politics has brought to light new narrative strategies to justify anti-migrant policies and has for the first time implemented policies to close ports and borders, which have subsequently been

partially restrained by the rulings of some judicial authorities.¹⁸⁸

In particular, the 2018 elections led to the formation of the “Conte I” government through a coalition between the Five Star Movement and the League, two parties that share some key tenets of populism, including mobilising society through the “friend-enemy” dichotomy, promoting popular sovereignty as a method of direct democracy, and building a single, unified people.¹⁸⁹ According to some, the Italian case is emblematic of the populist tendency to view the people as a “monolith in social, religious, cultural and ethnic terms” and migration as “the enemy” to be protected against through increasingly rigid policies.¹⁹⁰

4.2 The ‘Conte I’ Government.

Examples of this include Decree-Law No. 113/2018 (so-called Security Decree-Law) and Decree-Law No. 53/2019 (so-called Security Decree-Law bis), which have significantly

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¹⁸⁷ J.P. Cassarino, L. Marin, *The Pact on Migration and Asylum: Turning the European Territory into a Non-territory?*, in *European Journal of Migration and Law*, 2022; P. Salvati, *The ‘inward-looking’ securitization of the EU external migration policy in the New Pact on Migration and Asylum: a critical appraisal from a perspective of international law with reference to migration from Africa*, in *Freedom, Security & Justice: European Legal Studies*, n. 2/2021; V.H. Mlambo, *Externalization and Securitization as Policy Responses to African Migration to the European Union*, in *African Human Mobility Review*, n. 3/2020; M. Lemberg-Pedersen, Z. Whyte, A. Chemlali, *Denmark’s new externalisation law: motives and consequences*, in *Forced Migration Review*, November 2021; Danish Refugee Council, *Evading responsibility for refugee protection*. November 2022.

¹⁸⁸ Tribunale di Ragusa, April 16, 2018 (Open Arms); 2 Tribunale di Agrigento, July 2, 2019 (Sea Watch); Court of Cassation, January 16, 2020, n. 6626. However, populism in Italy has deeper roots. See, R. Biorcio, *I populismi in Italia*, in *Rivista delle Politiche Sociali* n. 1/2012.

¹⁸⁹ K. Möller, *Popular Sovereignty, Populism and Deliberative Democracy*, in *Philosophical Inquiry*, n. 42/2018; N. Urbinati, *Populism and the Principle of Majority*, in C. R. Kaltwasser, P. Taggart, P. O. Espejo, & P. Ostiguy (eds.), *The Oxford Handbook of Populism*. OUP, 2017. See also S. Zirulia, G. Martinico, *Criminalising Migrants and Securitising Borders. The Italian “No Way” Model in the Age of Populism*, in *Migrants’ Rights*, in V. Stoyanova, S. Smet (eds) *Populism and Legal Resilience in Europe*. CUP, 2022, p. 260.

¹⁹⁰ S. Penasa, *The Italian Way to Migration: Was It ‘True’ Populism? Populist Policies as Constitutional Antigens*, in G. Delledonne, G. Martinico, M. Monti, F. Pacini (eds), *Italian Populism and Constitutional Law. Strategies, Conflicts, and Dilemmas*. Palgrave Macmillan, 2020, p. 59. Please also see F. Campo, S. Giunti, M. Mendola, *The Refugee Crisis and Right-Wing Populism: Evidence from the Italian Dispersal Policy*, in *IZA Institute for Labour Economics*, 2021; G. Nicolosi, *La migrazione come risorsa simbolica dello storytelling politico. Immaginario emergenziale, discorsi d’odio e media in Italia*, in *Imago*, n. 14/2019.

modified the legislation concerning the asylum and reception system.¹⁹¹ Among other measures implemented within Decree-Law No. 113/2018, it is worth mentioning the abolition of the provision allowing the issuance of a residence permit for humanitarian reasons, the impossibility for international protection claimants to enrol in the civil registry, and the complete exclusion from the reception system of multiple categories of migrants in vulnerable situations.¹⁹² Decree-Law No. 53/2019 for example grants new power to the Minister of the Interior to impose bans on entry, transit, or mooring of ships in territorial waters, and to impose administrative sanctions in case of non-compliance with such bans, effectively providing a legal basis for the “closed ports” policy.

In this context, it is essential to briefly mention the changes introduced by Decree-Law No. 113/2018 concerning humanitarian protection. As mentioned, this residence permit has been abolished, but replaced with other permits in cases where return to the country of origin would constitute a violation of the principle of non-refoulement. Among these are: 1) the residence permit for special protection, with a narrower scope than humanitarian protection, to be issued when, even if the prerequisites for refugee status or subsidiary protection are not met, there is a risk of persecution or torture upon return; 2) the residence permit for special cases, already included in the Consolidated Act on Immigration (CAI) for victims of trafficking, violence, or severe exploitation, victims of domestic violence, and victims of particular labor exploitation; 3) the residence permit for medical treatment; 4) the residence permit for “contingent and exceptional”

calamities; and finally 5) the residence permit for reasons of particular civil value. It should be noted that the provision does not provide for the convertibility of these permits into residence permits for work reasons.

There are two points to raise before moving onto the next section. Firstly, it’s interesting to note that the radical reform of the CAI, which substantially modified the provisions regarding humanitarian protection, reception, and procedural and substantive guarantees for asylum seekers, left a protection mechanism that has been in force in our legal system since 1998 completely untouched. We are referring here to temporary protection, which provides collective and temporary protection “for significant humanitarian needs, in the event of conflicts, *natural disasters*, or other events of particular gravity in countries which do not belong to the European Union”.¹⁹³ This mechanism, which has over time been applied in the context of the wars in the Balkans in the 1990s and the Arab Springs, has not been affected in any way by the security decrees and has thus maintained intact the possibility of providing a residence permit for temporary protection in the case of movements caused, *inter alia*, by natural disasters.

Secondly, it is relevant to highlight that in 2018, for the first time, the legal system was endowed with a specific and individual instrument, the residence permit for contingent and exceptional calamities under Article 20 bis of the CAI to provide explicit protection to those fleeing due to climate and environmental causes of migration. This was primarily done by the League party and the then Minister of the Interior, Matteo Salvini.¹⁹⁴

¹⁹¹ Respectively, Decree-Law No. 113 of October 4, 2018, as converted with amendments by Law No. 132 of December 1, 2018, and Decree-Law No. 53 of June 14, 2019, as converted with amendments by Law No. 77 of August 8, 2019.

¹⁹² For the sake of brevity, only the first aspect will be addressed here. Regarding the provision that prevented the registration of asylum seekers, it is worth noting that the said provision was declared unconstitutional by the Constitutional Court. See Constitutional Court, judgement of July 9, 2020, No. 186. With regards to the issue of reception within the framework of Decree-Law No. 113/2018, please refer to F. Biondi Dal Monte, *Il sistema di accoglienza e integrazione e i diritti dei minori stranieri. Riflessioni sulla disciplina introdotta dal d.l. n. 130/2020*, in F. Biondi Dal Monte, E. Rossi (eds.) *Adelante con juicio: asilo e protezione degli stranieri dopo il d.l. n. 130 del 2020*. Forum di Quaderni Costituzionali, n. 1/2021.

¹⁹³ Art. 20 CAI. Emphasis added.

¹⁹⁴ Despite the security decrees being adopted by the “Conte I” government, it is clear that they were primarily and firmly promoted by the League (so much so that they were nicknamed by the media “Salvini decree-law I” and “Salvini decree-law II”). Please see M. Livi Bacci, *Elezioni politiche 2018. L’immigrazione nei programmi elettorali*, in Neodemos, February 20, 2018, <https://www.neodemos.info/2018/02/20/elezioni-politiche-2018-limmigrazione-nei-programmi-elettorali/>; P. Bonetti, *Stranieri, immigrazione, asilo e cittadinanza nei programmi elettorali alle elezioni 2018*, in ASGI,

4.3 The ‘Conte II’ Government

Taking all this into account, it is important to remember what was stated by Zirulia and Martinico.

“This approach [against migration, NA] has been constantly pursued, despite the alternation between centre-left and centre-right wing governments. From this perspective, restrictive measures introduced from 2018 onwards, when populist parties came to Government, have done nothing but continue an existing migration control strategy, by further curtailing the grounds allowing entry and stay on the territory, as well as by tightening the sanction apparatus.”¹⁹⁵

Indeed, the so-called “Conte II” government, formed by the coalition between the Five Star Movement and the Democratic Party in the aftermath of the political crisis that led to the end of the previous alliance with the League, only partially reformed the regulatory framework on migration established by the two security decree-laws of 2018 and 2019. In fact, Decree-Law No. 130/2020 (the so-called Lamorgese decree-law) undoubtedly merits recognition for expanding the categories of beneficiaries eligible for access to both first and second reception systems, envisioning the possibility of converting a wide range of permits into residence permits for employment reasons, and extending the scope of application of both special protection and the non-refoulement principle as stipulated in Article 19 of the CAI.¹⁹⁶ However, as noted

by the scholarship, it is equally true that the Lamorgese decree-law continued to treat migration as an emergency, “a threat, and therefore as a problem to public security”.¹⁹⁷ Furthermore, the “Conte II” government did not bring an end to the widely criticised Memorandum of Understanding between Italy and Libya introduced in 2017.¹⁹⁸

In other words, the Lamorgese Decree-Law follows the path set by previous centre-left and centre-right governments, it does not disrupt the framework of the security decree-laws or the existing outsourcing agreements, nor does it even attempt to restore or revolutionise national migration and asylum legislation.

Even with regards to the aforementioned residence permit on calamities, the Lamorgese Decree-Law has taken a mild approach, which certainly broadens the scope of application and the guarantees of this instrument, but does so in quite an unclear manner, thus limiting its effectiveness. As noted elsewhere, in fact, the applicability of the residence permit on calamities introduced in 2018 is expanded in such a way as to encompass all “serious” calamities, not just those that are contingent and exceptional.¹⁹⁹ Furthermore, the Lamorgese Decree-Law also allows for the transformation of this permit into a residence permit for employment purposes.²⁰⁰ However, the provision does not clarify the meaning of the term “calamity” (for example, whether it refers only to rapidly occurring events or also to slow-onset ones), the criteria that may contribute to identifying a calamity as “serious”, or its scope (for example, whether the provision encompasses only “natural”

February 20 2018, <https://www.asgi.it/discriminazioni/elezioni-politiche-italia-limmigrazione-nei-programmi-dei-partiti/>.

¹⁹⁵ S. Zirulia, G. Martinico, *Criminalising Migrants and Securitisising Borders. The Italian “No Way” Model in the Age of Populism*, cit., p. 264.

¹⁹⁶ decree-law of October 21, 2020, No. 130, as converted, with amendments, by Law No. 173 of December 18, 2020.

¹⁹⁷ C. Corsi, *Il decreto legge n. 130/2020 tra continuità e cambiamento. Cenni introduttivi sui profili dell’immigrazione e dell’asilo*, in F. Biondi Dal Monte, E. Rossi (eds.) *Adelante con juicio*, cit., p. 69; S. Zirulia, G. Martinico, *Criminalising Migrants and Securitisising Borders. The Italian “No Way” Model in the Age of Populism*, in *Migrants’ Rights*, cit.

¹⁹⁸ P. Di Nunzio, *The Italy-Libya Memorandum: stripping away the right of asylum in the Italian legal system*, in UNIO – EU Law Journal, n. 2/2023; G. Minervini, *Italy’s Cooperation with Libya on the Management of Migration Flows before Italian Administrative Judges*, in *The Italian Yearbook of International Law Online*, n.1/2020; G. Morgese, *Italia, Libia e la questione migratoria*. Working Papers Università degli Studi di Bari Aldo Moro, 2020; A. de Guttry, F. Capone, E. Sommaro, *Dealing with Migrants in the Central Mediterranean Route: A Legal Analysis of Recent Bilateral Agreements Between Italy and Libya*, in *International Migration*, 2017.

¹⁹⁹ C. Scissa, A. Brambilla, *Migranti ambientali nel diritto italiano: Un’evoluzione storico-normativa*, in S. Altiero e M. Marano (eds.) *Crisi Ambientale e Migrazioni Forzate: Nuovi esodi al tempo dei cambiamenti climatici*. A Sud, 2023; C. Scissa, *The Climate Changes, Should EU Migration Law Change as Well? Insights from Italy*, in *European Journal of Legal Studies*, n. 1/2022.

²⁰⁰ W. Chiaromonte, *Migrazioni ambientali, protezione internazionale e inclusione lavorativa: la prospettiva nazionale*, in *Lavoro e Diritto*, n. 1/2022.

disasters or also epidemics or man-made disasters), effectively leaving it up to the competent authorities to apply them on a case-by-case basis.

In summary, the “Conte II” government appears to confirm the choice made by the previous administration to create a form of protection specifically aimed at climate and environmental factors of migration, merely reinforcing some aspects of it.

4.4 The Giorgia Meloni Government

Following the 2022 elections, the executive power shifted to Fratelli d’Italia (FDI), a party that, much like the League, has made immigration control a cornerstone of its policies, based on populist principles. With the decree-law of March 10, 2023, No. 20 (also known as the Cutro Decree-Law) and the Law of May 5, 2023, No. 50, the regulations governing migration and asylum in Italy were once again amended. These interventions aimed to overturn the measures put in place by the “Conte II” government. Consequently, the improvements introduced by the Lamorgese decree-Law regarding special protection for private and family life were eliminated, and the option to convert the special protection permit into a work permit was repealed. Furthermore, the scope of application of the permit on calamities was again modified and reverted to its original version introduced in 2018, thereby also eliminating the possibility of converting the calamity permit into a work permit and limiting possibilities for renewal.

Similarly to the actions of previous governments, FDI’s intervention in the regulations governing asylum and migration in Italy has reproduced arguments and

practices typical of populism, aiming to limit migration flows through, among other things, externalisation practices, the reduction of protection standards, and the tightening of sanctions for conduct related to facilitating irregular immigration.²⁰¹ However, even in this case, the aforementioned reforms leave intact the institution of temporary protection referred to in Article 20 of the CAI and, by maintaining the residence permit on calamities, they firmly hold onto the possibility of recognizing various forms of protection for environmental migration.

4.5 Populism and Environmental Migration: A Peculiar Italian Duo

The analysis presented so far demonstrates that none of the radical and comprehensive reforms of the CAI implemented from 2018 to date have in any way questioned the institution of temporary protection in general, nor, specifically, the category of natural disasters as a relevant cause for its application. This might seem insignificant if it were not supported by the residence permit on calamities. It is important to remember that the latter was created as a “standardised” form of protection alongside other special cases and special protection following the abolition of humanitarian protection. The aim was to confine the granting of a residual form of protection to specific and explicit reasons, unlike the non-standardized cases of humanitarian protection which, precisely because of their flexibility, had over time become the most recognized form of protection in Italy.²⁰²

What were the motivations behind the League’s decision, while part of the “Conte I”

²⁰¹ As an example, the Italy-Albania Protocol and the EU-Tunisia *Memorandum of Understanding*, strongly promoted by the Prime Minister, are worth mentioning. E. Celoria, A. De Leo, *Il Protocollo Italia-Albania e il Diritto dell’unione europea: Una relazione complicata*, in *Diritto, Immigrazione e Cittadinanza*, n.1/2024; F. Battaglia, *Il Memorandum of understanding UE-Tunisia. Profili giuridici e impatto sui diritti umani*, in *Quaderni di AISDUE*, 2023. For an analysis of FDI’s migration policy, please see F. Campomori, *La banalità del male: Il Decreto Cutro e la stretta (inutilmente) punitiva sulle politiche di asilo*, in *Politiche Sociali*, n. 2/2023; M. Ambrosini, *Il decreto Cutro e le tre politiche dell’immigrazione in Italia*, in *Politiche Sociali*, n. 3/2023.

²⁰² In 2016, 21% of applicants obtained a residence permit for humanitarian reasons, while only 5% obtained refugee status and 14% obtained subsidiary protection status. Similarly, in 2017, 25% of applicants were granted humanitarian protection, while refugee status and subsidiary protection were granted to only 8% of applicants respectively. See, Ministry of the Interior - Department for Civil Liberties and Immigration, *Dati asilo 2015-2016*, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/riepilogo_dati_2015_2016_0.pdf; Ministry of the Interior

government, to introduce a specific residence permit in the context of calamities? Why would a party openly opposed to migration choose to highlight and address climate vulnerability specifically, rather than all those covered by humanitarian protection? And why has this choice been maintained by subsequent governments, particularly by the current FDI government?

The author does not have an answer to these questions, nor does this section aim to provide one. Instead, its purpose is to *pose the right questions* in a debate as complex and tangled as this one. However, the writer feels confident in excluding three possible intertwined reasons behind such choices.

Indeed, it does not seem that this move could be motivated by the government's recognition of the genuine need for protection of those fleeing due to disasters, climate change, or environmental degradation. This is evident from the contents of Article 20 bis CAI itself, which, both now and in 2018, only provides protection for contingent and exceptional calamities, for a maximum of six months renewable for another six, and prevents the beneficiary from continuing their integration process in Italy after the restoration of safety conditions in the country of origin, due to the prohibition of converting the calamity permit into a work-related residence permit. Designated as such, the provision seems to provide a minimum level of protection and leaves no room for the beneficiary to stay in the country for longer periods.

It also seems unlikely that the inclusion of this specific provision was required by the

constitutional and international obligations of the State, as was the case with special protection. Despite the legislator's intention to tighten the framework of protection offered at the national level, they could do nothing but replace humanitarian protection with something else, rather than abolishing this institution from the Italian legal order. This is because, as repeatedly affirmed by the Constitutional Court and the Supreme Court, the right to asylum stemming from Article 10.3 of the Constitution can be fully realised only through a form of residual protection at the national level that complements the statuses of international protection (refugee status and subsidiary protection) as established by EU law.²⁰³ As masterfully illustrated by Betti, "the right to asylum provided for in Article 10 of the Constitution is an individual right that, while left to the legislature for regulation, must conform to constitutional values and must guarantee the foreigner the protection of their fundamental rights with flexible provisions that ensure respect for them. Established and evolving law, affirmed in the highest jurisdictions, therefore tells us that *complementary protection - in whatever form it is to be regulated and whatever name it assumes - is necessarily flexible and is a necessary complement to constitutional asylum law.*"²⁰⁴

As a result, precisely because special protection is based on the constitutional and international obligations of the State, the application of the latter should also be evaluated in light of the conventional obligations assumed by the Italian State, using

- Department for Civil Liberties and Immigration, *Riepilogo anno 2017*, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/dati_asilo_2017_.pdf.

²⁰³ For example, Court of Cassation, Joint Sections, judgment of December 11, 2018, No. 32044; Court of Cassation, Joint Sections, judgment of December 12, 2018, No. 32177. In particular, see Constitutional Court, judgment of April 10, 2001, No. 105; Constitutional Court, judgment of July 8, 2010, No. 249; Constitutional Court, judgment of July 24, 2019, No. 194, where it is clarified that "all protections, including humanitarian protection, are expressions of the constitutional right to asylum."

²⁰⁴ M. Betti, *I fondamenti unionali e costituzionali della protezione complementare e la protezione speciale direttamente fondata sugli obblighi costituzionali ed internazionali dello Stato*, in R. Sanlorenzo, S. Albano, A. Di Florio, M. Acierio (eds.) *La Triste Parabola del Diritto dell'Immigrazione. Questione Giustizia*, n.3/2023, p. 11. Added Emphasis. See also, Presidency of the Republic, *Decreto Sicurezza e Immigrazione: Mattarella emana e scrive a Conte*, October 4, 2018, in which the President of the Republic Sergio Mattarella reminds Prime Minister Giuseppe Conte that "the constitutional and international obligations of the State remain in force, even if not expressly mentioned in the legislative text, and, in particular, those directly provided for by Article 10 of the Constitution and those deriving from the international commitments undertaken by Italy." <https://www.quirinale.it/elementi/18098>

this tool for an expansive interpretation of complementary protection.²⁰⁵

However, it is not clear whether this argument can also apply to the case of the residence permit on calamity. And indeed some authors have questioned the possible added value of such a permit compared to special protection.²⁰⁶ In fact, although the intention of the legislator was to provide protection to one of the categories “for which return would not be possible anyway, given the fundamental principles of the Italian and international legal systems”, the residence permit on calamity does not seem to provide adequate substantive and procedural guarantees linked to the principle of non-refoulement.²⁰⁷

These shortcomings refer to: 1) a too short duration of stay (six months renewable once for an additional six months); 2) a limited scope of application of the provision, which seems to apply only to emergency and temporary contexts and therefore is not adequate to address violations of fundamental rights related to calamities (including the right to a dignified life, health, and essential goods); 3) a completely objective assessment regarding the issuance of the permit by the Police Commissioner (Questore), which therefore does not allow for either an individual analysis of the vulnerabilities and specific protection needs of the applicant, nor assessments regarding the legal situation of the country of origin, which only the competent authorities, namely the Territorial Commissions for the

Recognition of International Protection in the first instance or the Courts in the appeal stage, can evaluate.²⁰⁸

Finally, it is worth noting the mode of interaction outlined by the circular of the Ministry of the Interior dated January 18, 2019, regarding the residence permit on calamities, according to which the Police Commissioner (Questore) may “take an active part in requesting information from the competent diplomatic and consular authorities, in order to ascertain the existence of the ‘state of calamity’ required by the provision, with reference to the specific situation existing in the geographical area concerned by the return of the foreigner”.²⁰⁹ It is clear that engaging with the authorities of the country of origin to verify the existence of a calamity, even if only in the case of permit renewal, would be unthinkable if the applicant had a well-founded fear of persecution or serious harm.²¹⁰

Lastly, while the jurisprudence of the Supreme Courts has certainly influenced the legislator’s actions regarding asylum and migration, by maintaining the constitutional and international obligations of the Italian State as well as the broad scope of Article 10.3 of the Constitution, such rulings have never required a specific intervention by the State in regulating migration caused by climate and environmental factors through a dedicated protection status. The jurisprudence, in fact, has merely confirmed the relevance of such factors in the objective and subjective

²⁰⁵ M. Betti, *I fondamenti unionali e costituzionali della protezione complementare e la protezione speciale direttamente fondata sugli obblighi costituzionali ed internazionali dello Stato*, cit.

²⁰⁶ O. Makimov Pallotta, *Dalla protezione umanitaria alla protezione speciale: ovvero, la ricaduta della tutela del migrante ambientale entro l’ambito di applicazione del non-refoulement*, in O. Makimov Pallotta (eds.) *Crisi climatica, migrazioni e questioni di genere. Problemi giuridici*. Editoriale Scientifica, 2022; F. Negozio, *La protezione dei migranti ambientali e climatici nel sistema d’asilo italiano. Brevi considerazioni su protezione umanitaria, protezione speciale e permesso di soggiorno per calamità*, in *Liber amicorum Sergio Marchisio. Il diritto della comunità internazionale tra caratteristiche strutturali e tendenze innovative*. Vol. II. Editoriale Scientifica, 2022.

²⁰⁷ “Dossier Senato No. 66/2, *Decreto-legge immigrazione e sicurezza pubblica*. D.L. 113/2018 - A.C. 1346, 9 November 9, 2018, p. 7, <https://www.senato.it/japp/bgt/showdoc/18/DOSSIER/0/1081229/index.html>

²⁰⁸ M. Di Filippo, *La protezione dei migranti ambientali nel dialogo tra diritto internazionale e ordinamento italiano*, in *Diritti Umani e Diritto Internazionale*, n.2/2023, pp. 333-334.

²⁰⁹ Circular from the Ministry of the Interior dated January 18, 2019, Decree-Law of October 4, 2018, no. 113, containing “Urgent provisions on international protection and immigration, public security, as well as measures for the functionality of the Ministry of the Interior and the organization and functioning of the National Agency for the Administration and Destination of Assets Seized and Confiscated from Organized Crime”, in G.U.R.I. n.231 of 10/4/2018 and in force since 10/5/2018. Followed by - Conversion into law, with modifications (Law of December 1, 2018, no. 132), https://www.interno.gov.it/sites/default/files/circolare_d.c._imm._e_pol.front._18.01.2019.pdf

²¹⁰ A. Lazzaro, *Permesso di soggiorno per calamità naturali e ingiustificata inerzia dell’amministrazione*, in *ADiM blog*, February 2022, <https://www.adimblog.com/wp-content/uploads/2022/02/SodaPDF-processed-4.pdf>

assessment of the vulnerability and protection needs of the applicant.²¹¹ In particular, the age, health, and social integration of the claimant have been considered as relevant factors, as well as the direct and specific impact of disasters on the applicant and the risk of undermining the fundamental rights of the individual below the inalienable threshold of human dignity.²¹² Therefore, not even the influence of jurisprudence on the matter can qualify as a sufficient reason for the League to prepare an *ad hoc* residence permit for migrants fleeing climate change, disasters, and environmental degradation.

4.6 Concluding Remarks

The questions posed in this section persist. Why have populist “anti-immigrant” parties like the League and FDI created and maintained a specific residence permit on calamities? Why did they feel the need to separate vulnerability to climate and environmental factors from the realm of specific protection needs? Why, within the radical reforms of the CAI, have they left the framework of temporary protection, which is also applicable in the case of natural disasters, untouched? Here, three possible motivations have been outlined and excluded, leaving the field open to further possibilities.

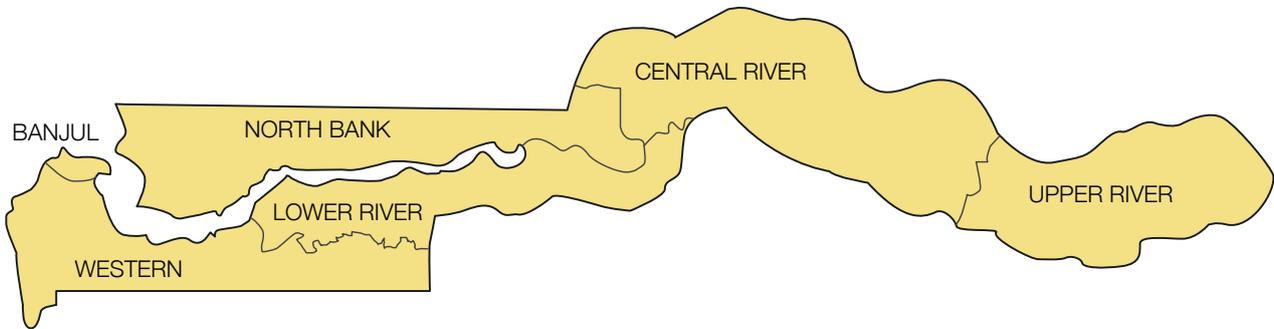
The author hopes that this analysis has contributed to laying the groundwork for deeper reflections and future studies on the link between populism and environmental migration in Italy, in order to fuel the debate on still unresolved issues and questions.

²¹¹ Court of Appeal of Turin, Section II, 13/03/2018, No. 462; Court of Cassation, Civil Section I, No. 2563, February 4, 2020; Court of Cassation, Section III, No. 20334, September 25, 2020; Court of Cassation, 30387/2022; Court of Cassation, No. 25143/2020; Court of Cassation, No. 29233/2020; Court of Cassation, No. 19506/2020.

²¹² Court of Cassation, Civil Section I, 28/01/2021, No. 1982; Court of Cassation, Civil Section II, 30/06/2021, No. 18530; Court of Cassation, Civil Section III, 20/1/2021, No. 998; Court of Cassation, Civil Section VI, 9/01/2023, No. 303; Court of Appeal of Milan, 26/11/2018, No. 5186; Court of Appeal of Milan, 7/5/2019, No. 1982.

5 - CLIMATE MOBILITY CASE STUDY: THE GAMBIA

Christopher Horwood*, Katy Grant*



The Gambia is one of the most vulnerable countries on a continent that faces high levels of irregular movement, and the destruction of assets and livelihoods due to both quick-onset disasters and longer-term climate impacts. There is an absence of analysis on the links between a strong existing trend of internal and international migration, and the growing impacts of climate change and environmental degradation. This study interviewed 128 individuals and agency representatives through interviews and focus groups in The Gambia, encompassing a variety of situations and including people of different status. Interviewees comprised migrants (both internal and *returnees* from international migration and living in urban areas) as well as rural people affected by climate change who intended to migrate, and those not currently intending to migrate.²¹³

5.1 The Context - the dynamics of climate change and climate mobility affecting people, households, and communities in The Gambia

5.1.1 Migration Dynamics & Trends in The Gambia

Small-country dynamics and demographics

The Gambia's small landmass, small population (c.2.6 million people and 35% below 14 years²¹⁴) and limited natural resources are critical to appreciating the importance migration plays in the society, the economy, and in the politics of the country. The absolute number of Gambians in the diaspora, the annual emigration rate via irregular migration, remittance levels, and the number of returnees would be less consequential in a larger country with a larger

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²¹³ This paper is a condensed summary of a more detailed and referenced main report researched and compiled by Ravenstone Consult in The Gambia during 2023. People were surveyed and interviewed in Banjul, Western Region and Central River Region. For more details on methodology please contact ActionAid.

²¹⁴ UNDAC, *Rapid Needs Assessment Report And Response Recommendations*, 2022.

population. In The Gambia, these aspects and others become relevant agenda and dynamics in a small country where their impact is amplified.

It is estimated that 63.9% of the population (1.66 million) is located in urban areas, leaving just under a million people living in rural areas. Youth unemployment is a major challenge and has direct implications for migration decision-making. In 2023 the World Bank estimated that almost 42% of Gambians between the ages of 15 and 35 have no work.²¹⁵ Informality and under-employment in the labour market are also high, as is enforced inactivity in rural areas due to the highly seasonal nature of the labour market and the relatively short period of agricultural activity. The intensity of deprivations, which is the average deprivation score among people living in multidimensional poverty, is 47.5 percent in The Gambia.²¹⁶

Poverty as the dominant driver of mobility

The Gambia scored 0.5 points on the UN Human Development Index (HDI in 2021, ranking 174th out of 191 countries.²¹⁷ Generalised poverty, unemployment, meagre opportunities, and declining sectors of traditional employment such as tourism and agriculture combine to create compelling economic drivers for people to choose migration. The importance of income from remittances of previously ‘successful’ migration to many households only amplifies the *pull* factor of economic migration, especially for the youth. The Gambian diaspora, estimated by government sources to be as high as 200,000 people, represents 7.6% of the total population,²¹⁸ making it proportionally the highest in Africa. This is likely to have been a major reason for the European Union’s interest and funding (through the EU Trust Fund and other

mechanisms) of initiatives to discourage and prevent Gambian irregular migration.

Paying for ‘the backway’

There are various accounts of how people raise the money in order to make the irregular journey to Europe; some people may sell their assets including land, homes, tools, livestock etc. Others will work for some years in whatever work they can find to raise the necessary amount, or use assets or finance given to them as microcredit or a grant following their inclusion in some youth empowerment opportunity or small business scheme. Some may try to find work en route in ECOWAS countries, or even in Libya, to pay for the Mediterranean crossing. Some will be financed by relatives or friends in the diaspora in relationships resembling chain-migration.

Migration fever and ‘napse’

‘Totally napse’ is the local vernacular phrase that some Gambians use to express their sense of hopelessness and agitation or preoccupation that often results from being rendered immobile, normally due to lack of resources. “Youth who want to travel so desperately that they can’t think of much else are referred to as having the ‘nerves syndrome’ or having ‘nerves’ or being napse.”²¹⁹ This collective longing to move has been immeasurably strengthened by the development of social media, the recent use of smartphones even in rural areas of The Gambia, and exposure to global alternatives.²²⁰

Stepwise migration and The Gambia’s urbanisation

According to United Nations World Urbanization Prospects, urbanisation in The Gambia in the last 20 years has been occurring at an annual rate of between 3.6%

²¹⁵ Bah, I.C., *Gambia grapples with youth unemployment*, The Point, 2023.

²¹⁶ UNDP, *Multidimensional Poverty Index, Unstacking global poverty* (online), 2023.

²¹⁷ countryeconomy.com The Gambia (online, undated)

²¹⁸ MSDG, *Overview of the Gambian Diaspora Population*, MSGD Briefing Paper Number 9, 2020.

²¹⁹ Suso, C.C., ‘Totally Napse’: aspirations of mobility in Essau, the Gambia, *Third World Quarterly*, 2022.

²²⁰ Altrogge, J & Zanker, F, *The Political Economy of Migration Governance in the Gambia*, ABI, 2019.

and 4.8% with an estimated 1.7 million people living in urban areas in 2021, representing more than 65% of the total population.²²¹ Climate-driven mobility from drought-affected areas has already been identified as an important reason for the rapid recent expansion of the population of the Greater Banjul area, reflecting a stepwise movement of people from rural areas to urban areas, and often onward internationally.²²²

Climate change is an exacerbating or ‘threat multiplying’ factor, with rural to urban migration processes preceding the more recent climate change impacts as drivers. However, it is also likely to be a compelling force going forward, and is set to get worse as its irreversible and compounding effects bite deeper, and as tipping points are reached, making adaptation ever more challenging.

Forced irregularity and the rise of ‘the backway’

Gambians wanting to migrate to Europe (as well as the UK, the USA, Canada, or Australia etc) find almost no legal pathways they can afford or are qualified or invited to access and have therefore been forced into finding irregular pathways. Because of the government’s refusal since 2019 to accept Gambian returnees deported from Europe (see below), the EU has imposed particularly stringent measures on The Gambia.²²³ The unavailability of visas and regular pathways was a common complaint among stakeholders and key informants.

The resulting rise of the ‘backway’ to Europe, normally through ECOWAS countries and then through Libya and on to Italy, has become the default and necessary route for thousands of Gambians over the past 7 years. Due to the well-documented violations and abuse encountered by migrants and asylum seekers in Libya there is a growing trend of Gambians

attempting to access Europe through the Canary Islands by sea or avoiding Libya by travelling through Tunisia.

Recent irregular migration data

Despite offering Gambians free movement and labour access to 14 other neighbouring countries, ECOWAS appears to be a relatively unattractive destination to most potential migrants, who prefer to target Europe. Reliable data on the number of Gambians moving irregularly, and particularly those using ‘the backway’ to Europe, is not available. However, some indication of the numbers involved and the changing trends can be garnered from different sources.²²⁴ Between January 2016 and March 2018 over 20,000 Gambians used the backway routes to enter Europe. However, these years may have been the peak for the backway, as subsequent years have seen a considerable reduction in numbers. IOM figures from the whole of 2019 suggest that 2,785 used the Central Mediterranean Route while in 2020 the number had fallen to just 322 people.²²⁵

Importance of remittances and the diaspora-focused government

Remittances are a vital source of income for many Gambian households and have been for many years. Through their remittances, the Gambian diaspora supports their extended families and friends by paying for housing, feeding, education, healthcare, and other necessities — priorities that were set by the United Nations Sustainable Development Goals (SDGs). With the diaspora outside Gambia representing almost 8% of total population the impact of remittances is high and rising. In February 2023, the Central Bank of The Gambia confirmed that the verified remittance inflow in 2022 was of USD 712 million — an almost three-fold increase

²²¹ Macrotrends (undated, online) *Gambia Urban Population 1960-2023*

²²² UNDAC, *Rapid Needs Assessment Report And Response Recommendations*, 2022.

²²³ Schengenvisa News, *EU to Impose Stringent Visa Measures for Gambians*, 2021.

²²⁴ Curtis, M., *‘Back Way’ to Europe: How can The Gambia better address migration and its development challenges?* Action Aid, 2018.

²²⁵ Cited in same document as above

over the previous four years.²²⁶ Working in partnership with the Gambian Ministry of Foreign Affairs (MOFA), the Migration and Sustainable Development in the Gambia Project (MSDG) launched the Diaspora Strategy in 2018, implemented by the newly formed Gambia Diaspora Directorate (GDD).

Political risks and instrumentalization of returns

The issue of migrant returns and rejected asylum returns is divisive and politically sensitive in The Gambia. Because the role of remittances is so important, the status and hope attached to making it through the backway is high, and the EU stranglehold on legal pathways is very firm, many people in The Gambia think that the governments' willingness to allow countries to deport Gambians back to Banjul is an act of betrayal. Flights of returnees from the EU were the most contentious, forcing the incumbent president, Adama Barrow, to impose a moratorium on deportee flights in 2019. Although the moratorium remains in principle, it has attracted criticism and censure from the EU.

The reality is that Gambia most likely, but tacitly, follows a 'good practice' agreement with the EU, meaning the ban on return flight may have been *de facto* lifted in 2020, as evidenced by a small number of Gambian returns every two months.²²⁷ The subject remains very controversial in The Gambia where, as in neighbouring Senegal, flights of deportees and returnees remain unpopular.

5.1.2 Climate Change and its Impact in The Gambia

Current trends and impacts

Climate change in The Gambia is impacting both the natural environment and people through rapid onset natural disasters and through longer-term changes in weather patterns, water and soil conditions, and tree cover. These impacts have been affecting The Gambia most noticeably in the last two decades and are expected to become more severe going forward.²²⁸ The impacts of climate change are expected to be varied, complex, and uncertain. The Sahel climate makes the eco-region particularly vulnerable to changes in water and moisture availability, while the Gambian coastline is the scene of more severe windstorms, floods, droughts, as well as coastal erosion and saltwater intrusion.^{229 230} Mean temperatures have been rising steadily in recent decades²³¹, affecting life in both urban and rural environments, an experience attested to by several of those living and working in the country.

Agriculture is estimated to be worth around 24% of the GDP (2021) in The Gambia and employs 70% or more of the labour force.²³² Much of the agriculture is rain fed, so changes in precipitation will have significant impacts. Erratic and unreliable rainfall has resulted in drought, leading to increased food prices and consequent food crises and food insecurity in the region. The continued decline in productivity is expected to affect primary food production outcomes of groundnut, maize, sorghum, and millet. Rice farmers near the coast and agriculture further inland are also experiencing detrimental effects of saltwater

²²⁶ Sowe, N., *Gambia: Diaspora Remittance in 2022 Stands At U.S.\$712 Million*. AllAfrica, 2023.

²²⁷ Manneh, F., *Gambia To Accept Mass Deportation Of Its Citizens In Europe- Activist*, Alkamba Times, 2023.

²²⁸ UNEP (undated online) *Weathering the uncertainties of climate change in The Gambia* Also; World Bank (undated online) Climate Change Knowledge Portal. The Gambia.

²²⁹ Current/past Köppen climate classification map for the Gambia for 1980–2016 and the predicted Köppen climate classification map for the Gambia for 2071–2100. See World Bank (undated online) Climate Change Knowledge Portal. The Gambia.

²³⁰ Ministry of Environment, Climate Change and Natural Resources, *Long-Term Climate-Neutral Development Strategy 2050*, Government of the Republic of The Gambia, 2022.

²³¹ Ibid.

²³² Statista, *The Gambia: Share of economic sectors in the gross domestic product (GDP) from 2011 to 2021*, (undated online).

intrusion (salination and acidification) linked to climate-driven sea and river level changes.²³³

Livestock are affected in a number of ways by climate change, with increasing temperatures and changes in water availability impacting disease and pests, and leading to declining quality of livestock and increased morbidity and mortality overall.²³⁴ Livestock and crops suffer loss and damage due to heavy rainfall and flooding, leading to lack of access to crops and death of livestock. Extreme rainfall events are strong triggers for gully and sheet erosion in sloping upland areas, as well as the deposition of inert sediments at the foot of slopes and in lowlands.

Fisheries are also vulnerable, with changes to breeding grounds, biodiversity, and days when fishing can occur (due to storms and high winds) all putting additional pressure on already unsustainable fishery practices.²³⁵

The **tourism** sector, which has been important in the past and is rebounding from severe disruption and decline during the COVID pandemic, is also affected by climate change. According to the Gambian Tourism Board, the sector employs 42,000 people and represents 20% of the national GDP.²³⁶ Apart from coastal erosion and higher temperatures potentially affecting the attractiveness of Gambia as a tourist destination, rising mean winter temperatures in key source countries in Northern Europe due to global warming may represent a formidable barrier for Gambian tourism authorities' plans to boost winter tourist arrivals and summer visitor numbers. This uncertainty is expected to have a knock on effect in terms of investment risk.

Coastal erosion is also considered a major climate-related challenge in The Gambia. It is estimated that 90% of coastal households were vulnerable to coastal erosion, with

the majority of these lacking sustainable adaptation strategies. The greater Banjul area in particular is affected by coastal erosion, coastal flooding, and pluvial flooding. Banjul city has an average elevation of only 80cm above mean sea level, which makes it especially vulnerable. Furthermore a disproportionately high number of people reside in this area, many having moved there (and other urban centres) in recent years due to the impacts of climate change in rural areas.²³⁷

Deforestation and charcoal production are still being carried out in most rural areas of The Gambia, despite the practice being illegal. This is part of the vicious cycle of climate change: as soil becomes less productive, more land is needed to generate the same amount of produce, so bush and woodland are cleared to make way for farmland. It is also climate change that is driving the burning of charcoal for sale as an income diversification, as agriculture becomes less reliable. These are compounded by environmental hazards such as bushfires and illegal sand mining.

Finally, **infrastructure** is already seeing major losses from flooding and windstorms. Urban floods in 2020 and also in 2022 caused lethal harm and widespread damage to homes and property, particularly in Greater Banjul, as well as in North Bank, Central River Region, and Upper River Region.²³⁸

Future prognosis and the national response

In the mid to longer term future, climate change is expected to put severe pressure on The Gambia's natural and societal systems, including its economy. The increased frequency and intensity of drought, flooding, coastal erosion, windstorms, high temperatures, and intense and erratic rainfalls

²³³ Ministry of Environment, Climate Change and Natural Resources, Op. Cit., 2022.

²³⁴ Government of The Gambia (GOTG), *Third National Communication under the UNFCCC*, Ministry of Climate Change environment and Natural Resources (MECCNAR), Banjul, 2020.

²³⁵ Ibid.

²³⁶ International trade Administration, Gambia, The - Country Commercial Guide, 2022.

²³⁷ Ibid.

²³⁸ UNDAC, *Rapid Needs Assessment Report And Response Recommendations*, 2022.

that affect The Gambia today are expected to continue and steadily worsen, whether the horizon scenario is 2050 or 2100. These extreme weather events, particularly drought, severely hinder the country's sustainable development and poverty eradication efforts. For a country as climate-vulnerable as The Gambia, which also has a low ranking on the global human development index, it's clear that mitigation efforts, climate change adaptation, and resilience-building are crucial to achieving the Sustainable Development Goals in the country.

The government has taken a proactive and ambitious approach in its planned response to the impact of climate change, and is considered progressive amongst developing countries most affected.²³⁹ At the policy level, there has been a steady evolution of laws, policies, and strategies, including the recent Long-Term Climate-Neutral Development Strategy 2050. However, this research unanimously found that people feel that the government is not putting enough focus on, and investment into, climate change adaptation, nor indeed into wider opportunities, such as youth focused trainings, opportunities, and sustainable employment as they should be, given the profile of the population.

²³⁹ Wakana, S., Effective climate action will help the Gambia's peace and stability, Africa Renewal, 2022. See also: World Economic Forum, *What the smallest country in mainland Africa can teach us about climate action*, 2021.

5.2 Summary of the Research Findings - Climate Mobility

Typical of climate mobility research being conducted around the world, the findings of this study in The Gambia reveal a complexity and variety of experience and decision-making that defies any simple linear relationship between climate change and migration. As the contextual analysis above shows, migration dynamics in The Gambia are specific to the country, but the impact of climate change and the potential *gathering storm* it will bring are commonly observed throughout the region and sub-Saharan Africa. The findings of this qualitative enquiry involving 128 participants (stakeholders, key informants and focus group participants) offer important insights into the nature of migration in The Gambia and the drivers and factors that compel, enable, and influence it. These findings then help inform the key policy messages that this report frames in order to present a wide range of recommendations.

Some of the 11 findings of the enquiry with participants in The Gambia are not surprising, but others give important insights that can inform current and future interventions.

1. The bedrock of migratory decisions

The bedrock of all migratory decisions in The Gambia is economic. Beyond all other drivers the desire to improve incomes and escape poverty is central to international migration. Even when people move internally and state that their move is for education, the aim is often also to increase economic opportunities. Many respondents cited the weight of the dependency ratio in their lives, where the numbers of poor and dependent relatives in extended families felt too high and impossible to manage given current opportunities in The Gambia. Average dependency on household income sources for respondents was 13 people. Specifically, many respondents

spoke of wanting to improve the lives of their immediate family, particularly their parents. A smaller number of respondents mentioned their need for respect in their communities, while others cited peer pressure as a driver for migration. Various participants spoke of being impressed by the success of other migrants in terms of providing for their families, building houses, starting businesses etc. All returnees and potential migrants who participated in focus group discussions unanimously agreed (100%) that economic reasons were the key driver for past or intended movement.

2. Perceptions of the changing climate

There is a high level of consensus that climate change and its impacts are part of people's lives in The Gambia. The perception is that these changes are making life and livelihoods harder, with the expectation that they will get worse, especially affecting people in rural areas. Among those interviewed the significance of climate change was most pronounced amongst those in rural areas, including those in both the non-migrant category and potential migrants. There was a variety of responses from urban internal migrants, with some emphatically stating the importance of climate change, while others did not know, or even thought the impacts were diminishing.

Looking at the impacts nowadays it is getting stronger and more common. For example, floods, drought, and windstorms. [Female, 23yrs. Brikama, Brikama Local Government Area]

Climate change has already impacted us negatively and the worst is likely to come. [Male 41 yrs. Gunjur, Western Region]

3. Experiences of climate change

Climate change and its impacts are most intensely felt by those in rural areas, but those in urban areas also experience the impacts directly or indirectly. The most

commonly experienced characteristics of climate change are rising temperatures, erratic rainfall, drought, river salination, floods, and windstorms. Their perceptions of the events that affect them most or are the most noticeable may not be an accurate reflection of the actual frequency and intensity of events. However, people's personal impressions will be the most influential factor during migratory decision-making and in assessing whether their home areas remain tolerable and economically sustainable. The issue of involuntary distress migration, not only from unproductive rural areas towards cities, but also outwards from unliveable areas (due to higher temperatures and moisture deficits) is likely to become a driving force in migration in The Gambia and elsewhere.²⁴⁰

The sun is very hot and the heat is unbearable. This can make us sick sometimes and feel lazy even to work. It used to be hot before but not this hot. Also changes in the rain patterns. For example, four or five years ago, the first rains used to come around mid to end of May. This was consistent. But the past year this has changed. For example, last year the rains came very early in May surprising many of us and this year we are in end of June and it is yet to rain. [FGD. Kudang, Central River Region]

You work very hard in the farms during the rainy season but then you do not get enough produce. The rains either fail or they come late and destroy your crops. We also raised money in the family and bought a horse but it died after one rainy season. We cannot afford to rent a tractor or buy fertiliser and seedlings so we stopped farming altogether. [Male 28 yrs. Jamaara, Central River Region]

Climate change makes everything difficult. Farming is so bad now that most people I

know who were farmers have now stopped farming and moved to the Kombos [urban areas].

[Male 28 yrs., Kunungku, Central River Region]

4. **Adaptation options and practices**

Activities undertaken as adaptation to the impacts of climate change are not evenly or widely practised in The Gambia. Among the groups interviewed, only those in rural areas who were not intending to migrate spoke of different adaptation strategies they had attempted. The dividend of livelihood / agricultural diversification appears to be moderate, and the scope for increased activities seems considerable. Many respondents said they had started adaptation activities within the last 5 years but others had been practising them for longer, suggesting that the impact of climate change and environmental degradation (with various origins) may have been affecting agriculture livelihoods for the last two decades. Was this slow on-set climate change or is current climate change impact augmenting existing and longstanding environmental degradation? Many respondents spoke of having run out of ideas, so were not planning more adaptation strategies. Migration itself is widely seen as an 'adaptation' practice.

5. **Support and intervention (NGO, Government, trainings, reintegration etc)**

Support and intervention by the state and/or other agencies appears to be minimal, with most respondents claiming they had neither received climate adaptation support of any kind, nor were aware of adaptation interventions. Some returnees and others mentioned interventions for reintegration of migrant returnees. A very small number of interviewees mentioned climate mitigation (tree-planting) initiatives. Regarding the government, respondents

²⁴⁰ Vince, G., *Nomad Century - How to Survive the Climate Upheaval*, The Guardian, 2022.

unanimously stated that they were unaware of any projects, programmes, or actions, suggesting that experience of and awareness of government intervention is very low. This is of course the respondents' perception and personal experience and therefore not necessarily a true reflection of the scale of government interventions. Some respondents were more sympathetic to NGO efforts but wanted greater scale. Many respondents had not seen any NGO interventions in this sector. Among returnees interviewed, there was a sense of bitterness and having been let down by agencies and the government. What support had been received appears not to have transformed people's lives in terms of new opportunities, even when the targeted support such as skills training and monetary support had been provided.

Not enough, the money is not up to our expectation and not enough. If you ask people who benefited [from the reintegration package] 95 percent have failed. [Male 28 yrs. Kanifing Municipality, Greater Banjul Area]

Most returnees are not doing anything. The support is not enough and does not help most returnees to change their lives. [Male 27 yrs. Kanifing Municipality, Greater Banjul Area]

6. Perceptions of climate change and migratory decisions

The nexus between climate change and mobility is complex, defying simple explanation. For some people the connection between migratory decisions and the changing environment is strong and direct, while for others it may be weak and indirect. Interviewees in urban contexts tend to claim climate change has had nothing to do with their migratory decisions. However, overall, climate change was ranked as an important driver

TABLE 1. Perceptions of climate change and migration

Questions / statements the interviewees agreed with;	Returnees** (n=16)	Potential migrants (n=20)	Internal migrants (n=10)	Non-migrants (n=20)
Their own reasons to migrate are/were somehow connected (directly and indirectly) to the impacts of climate change	7	13	3	*
Climate change is ranked 'high' as a driver	6	7	4	
Climate change is ranked 'high' as a factor in their lives / experiences				15
The extent to which they think climate change is a major reason behind both internal and international migration in The Gambia	16	16		
Rather than being contained, climate change impacts in The Gambia are getting worse every year	13		4	15
I'm pessimistic going forward in terms of climate change making it harder to live here				10
Life will become harder in rural areas due to climate change impacts				14

* Not all groups were asked the same questions in this qualitative study, resulting in 'blanks' in this and other tables in this report.

**Reference Group: 1) (International) returnees in reference locations and/or Banjul. 2) Potential migrants in reference areas (who are actually planning, not just 'dreaming'; selection was purposive) 3) Non-migrant householders in reference areas; men and women, but not returnees or potential migrants 4) Internal migrants - selection randomised after reference identification.

for migration by all respondent groups, even if it was not a reason motivating them individually. Interestingly, those who have no intention to move (*acquiescent immobile*, also known as *voluntary immobile*) are often the most affected by climate change impacts. In terms of migration, the pull factor of better economic opportunities is greater than the push factor of climate change. Three quarters (75%) of those interviewed and all (100%) of FGD participants in this category were also emphatic that future climate change would cause even worse conditions than those they listed and currently struggled against. Despite this they were adamant that they had no intention of moving, but conceded that their children would either have no desire or choice to remain.

The impact of climate change is increasing. There is nothing in the rural areas. Agriculture is almost dead and there are no jobs. [Male 51yrs. Faji Kunda, Western Region]

Before the production of rice was good but now rice production is not good because of poor rains. My family used to grow rice but now they have stopped because it is not profitable anymore. The farms are very dry now. This has brought much hardship to the family. [FGD participant, Kudang, Central River Region]

Many people are blaming climate change for our poverty and that is a huge cause for migration. [Male 30 yrs. Kanifing Municipality, Greater Banjul Area]

- 7. Migratory decision-making influences**
Other factors besides climate change are more readily identified as influencing people to move. Peer pressure, the desire to help family, a widespread culture of migration, evidence of successful migration, and becoming ‘napse’ (agitated and obsessed by the need to migrate)

are major influences on people who have already decided they want to move for economic reasons. A significant number of respondents indicated that they did not consider climate change to have influenced their decisions to migrate in any way. In particular, all interviewed returnees said that earning money and economic need were the central drivers, although 6 of the 16 interviewed recognised that the impacts of climate change were also indirect factors (if those impacts were, in fact, the attributable reasons for farm livelihood failure). No returnees who participated in the FGDs identified climate change as drivers of migration in their experience.

I was also having strong ‘nerves’ because any beautiful building you see around my community, it is constructed by someone in Europe .

[Male 33 yrs. Brikama, Brikama Local Government Area]

Peer pressure. I have seen some of my age mates going to Europe and within two or three years they do big things here. They build nice houses and drive nice cars and help their families.

[Female 23 yrs., Kanifing Municipality, Greater Banjul Area]

8. Knowledge of risks and migration modalities

Knowledge of the risks of migration through ‘the backway’ (irregular movement to Europe) is widespread and does not act as a deterrent to the majority of those aspiring to move. In this predominantly religious country, success is often perceived to be contingent upon luck and the will of God. Furthermore, 85% of them consider the government and NGO efforts to discourage them as ineffective and sometimes counter-productive. This final point was shared by most returnees in both individual interviews and FGDs, who mostly considered the discouragement campaigns to be ineffective, as did almost

all internal migrants.

They cannot discourage us. They only tell us do not go, but do not give us a reason to stay. They tell us the road is dangerous but people are making it everyday and they change their lives.

[Male 18 yrs. Dalaba, Centra River Region]

Yes I faced risks and experienced abuse. My rights were violated. At some point I was kidnapped and my family had to send money to pay the ransom. I was also threatened at gunpoint by Libyan criminals. I was also sold to other agents.

[Male 26 yrs. Kiti, Western Region]

9. Migration intentions

Most Gambians migrate or attempt to migrate to Europe and only want to stay there on a temporary basis, for the sole objective of earning money. Internal migrants by contrast normally make a permanent move away from rural areas, where services and opportunities are inadequate beyond the pressures of climate change (education, health, infrastructure, failing agriculture, no rural alternatives etc.). Although there is a compelling narrative and logic suggesting that rural stepwise migration is practised in The Gambia with people first moving from rural areas to urban areas (especially to Banjul Greater Area – ‘kombos’) and then migrating internationally, this research did not find such a clear trend. However, it seems that rural to urban migration, in contrast to international migration, is predominantly a permanent, one-directional transition.

10. Voluntary and involuntary immobility and urban migration

In rural areas, the acquiescent and non-acquiescent immobile may, for now, be

a significant number. They have strong attachments to their land and way of life despite deteriorating conditions caused, amongst other reasons, by a changing climate. How long they can/will hold out against worsening conditions is uncertain. Rural to urban internal migration in The Gambia is a separate phenomenon that predates recent climate change factors and may be directly or indirectly impacted (exacerbated / accelerated) by climate change. Untangling related drivers and factors, and ascribing attribution specifically involving climate change, remains complex. Non-migrant rural respondents mentioned conditions in rural areas that went beyond the impact of climate change, illustrating challenges that in themselves would be, and have been, grounds for internal migration. These factors have to be taken into account when attempting to attribute the impacts of climate change on people’s migratory decisions. As such, for many, climate change becomes a threat multiplier in a context of overlapping challenges typical of underinvestment, marginalisation, environmental fragility, and underdevelopment. The bonds that tie people to their homeland and specific home locations are strong but hard to measure. The same reluctance to move from difficult locations has been found in various studies on climate change and mobility, with findings that are often surprising insofar that they reveal people’s tolerance of deteriorating and even extreme changes.²⁴¹

11. Alternatives, ‘making it’ in The Gambia, optimism

This research showed that most Gambians have an attachment to their country and, if offered support, would prefer to remain in the country instead of migrating

²⁴¹ Mixed Migration Centre, *Shaping the Future of Mobility in Africa Climate and Mobility: Perceptions, attitudes and decision-making Synthesis of field research findings* January 2023. See also: Mixed Migration Centre, *Weak links: challenging the climate & mixed migration paradigm in the Horn of Africa & Yemen*, MMC Briefing Paper, February 2020. Also: Mixed Migration Centre and IOM, “We left after losing everything.” *The impact of drought on climate mobility in Ethiopia and Somalia*. MMC Research Report, August 2023. See Also: Mixed Migration Centre, *Climate change, environmental stressors, and mixed migration. Insights and key messages drawn from a decade of MMC research and 4Mi data collection*, MMC Briefing Paper, December 2022.

outside. They are open and keen to take up alternatives if any are available, and many are optimistic about the country's future and believe they can 'make it' in The Gambia, despite climate change impacts. People did not express a need for the impacts of climate change to be altered, but instead emphasised the level of direct support and assistance available, mainly from the government. This last point was reinforced by the level of optimism people felt about their country and the future. These points offer interesting insights into their desire to succeed in The Gambia, and link to previously described ambitions to migrate only to earn more money before returning home. The desire to permanently migrate outside of the country is low.

If I have the required capital to start a big business. I got good experience and I know I can make it here.

[Male 27 yrs. Kudang, Central river Region]

If investment opportunities are available for the youths and capital that make them be able to engage in viable business then I would not bother migrating. In short if the right opportunities for business area available here, I will not migrate.

[Male 30 yrs. Kanifing Municipality, Greater Banjul Area]

5.3 Conclusion and Key Messages

Mainstreaming and prioritising climate resilience

Addressing climate change impacts should remain a core agenda for NGOs, development agencies, and the Government, given that the poorest are most affected. As is being documented in relevant literature globally, people living in poverty are the most exposed to the detrimental effects of climate change, and climate change is in turn driving ever greater numbers of people into poverty. This is true of both sudden onset climate disasters —floods, wildfires, mudslides, storms —and slow onset, chronic change such as sea level rise, salination, aridification, soil erosion, and drought. Climate change is going to be an increasingly significant challenge to sustainable livelihoods, well-being, and household incomes in the years to come. It is likely to seriously affect The Gambia, with its coastal and fishing communities, low-lying geography, aridification, and dependence on a vulnerable river. Increasing preparedness and adaptation and resilience programmes both in rural and urban areas need to be scaled up as more and more people are affected.

Determining the place of climate change in shaping (Im)mobility dynamics in The Gambia

Climate change is not cited by the individuals interviewed as the most significant driver of migration; even where it is pushing people to make those decisions, it is almost always being felt via livelihood viability and household economy in rural areas; through changing crop yields, water salination, and through the almost universally-referenced challenge of poverty. A significant proportion of would-be migrants, potential migrants, and returnees interviewed for this research did not have much to say about how climate change is pushing their decision to migrate, but most talked of the desire to make a better living and to alleviate the difficult living conditions of their families.

People in The Gambia are moving for economic reasons, and reasons associated with aspiration and the escape from poverty; to improve lives and support themselves and others. A large majority of migrants described their decision to move as driven by pull factors, speaking of the admiration and envy they feel when they see the success of others, and the impact of remittances on the families of those who have made it to Europe. This suggests that ‘aspiration’ and ‘capability/ability’²⁴² are playing a significant role in migration decision-making in the country. Certainly, those coming from rural areas commented on how environmental changes are impacting agriculture and making subsistence, let alone profit, increasingly difficult. But they also spoke of a lack of services and infrastructure in the rural areas; of seeking employment and educational opportunities in the city; of setting up a business; of the dream of making it to Europe as others have done, and being able to support a wider number of family members through remittances.

Therefore, expending energy on determining how much climate change is driving migration is less useful than understanding how climate change shapes ((im)mobility and what adaptation strategies can be put in place for households and individuals who do not move, and for those who move and need support in adapting to a more urban life.

Migration inside and from The Gambia - distress mobility, or adaptation?

International migration has also resulted in a step-change in the lives of many families across the country, as a result of remittances sent, which constitute such an important part of the country’s GDP. Households are able to spend funds that are sent back on business creation, purchasing tools and inputs for better farming, for education, and providing medical care and nutrition for family members. These remittances are contributing enormously to community resilience and development

gains. Development agencies, NGOs, and the Government should not work against this trend; opting to move is one of the choices available to people who want to improve their lives and is often much more successful than available alternatives.

It is important to appreciate the complexity of motivations for movement, especially among young adults in The Gambia, because almost all respondents suggested that movement is a form of adaptation — in some cases, it was the only form of adaptation to climate change that an interviewee could think of. Migration has been going on for decades in the country, and some of this movement is from rural to urban areas within it. This is part of the process of urbanisation that is underway everywhere in sub-Saharan Africa, and has taken place in all other regions of the globe in the past two hundred years. Climate change is playing a role in some decisions to move, certainly; but a host of other drivers and motives exist too. Efforts to migrate will continue, and likely intensify, and climate change, although a significant threat multiplier, is just one of many reasons for this mobility.

For these reasons, identifying migration as a ‘problem’ and working to discourage/prevent it should not be the goals of policy and development intervention. Offering people choices, including the choice to move, will contribute to the agency of individuals and the resilience of the communities they end up supporting. Those interviewed during the course of this research who had migrated to urban areas, are now accessing a wider set of educational and income-generating options. For many, the outcomes of movement have been positive, and for this reason, continued and potentially increased out-migration from underserved areas and failing conditions is likely to be inevitable.

Nonetheless, it is clear that great hardship and suffering is experienced by some of the people who travel irregularly. However this research

²⁴² Mixed Migration Centre, *Shaping the Future of Mobility in Africa*, January 2023.

confirms what other sources suggest, which is that very few potential migrants are unaware of the risks. People are choosing to move despite this. Development programmes have little influence over these decisions, but instead of discouraging migration-as-adaptation, policy and programme interventions should focus on the opportunity for Gambians to access regular, safe migration, through International labour pathways managed by mobility agreements between The Gambia and countries of destination, in Europe and possibly elsewhere.

What is clear, however, is that climate change impacts are likely to be the key factor in tipping migration in The Gambia over into 'distress migration',²⁴³ meaning that more and more people will move because they do not feel

they can stay where they are. Further to this, integration into city environments is often very challenging, and failed migration journeys have done immense damage to individuals who have returned without reaching their destination. Returnees often suffer from the trauma of violence and hardship encountered during their journeys, as well as the stigma and shame of not reaching their desired destination. Returnees, alongside newly arrived internal migrants, often need support with finding employment, establishing their own business, or with basic protections. Therefore, it is important to increase interventions to protect the most vulnerable among people living in poverty populations in the urban centres of The Gambia, including returnees.

²⁴³ Singh, Harjeet, et al. *Costs of climate inaction: displacement and distress migration*. Climate Action Network South Asia, Bread for the World, & ActionAid (2020).

RECOMMENDATIONS

TO THE EUROPEAN INSTITUTIONS

- » To promote greater policy coherence in managing climate mobility. For this, it's necessary to adopt a human rights-based approach in development, humanitarian, and climate policies, surpassing the "deterrence paradigm" currently guiding the European Union's internal and external migration policies.
- » To enhance and expand resilience, disaster risk reduction, and climate change adaptation efforts by implementing more robust climate and development policies, practices, and increased funding that target economic inequalities. Enhance the effectiveness of universal access to social protection measures, acknowledging their significance in tackling loss and damage challenges. Broaden the range of prevention measures for humanitarian and development interventions to extend beyond merely mitigating effects and enable them to address the broader vulnerabilities exacerbated by disasters, climate change, and environmental degradation.
- » To promote the integration of international commitments on migration into relevant EU policies, with specific attention to: 1) incorporating migration considerations into financial and technical measures aimed at climate change prevention and adaptation in third countries vulnerable to its effects; 2) establishing or expanding national protection schemes to assist individuals fleeing the adverse effects of climate change, disasters, and environmental degradation; 3) implementing effective practices, such as visa exceptions or extensions of visa/residence permits for tourists, foreign students, or third-country nationals seeking family reunification, who would be affected by the impacts of climate change, disasters, and environmental degradation in their home countries.
- » To promote or strengthen the integration of international commitments and actions in the realm of climate change with references to migration. In this regard, EU Member States are specifically urged to incorporate migration considerations into their National Adaptation Plans (NAPs), National Communications (NCs), and Nationally Determined Contributions (NDCs) under the UNFCCC. This approach would not only help reduce vulnerability to climate change but also facilitate clear needs assessments at the state level regarding gaps and challenges in recognizing, receiving, and protecting people displaced due to climate change, disasters, and environmental degradation.
- » To facilitate the creation of synergies between the European Green Deal and the New Pact on Migration and Asylum. Areas of alignment include: 1) enhancing migrants' involvement in green decision-making, plans, and actions to amplify their voices and leverage their potential as contributors to development; 2) developing legal pathways to attract skilled labour mobility that can support the transition to a green economy while addressing migrants' vulnerability to climate change; 3) providing upskilling and reskilling opportunities for migrants to transition their skills towards greener sectors; 4) Establishing legal pathways and exchange programs for education and protection purposes for individuals from climate-affected countries.
- » To expand existing institutional arrangements and programs on labour migration as a means of adapting to and

protecting people affected by disasters, climate change, and environmental degradation. To achieve this, programs and initiatives focusing on legal labour pathways should be designed with the aim of identifying vulnerabilities, targeting vulnerable populations, and ensuring adequate access for them. Within the framework of implementing the *Mobility Partnership Facilities* (MPF) and the *Talent Partnership* (TP), the European Commission should invest in developing program frameworks specifically addressing the challenges of climate mobility. Additionally, as recommended in a recent report by the European Parliament titled “*Climate Change and Migration: Legal and Policy Challenges and Responses to Environmentally Induced Migration*” temporary programs or permits such as those provided for by the *Seasonal Workers Directive* can also be leveraged and expanded to harness the potential of migration as an adaptation strategy.

- » To uphold regional freedom of movement to facilitate access to safe areas, promote circular migration, preemptive mobility, and ensure enhanced protection of the rights of individuals moving in the context of disasters, climate change, and environmental degradation. In several regions, the right to free movement is already legally established through agreed protocols, such as the *ECOWAS Protocol on Free Movement of People among Member States*. However, support is needed for its implementation. Moreover, EU externalization policies in migration have recently impeded regional freedom of movement. Therefore, the EU should ensure better alignment between development and adaptation policies and external migration priorities.

TO THE MEMBER STATES

- » To support labour migration schemes. The operationalization of European labour migration schemes and programs depends on the member states, which are also complementing such initiatives with bilateral agreements. With the aim of providing access to adaptation opportunities for vulnerable populations and preventing future displacement in the context of disasters, climate change, and environmental degradation, Member States should expand labour mobility pathways by participating in European programs and integrating climate mobility into their development cooperation programs focused on migration, adaptation, and resilience.
- » To facilitate solutions for the protection of people moving in the context of disasters, climate change, and environmental degradation, various protection and migration instruments need to be considered. For instance, when applying and interpreting the 1951 Refugee Convention and the EU Qualification Directive, competent authorities should also take into account the impacts of climate change, disasters, and environmental degradation on the lives of affected individuals as part of the protection determination process. Additionally, broader socio-economic, cultural, and political factors that interact with climate and environmental dynamics may also contribute to increasing people’s vulnerability and should be similarly considered.

TO THE ITALIAN GOVERNMENT

- » To clarify the different and specific scope of application and criteria underlining each national protection status able to cover environmental and climate causes of migration, with particular reference

to special protection and the residence permit on calamities, in order to facilitate their correct implementation to the benefit of the potential beneficiaries.

- » To bring Article 20bis TUI on the residence permit on contingent and exceptional calamities back to its 2020 version so to ensure its convertibility in a residence permit for job purposes and possibility for renewal, in turn facilitating the economic integration and social inclusion of the beneficiaries.
- » To consider the activation of the emergency and collective measures provided for under Article 20 TUI on Temporary Protection in the context of natural disasters in case of need for it to be a “living” norm.

TO THE GAMBIAN GOVERNMENT

- » The government should increase investment in adaptation practices, particularly focusing on enhancing resilience in agriculture. To achieve this goal, greater support should be allocated to the expansion of agroecology practices as a sustainable and resilient form of agriculture. Additionally, reducing government subsidies for the importation of chemical fertilizers should be prioritized, with a simultaneous increase in investment dedicated to agroecology.
- » To integrate human mobility considerations in the national policies and plans on climate change, disaster risk reduction and development.
- » The national development plan, known as the Recovery Focused National Development Plan (RF-NDP) 2023-2027, recognizes that many students leave school without sufficient skills.

Simultaneously, goals 5.1 and 6.3 of the document aim to improve agriculture and create more economic opportunities for young people, while also promoting social and cultural development. As a result, the Government plans to increase spending on climate financing from 14% in 2022 to 25% in 2027. Therefore, we urge the Government to use these resources for innovative programs capable of improving environmental resilience and effectively addressing the social and economic challenges of youth, while also tackling the issue of corruption, which could compromise the NDP’s objectives.

TO CIVIL SOCIETY, THINK TANK, MEDIA AND ACADEMIA

- » Investing in research on climate (im) mobility. For example, increasing the number of field research studies to analyse the multiple dynamics characterizing the phenomenon, its specific impacts on different population targets, focusing particularly on the most vulnerable groups such as women and girls. Such evidence should inform more effective policy and programmatic interventions.
- » Avoiding oversimplifications that consider climate change as a direct factor driving people to mass migration and displacement, overlooking the complexity and multiplicity of dynamics characterizing interactions among people, the environment, and mobility. To this end, it’s important to steer clear of polarization in the narrative surrounding climate mobility, which tends to force this diverse and multidimensional phenomenon into discussions solely about “threats” and “securitization” on one side, and “humanitarian catastrophe” on the other.

ANNEX 1

VALIDATION PROCESS CASE STUDY GAMBIA AND CLIMATE MOBILITY

This report includes a case study conducted in Gambia. The evidence gathered underwent a process of discussion and validation held in the country in May 2024, involving some of the interviewees, representatives of the relevant communities, as well as a range of local and national public institutions, government agencies, international organizations, media, NGOs, and civil society organizations. The validation process consisted of two meetings. The first took place on May 9, 2024, in the town of Kudang, in the eastern district of Niamina in the Central River Region, with the participation of 18 individuals, including returning migrants, beneficiaries of ActionAid projects supporting returning migrants and potential migrants, as well as representatives of local institutions. The second meeting, held at the national level, took place on May 10, 2024, at the headquarters of ActionAid International The Gambia in Kanifing, with the participation of 44 individuals. Below is the list of organizations and institutions represented during the two meetings.

Government Ministries, Departments & Agencies – Office of the Vice President (OPV), Ministry of Youth and Sports (MoYS), Ministry of Interior (MoI), Ministry of Information (MoIN), NGO Affairs, Department of Youth and Sports (DYS), Gambia Immigration Department (GID), National Agency Against Trafficking in Person (NAATIP), and the National Assembly (NA).

Local Government - Kanifing Municipal Council

NGOs/CSOs - United Purpose (UP), Catholic Relief Services (CRS), Safe Home for Migrants Association (SaHMA), Gambia RedCross Society (GRCS), Global Platform Gambia, ACTIVISTA Gambia, CARITAS, Gambia Returnees from the Backway Association, Kudang Ward Development Association, and Jarreng Apex Ward Development Organisation.

Research entities and institutions – University of The Gambia (UTG) and the Centre for Policy, Research and Strategic Studies (CepRASS)

Media – Foroyaa News Paper, Gambia Radio and Television Services (GRTS) and The Voice Newspaper

UN Agencies – World Food Programme (WFP)



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