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TURNING THE TIDE

Investigating the European Union's Approach to Environmentally
Displaced People and Advancing Human Rights Based Solutions

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Acknowledgments

I was lucky to be born in a little town surrounded by the Dolomites and I grew up climbing marvellous peaks. Maybe this is the reason why I like to compare all that I experience to a nice walk in the mountains. I feel blessed to have had the opportunity to walk up the “mountain” of this master’s degree. What a walk! I have to admit it has been a long, quite tiring walk, but it was worth it. It was worth every step of effort, pain, joy and satisfaction. Above all, however, this walk was unforgettable for the amazing people that have accompanied me on the way up to the completion of this journey. None of the steps I have taken would have been possible without you. First of all, the biggest *GRAZIE* goes to my family. You are my lighthouse, my rock, my safe haven. Thanks for holding my hand during this journey. Thanks for teaching me how to love, to believe in what I chose to be and, above all, to commit myself to the cause of offering a helping hand to whom is in need. A special *благодаря* to my soul sister, who has walked the way up with me. *Merci* and *شكرًا* to my Venetian family, for being always caring and supportive. A huge and heartfelt *obrigada* to my dearest companion of this journey in Graz. Thanks for encouraging me to believe that I could go one step further. Thanks to all my outstandingly great friend, my flatmates and Masterini, you are unique. I would also like to express my gratitude to all the staff and the volunteers of the NGO “Insieme si può...”. Your commitments towards the world’s most vulnerable has been an inspiration to help me bear in mind that, beyond research, papers and writing, it is all about real people with real human rights. A strong thank you goes also to my scout group, which has been a point of reference for my education and has taught me that “a scout is happy and smiles in difficulties”. Finally, a sincere *danke* to Stefan, for inciting me to dare write what I think; to Professor Benedek, for being always present and supportive throughout my stay in Graz; and to all the staff of the International Law and Human Rights Department, for being so welcoming and always available. Last but not least, *grazie* to You. Thank you for your precious teachings, for taking care of me from up there, and for being a constant presence in my life. Now, from the top of the mountain, I can finally turn around, look at the breathtaking view and say: what a walk!

Abstract

Among the adverse effects of climate change, the phenomenon of forced human displacement is often overlooked. Above all, this creates challenges to the recognition and protection of the human rights of those displaced. This thesis aims at investigating the approach of the European Union (EU) to environmental displacement due to climate change, with a particular focus on the recognition and protection of environmentally displaced people (EDPs). Since the EU is on the frontline to promote and finance climate policies in favour of vulnerable countries and communities, it has the potential to be a pioneer in raising awareness and concretely contributing to the protection of EDPs. In view of such crucial position, the thesis examines the EU's institutional discourse and climate finance projects to assess how the issues of environmental displacement, EDPs protection and human rights are addressed. The analysis identifies a progressive acknowledgement of EDPs in the EU's policy discourse, however recognising a certain lack of integration of human rights concerns. In light of this, the thesis suggests the adoption of a human rights based approach to EU's climate action as a valid measure to comprehensively understand, address and advance solutions for the protection of EDPs and their human rights.

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List of Abbreviations

AI	Amnesty International
EC	European Commission
EP	European Parliament
EU	European Union
EDPs	Environmentally Displaced People
GCCA	Global Climate Change Alliance
GCCA+	Global Climate Change Alliance Plus
HRBA	Human Rights Based Approach
HRC	Human Rights Council
HRW	Human Rights Watch
IDPs	Internally Displaced Persons
IPCC	Intergovernmental Panel on Climate Change
LDCs	Least Developed Countries
MS	Member States
NGOs	Non-Governmental Organisations
OHCHR	Office of the High Commissioner for Human Rights
SIDS	Small island Developing States
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees
UNSP	United Nations Special Procedure

General Introduction

Climate change is a human rights issue. As the most recent Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) has pointed out, the adverse effects of climate change are increasingly felt by human beings. In particular, the occurrence of climate-provoked sudden and slow onset hazards challenges the safety and sustainability of human livelihoods.¹ Most worryingly, climate change poses direct threats to the enjoyment of human rights. These concerns have been increasingly voiced by the United Nations (UN) human rights bodies, which have been advocating for the adoption of a Human Rights Based Approach (HRBA) to all actions aiming at combating the adverse effects of climate change.² A human rights dimension to local, national and international mitigation and adaptation measures would in fact guarantee that the most vulnerable benefit from concrete actions implemented to help them be resilient to climate change.

Among the most exposed and vulnerable to climate change are the Environmentally Displaced People (EDPs), namely groups and individuals who “are displaced from or who feel obliged to leave their usual place of residence, because their lives, livelihoods and welfare have been placed at serious risk as a result of adverse environmental, ecological or climatic processes and events”³. EDPs, in particular, are twice affected by climate change. Indeed, they are forcibly displaced due to climate-provoked disruption of their livelihoods, and, once displaced, their situation causes them to struggle to have a safe access to human rights. Even if human displacement in the context of climate change represents one of the “biggest humanitarian challenges facing States and the international community in the 21st century”⁴, the issue risks to be overlooked or downplayed due to multiple reasons. In the first place, opinions diverge on the extent to which climate change can be considered a factor directly triggering displacement, rather

¹ See, *inter alia*, IPCC, 2014 (a).

² OHCHR, 26 November 2015.

³ Gorlick as cited in Boano, 2008, p.8.

⁴ The Nansen Initiative, 2015, p.8

than amplifying already existing mobility factors – be them economic, social, cultural or political. Secondly, since EDPs are primarily displaced within their countries of origin and are not directly persecuted by their own governments, they do not fulfil the minimum requirements to be classified as “refugees” under international law. The “protection gap” stemming from the lack of specific international mechanisms of legal protection has led to heated debates in the attempt to establish new, internationally recognised forms of protection of EDPs. It appears, however, that the verve shown in academic confrontation on EDPs-related issues and in the quest for innovative tools of legal definition risks to end up overlooking the real challenge EDPs are facing in their everyday lives: the concrete assistance in their access to human rights.

The majority of EDPs scenarios occur, and are foreseen to occur, in least developed countries (LDCs) that lack the resources to prevent and react to climate change adverse effects. In this context, the global activism and “unique position on both the European and the international scene”⁵ of the European Union (EU or the Union) in advancing and supporting climate action is remarkable. As far as LDCs are concerned, indeed, the EU is a crucial provider of climate finance for adaptation and mitigation projects. Furthermore, the Union is committed to assist LDCs with expertise and technical cooperation to help them identify and tackle the challenges posed by climate change.⁶ Finally, the international perception of EU as a climate policy pioneer attributes to the EU the capacity to channel international attention on further steps to be taken in the context of climate action.

According to the relevance of the EU’s position in proactively contributing to the formulation of global climate action trends, this thesis aims to explore the approach of the EU *vis-à-vis* environmental displacement in the context of climate change and, more specifically, the recognition and protection of EDPs. In particular, the thesis investigates the EU’s policy discourse and climate finance projects to assess whether the issue of EDPs is addressed, primarily as their enjoyment of human rights is concerned. Finally, this work aims at identifying climate policy dialogue options that the EU could

⁵ Euronet Consortium, 2015, p.38.

⁶ COM(2007) 354 final, p.23.

elaborate and promote to globally raise awareness and address the human rights challenges faced by EDPs.

The thesis looks at environmental displacement and EDPs through the institutional discourse and policy approach of the EU, ultimately suggesting concrete human rights-informed policy options. Such policies would allow the EU to, firstly, integrate the issue of EDPs in specific climate finance projects and, secondly, raise international awareness on the need to tackle the human rights challenges stemming from scenarios of displacement in the context of climate change.

Chapters Outline

The first chapter provides an overview on the issue of human displacement in the context of climate change. In particular, the chapter offers a detailed account of the adverse impacts that climate change has on human rights, and suggests a rights-informed definition of the concept of vulnerability to climate change. The controversial nexus between climate change and displacement is therefore discussed, and the major scenarios of environmental displacement are presented, especially in relation to LDCs. After having highlighted the controversies on the definition of forced mobility in the context of climate change, the term EDPs is explained. Finally, the problematic protection of EDPs is discussed, and the major initiatives and legally binding and non-binding protection mechanisms are presented. The chapter ends by underlining the significance of a human-rights informed analysis to fully understand the implication of environmental displacement, and argues for a proactive involvement of international actors to support, at the policy and financial level, vulnerable countries that face scenarios of environmental displacement.

The second chapter focuses on the role of the EU, one of the most proactive players in the global fight against climate change. The chapter distinguishes the reasons why the EU could be a pioneer in advancing international acknowledgement of the need of protection mechanisms for EDPs. Furthermore, the chapter identifies three phases in the development of the EU's approach to environmental displacement and EDPs, particularly looking at the policy discourse at the EU's institutional level and analysing

the major EU's climate finance initiatives to support adaptation processes in development countries. Having explained the reasons for the major shifts in the EU's approach to EDPs, the chapter concludes by highlighting the almost total overlooking of human rights consideration as far as the EU's climate policies are concerned.

In the light of the lack of assessment of human rights challenges in the context of EU's climate finance policies, the third chapter looks at the standards proposed at the international level, particularly with regard to the need to adopt a Human Rights Based Approach (HRBA) to tackle the challenges posed by climate change. Accordingly, arguments in support of the case for a HRBA to climate action, and climate finance, *in primis*, are presented. More specifically, a HRBA to the EU's financial support to LDCs is framed as a viable and promising instrument to fully understand the adverse effects of climate change on human rights to, ultimately, elaborate strategies for the protection of the rights of EDPs.

Methodology

This thesis builds on the consultation and analysis of both primary sources, in particular Conventions, UN and EU documents, as well as secondary sources, i.e. books, non-governmental organisations (NGOs) and research institutions' reports, articles in academic journals, press releases and online sources. The first chapter is characterised by an expository and descriptive approach, and sets the conceptual and theoretical framework for the overall analysis of environmental displacement. The second chapter is characterised by an argumentative approach while discussing the case for the relevance of EU action towards advancing EDPs protection strategies, as well as by an analytical approach, particularly as far as the EU's discourse and policy analysis are concerned. The third chapter, finally, adopts a more proactive approach. Indeed, it advocates for the integration of human rights-based considerations into EU's climate action, with the specific aim to support climate vulnerable countries in recognising and protecting EDPs through tailored climate finance projects.

Chapter 1 – Climate Change and Human Displacement

1.1 Introduction

With a record number of 175 signing Parties on the very day of the opening of its signature process⁷, on 22 April 2016 the Paris Agreement marked a green step forward in the history of global action against climate change. Amongst several underpinning issues, the Agreement calls for a strong cooperation between the Parties; this is particularly reflected in the encouragement towards commitment of more developed countries to support and finance adaptation and mitigation mechanisms in developing states, especially those that are more vulnerable to climate change adverse effects⁸. A phenomenon whose existence has been acknowledged in the Agreement is the reality of climate change induced displacement.⁹ The Agreement, even if marginally¹⁰ and not as comprehensively as the Advisory Group on Climate Change and Human Mobility had recommended¹¹, calls for the establishment of a task force in charge of detecting, minimising and tackling the effects of climate change on human displacement.¹²

With some 184.4 million people displaced by environmental disasters between 2008 and 2014 and an average of 22.5 million people being displaced every year as a consequence of climate-related hazards¹³, human displacement happening in the context of the adverse effects of climate change represents one of the "biggest humanitarian challenges facing States and the international community in the 21st century"¹⁴. Displacement in the context of climate change, however, is far from being a topic academics agree upon.¹⁵ Despite the complexity of the issue, however, it is foreseen that the risk of human displacement will stem from harshening climate change events,¹⁶

⁷ For a list of the signatories: <http://newsroom.unfccc.int/paris-agreement/closing-paris-agreement-signing-press-release/#related>.

⁸ FCCC/CP/2015/L.9/Rev.1, 12 December 2015, pp.26-27, art.9.

⁹ Ibidem, p.7, para. 50.

¹⁰ Lieberman, 22 December 2015.

¹¹ See the Advisory Group on Climate Change and Human Mobility's Recommendation "Elements for the UNFCCC Paris Agreement", 2015 at: <http://www.unhcr.org/5550ab359.pdf>

¹² FCCC/CP/2015/L.9/Rev.1, 12 December 2015, p.7, para.50.

¹³ The Nansen Initiative, 2015, p.8.

¹⁴ Ibidem, p.8.

¹⁵ See, for instance, Morrissey, 2012.

¹⁶ IPCC, 2014 (b), p.767.

directly impacting the human rights of those affected by it. It is therefore of utmost importance to identify the vulnerable groups living in areas which are prone to the adverse effects of climate change, and assist them with informed, human-rights-based policies.¹⁷

The different sections of this chapter explore the link between climate change and human rights, distinctly highlighting how climate-related events can worsen developing countries' vulnerabilities and further threaten the full realisation of fundamental human rights. The analysis will then move to the nexus between climate change and human mobility with a focus on those groups who, both as a consequence of their geographical location and their socio-economic conditions, are disproportionately affected by climate change. Finally, the chapter will provide an overview of the definition and present protection frameworks for people who are forcibly displaced in the context of climate change, namely the environmentally displaced people.

1.2 Climate change: A challenge to human rights?

1.2.1 Climate change: A quick overview

Climate change¹⁸ is defined as a phenomenon which "is attributed directly or indirectly to human activity that alters the composition of the global atmosphere"¹⁹; it is particularly defined as the outcome of the global warming process to which the post-industrial high level of fossil fuels burning activities and the related emission of greenhouse gases have greatly contributed.²⁰ More precisely, the anthropogenic greenhouse gas emissions are regarded as the dominant cause leading to global warming since the mid-20th century and, as main consequence, to climate change.²¹ Both natural

¹⁷ See the concept note available on the UN HRBA Portal: <http://hrbaportal.org/resources/applying-a-human-rights-based-approach-to-climate-change-negotiations-policies-and-measures>.

¹⁸ The purpose of this paragraph is to delineate the major aspects of climate change-related events, insofar as they are related to human displacement. A thorough and critical analysis of the causes and responsibilities of climate change are therefore out of the scope of this paper. Further information can be found on the UNFCCC website: <http://unfccc.int/2860.php>

¹⁹ UNFCCC, 1992, p.7, art.1(1).

²⁰ Hoffman, 2013, p.4.

²¹ IPCC, 2014 (a), p.4.

and human systems have proven sensitive to climate change, whose outcomes have been observed on both continents and across oceans.²² Among the major indicators and effects of climate change are the rise of surface and water temperatures, the increasing salinity of water, the acidification of the oceans, the changing pattern of occurrence and severity of extreme weather events (such as droughts and storms, for instance), changes in large scale precipitations, the widespread retreat of glaciers and the rise of the sea level.²³ The alteration in hydrological system is, in turn, affecting water resources both in terms of quality and quantity. Furthermore, negative impacts on crops and cultivation have been observed in vast regions of the globe.²⁴ Major concerns in relation to climate change are related to continued increases in CO₂ emissions, which would result in further warming of the planet and long-lasting effects on the climate system, especially in terms of “severe, pervasive and irreversible impacts for people and ecosystems”²⁵.

1.2.2 Climate change and its effects on the enjoyment of human rights

Precisely because climate is the “essential condition which sustains life on earth”²⁶, one of the reasons why climate change can be identified as *the* challenge of our times²⁷ is that, besides its objective and observable effects on the environment, it poses a threat to mankind as a whole. In fact, it acts as a threat multiplier to human security²⁸, exacerbating the existing economic and social channels that hamper human development. In particular, climate change-related effects can adversely affect human well-being and disrupt living conditions due their contribution to slowdowns in the economic development, the reduction of the availability of natural resources and the consequent enjoyment of basic human rights.²⁹ After having been researched on and discussed for many years, the link between human rights and the environment has been recognised as crucial one.³⁰

²² IPCC, 2014 (a), p.6.

²³ Ibidem, p.6.

²⁴ Ibidem, p.6.

²⁵ Ibidem, p.8.

²⁶ UNGA, A/RES/43/53, 6 December 1988, para.1.

²⁷ Hoffman, 2013, p.3.

²⁸ UNGA, A/64/350, 11 September 2009, p.6, para.16.

²⁹ Ibidem, pp. 6-7, paras.14-18.

³⁰ UNEP, 2015, p.1.

Climate change and human rights: The UN perspective

The very dignity and well-being of human beings is indeed strictly related to the quality of the environment³¹, and the vital relationship between the latter and human rights in the context of climate change has been high on the agenda of the UN bodies in the past years.³²

A ground-breaking analysis of the influence of climate change on fundamental human rights was provided for in a 2009 report by the Office of the High Commissioner for Human Rights (OHCHR)³³, which highlighted how climate change, even if not directly violating human rights, does jeopardise their full enjoyment.³⁴ The report particularly delineates the threats posed by climate change to numerous rights that are formally recognised in human rights treaties, also building on the rising concerns voiced by human rights treaty bodies.³⁵

Firstly, the right to life is threatened by weather-related disasters and by a foreseen increase in hunger and malnutrition, as well as in deaths and diseases, as a consequence of sharper patterns of drought, floods, heatwaves, fires, and storms.³⁶ The enjoyment of the right to food, strictly related to the above mentioned right to life, is threatened by the projected continuous rise in global temperatures, which are likely to cause less crop productivity and outstandingly affect developing countries' food security.³⁷ Furthermore, the right to water and water availability are adversely affected by climate change-caused melting of glaciers and reduction in snow covers, and by the occurrence of climate-related weather extremes.³⁸ Climate-related barriers to the full realisation of the abovementioned rights inevitably lead to a lower guarantee of the right to health, affected through the channels of malnutrition, extreme weather events-provoked injuries and, most likely, by the increasing incidence of infectious diseases and the spread of

³¹ See, for example, principle 1 of the 1972 Declaration of the UN Conference on the Human Environment.

³² For an overview on the process establishing a link between human rights and climate change within the work of the UN, see: Knox, 2009; UNGA, A/HRC/31/52, 1 February 2016.

³³ UNGA, A/HRC/10/61, 15 January 2009, p.8 ff., paras.20-41.

³⁴ Knox, 2009, p.477.

³⁵ UNGA, A/HRC/10/61, 15 January 2009, p.7, para.18.

³⁶ Ibidem, p.9, paras.22-24.

³⁷ Ibidem, paras.26-27.

³⁸ Ibidem, p.11, para.29.

vector-borne illnesses, such as malaria.³⁹ The right to adequate housing is most evidently at risk in areas that are particularly vulnerable to climate-induced coastal erosion, sea level rise and flash flooding. The same right is also endangered in the context of settlements built in fragile areas, such as hazard-prone urban slums.⁴⁰ Finally, in the long run climate change outcomes threaten the right to self-determination of peoples living in low-level islands and whose existence depends on the resource availability and habitability of the territory they live on.⁴¹

These and further concerns are amongst the focal points addressed by the current work of both the United Nations Special Rapporteur on Human Rights and the Environment⁴², and several UN Special Procedures (UNSP), whose assessment of the enjoyment of numerous human rights has become progressively intertwined with an analysis of climate change ongoing and prospected impacts.⁴³ Besides, the Human Rights Council (HRC) has most recently dealt with the specific concern of the impact of climate change on the right to health⁴⁴ and has reported alarmingly on the direct and indirect impacts that such phenomenon is having, principally, in increasing the rate of morbidity and mortality in the world's more vulnerable developing areas.⁴⁵

Additionally, the negative impacts of climate change have also been highlighted by the last UN Human Development Report, which focuses on the analysis of the nexus between work and sustainable human development⁴⁶. The report appears concerned as for the right to work of the billion people relying on primary industries worldwide⁴⁷, for whom the loss of biodiversity and land degradation due to rainfall and droughts variation could lead to both great productivity losses and food shortages.⁴⁸

A global and multilateral call for action.

³⁹ UNGA, A/HRC/10/61, 15 January 2009, p.12, paras.32-33.

⁴⁰ Ibidem, p.13, paras.36-37.

⁴¹ Ibidem, p.14, para. 40-41.

⁴² See, among others: UNGA, A/HRC/31/52, 1 February 2016.

⁴³ Joint statement by UNSP 'Climate Change and Human Rights' at the 2015 World Environment Day: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16049&LangID=E>

⁴⁴ 31st session of the HRC held in Geneva on 3 March 2016, Panel Discussion on climate change and the right to health.

⁴⁵ Mary Robinson Foundation, 2016.

⁴⁶ UN Development Programme (UNDP), 2015, p.1 ff.

⁴⁷ Ibidem, p.16.

⁴⁸ UNDP, 2015, p.71.

The need for a deep understanding of the controversial relationship between climate change and the protection and fulfilment of human rights, besides being recognised by various international bodies, has also been voiced by national governments and NGOs. National governments, particularly those of low-level islands, atoll states and, more generally, developing and LDCs, have played a central role in pushing forward the issue of the impact of climate change on the human dimension, especially in terms of access to and fulfilment of human rights. The Male' Declaration on the Human Dimension of Global Climate Change, articulated in 2007 by the representatives of the Small Island Developing States (SIDS), has been fundamental in requesting the analysis of the relationship between human rights and climate change at the UN level.⁴⁹ Through a strong request for international attention, the Declaration expresses the participating States' concerns about the "clear and immediate implications" that climate change has on human rights, predominantly the right to life, food and adequate standard of living, to mental and physical health, to property and to take part in the cultural life.⁵⁰

A further decisive document was, in 2008, the submission of the government of the Maldives to the OHCHR, which denounced the failure of the international community to address climate change not only on the basis of its scientific aspects, but also understanding and tackling its human impacts.⁵¹ The document outlined in detail the effects of climate change on economic, social and cultural rights as well as on civil and political rights as enshrined in international human rights treaties. Likewise, it supported the need to adopt a human rights approach when fighting climate change and, finally, pinpointed the role of the international community to uphold human rights when establishing measures to adapt and mitigate the effects of climate change.⁵²

Concerning NGOs, Amnesty International (AI) and Human Rights Watch (HRW), both partners of the Human Rights and Climate Change Working Group⁵³, are particularly

⁴⁹ McAdam and Limon, 2015, p.6.

⁵⁰ Male' Declaration, 2007, p.2.

⁵¹ OHCHR, Maldives Submission under Resolution HRC 7/23, 2008, p.4.

⁵² Ibidem, p.82 ff.

⁵³ The Human Rights and Climate Change Working Group is responsible for advocating and supporting policies that integrate human rights issues into measures to adapt and mitigate climate change. They work within the UNFCCC framework and other international processes, as well as in support of national,

proactive. AI, for instance, denounces the impact of climate change on the vulnerable groups of women, indigenous peoples and displaced people, urging governments to adopt policies to support communities in their adaptation process.⁵⁴ More recently, AI has provided preliminary observations to the UN Committee on the Elimination of Discrimination against Women, in order to urge it to adopt a gender-sensitive approach to the analysis of the impact of climate change and disaster risk reduction on the human rights of women and girls.⁵⁵

The threats posed by climate change to the most vulnerable have furthermore been emphasized by the HRW report “There Is No Time Left”, which depicts the dramatic situation of the indigenous people living in the Turkana County, Kenya. The report examines how climate change-caused variations in surface temperature, rainfall patterns and the occurrence of droughts⁵⁶ have contributed to, among other effects, displacement of communities, scarce access to natural resources and conflict over them⁵⁷, ultimately resulting in major adverse impacts on the enjoyment of the right to water, to food and livelihood, to health and to security.⁵⁸

1.2.3 All on the same boat?

Threats and barriers to the full enjoyment of human rights render human beings and, consequently, societies and states, more vulnerable. The international community has traditionally undergone two major processes in order to reduce human vulnerability and cope with the impacts of climate change. The first process is the one of mitigation⁵⁹ and encompasses all human actions, in the form of states’ commitments, aimed at drastically reduce the emission of greenhouse gases.⁶⁰ Particularly relevant and intertwined with

regional and community-level policies. For further information, refer to: <http://climaterights.org/>

⁵⁴ Carvalho, 2015.

⁵⁵ AI, 2016, p.2.

⁵⁶ HRW, 2015, p.52.

⁵⁷ Ibidem, p.54.

⁵⁸ Ibidem, p.56 ff.

⁵⁹ Yamin and Depledge, 2004, p.76.

⁶⁰ For details on the international commitments to reduce greenhouse emissions, see the 1997 Kyoto Protocol to the UNFCCC and the 2012 Doha Amendment to the Kyoto Protocol: http://unfccc.int/kyoto_protocol/items/2830.php.

the concept of vulnerability is the second process, namely that of adaptation. Adaptation comprises all procedures and practices that have the purpose of adjusting human systems to the adverse effects of the changing climate, especially with regard to prevention and limitation of possible harm.⁶¹

A deep understanding of the channels through which climate change is undermining the full realisation of fundamental human rights becomes therefore even more relevant in the light of the uneven distribution of potential and actual harm caused by its negative effects in different regions of the world. In fact, in the often highly disputed debate about the effects of climate change, something the international community has agreed upon is how climate change-related events disproportionately affect poor and more fragile developing regions and countries.⁶²

The concept of vulnerability and developing countries

Vulnerability is normally described as the status of individuals who are exposed to the possibility of being attacked or harmed, or find themselves in need of special protection and care as a consequence of their inherent fragility.⁶³ For the purpose of this paper, it is useful to single out two scenarios in relation to which people can be described as vulnerable. First, people can be vulnerable in relation to their limited or more difficult access to human rights, either because of their personal fragilities deriving from their characteristics of embodiment⁶⁴ (age, physical or mental disability) or because they are marginalised and more exposed to human rights violations as a result of their non-dominant position⁶⁵ within institutionalised social systems (this happens to be the case, for example, of indigenous groups, refugees, ethnic minorities). Secondly, vulnerability can be of an environmental type, namely resulting from the tendency of a system to be damaged or disrupted by the combination of environmental phenomenon.⁶⁶

This paper builds on the combination of the above mentioned types of vulnerability to single out those groups that are “climate vulnerable” both in terms of access to human

⁶¹ IPCC, 2014 (c), p.1758.

⁶² UNGA, A/HRC/10/61, 15 January 2009, p.5, paras. 10-11.

⁶³ Definition of “vulnerable” provided by the Oxford Dictionaries.

⁶⁴ Fineman, 2010, p.28 ff.

⁶⁵ UNDP, 2010 (a), p.7.

⁶⁶ Environmental Vulnerability Index available at: <http://www.vulnerabilityindex.net/>.

rights and in terms of their dependence on a vulnerable environment.

Even though it is not possible to elaborate on a one-size-fits-all indicator to assess vulnerability to climate change,⁶⁷ the concept of vulnerability understood as the “propensity or predisposition to be adversely affected”,⁶⁸ combining a human rights and an environmental perspective, can nevertheless be valuable when used to compare individuals, groups and states that have access to different means to respond to climate change. In particular, vulnerability can be used as a forward-looking lens to identify factors of possible future harm. This appears to be fundamental when trying to understand the human rights challenges that may arise in relation to climate-change related events and, as a consequence of these, when trying to recognise climate vulnerable groups at the local level.⁶⁹ When looking at vulnerable groups, it should be acknowledged that, taken in isolation, environmental change cannot be seen as a source of vulnerability itself; in fact, it needs to be considered in a broader framework that accounts for the political and economic use of resources⁷⁰ in a defined area. Uneven development processes, in particular, result in multidimensional inequalities that, in turn, determine differential levels of vulnerability to climate change.⁷¹ In this context, developing countries tend to suffer due to their restricted institutional and economic capacities to respond – in the forms of coping with, recovering from, and adapting to – climate-related external stresses.⁷² Consequently, apart from their exposure⁷³ to climate hazards and perturbations, their vulnerability depends on their sensitivity⁷⁴ and the lack of adaptation capacities.⁷⁵ Such systemic weaknesses easily result in an obstacle to the efforts towards poverty eradication.⁷⁶ Even if poverty originates from the conjunction of multiple and different factors, in fact, it has been observed that climate change and

⁶⁷ Hinkel, 2011, p.206.

⁶⁸ IPCC, 2014 (c), p.1775.

⁶⁹ Hinkel, 2011, p.206.

⁷⁰ Adger, 2006, p.270.

⁷¹ IPCC, 2014 (a), p.54.

⁷² Kelly and Adger, 2000, pp.347-348.

⁷³ Adger, 2006, p.270. Exposure is defined as the “nature and degree to which a system experiences environmental or social-political stress”, including the magnitude, areal extent, duration and frequency of hazards.

⁷⁴ Ibidem, p.270. Sensitivity to climate change is the degree to which a system is impacted upon and changed, both directly or indirectly, by climate-related events.

⁷⁵ UNDP, 2010 (b), pp.19-20.

⁷⁶ Ibidem, p.3.

climate variability exacerbate existing hardships⁷⁷ and, through interaction with the channels of inequalities that already exist, further compromise structural vulnerabilities.⁷⁸ Vulnerability further weakens countries' response to climate change when it is intertwined with lacking or not sufficiently comprehensive adaptive measures, such as the absence of early warning systems against sudden onset hazards, overlooked widespread environmental degradation, fragile and climate-dependent livelihoods⁷⁹ and unplanned urban development in climate-vulnerable areas.⁸⁰ In conclusion, developing countries' lesser availability of funds to implement climate change adaptation strategies risks to multiply their climate vulnerability, eventually posing a threat to their equitable and sustainable development⁸¹ and reinforcing the already existing obstacles to the enjoyment of human rights.

1.3 The failure to adapt? Climate change and human displacement

1.3.1 The complex nexus between climate change and human displacement

Situations of impoverished livelihoods and scarce access to certain human rights, peculiarly as a consequence of protracted climate-related events such as droughts and reduction in rainfall, can contribute to and, to some extent, push those who live in contexts of vulnerability to move⁸² in search of safer environments. There is high agreement among climate change researchers that climate change will increase the displacement of people.⁸³ The IPCC, i.e. the leading international body for the assessment of climate change, has expressed its concerns regarding this issue in its last

⁷⁷ IPCC, 2014 (b), p.796.

⁷⁸ Ibidem, p.796. Very high level confidence observations suggest that that both geographically and socially disadvantaged who suffer from “discrimination based on gender, age, race, class, caste, indigeneity, and (dis)ability are particularly negatively affected by climate change and climate-related hazards”.

⁷⁹ For example, water shortages and rising temperatures are projected to cause crop yield decreases up to 30% in Central and South Asia by 2050, therefore contributing to food insecurity and malnutrition. The same goes for Africa, with climate-related shorter growing seasons and shrinking arable land. (Oxfam International, 2008).

⁸⁰ UN Office for Disaster Risk Reduction and Centre for Research on the Epidemiology of Disasters, 2015, p.5.

⁸¹ IPCC, 2014 (a), p.90.

⁸² Morrissey, 2012 (a), p.120 ff.

⁸³ IPCC, 2014 (a) p.16.

Assessment Report.⁸⁴

The debate around the nature of the nexus between human displacement and environmental stress in the context of climate change, however, is far from being a settled one. What is more, the issue results particularly difficult to frame as a consequence of the lack of agreement on the definitions⁸⁵ of the terms debated; this happens notably in relation of both the difficulty to single out environmental factors from other reasons for migration, as well as the high politicisation of the issue, mainly because different definitions would imply⁸⁶ differently binding mechanisms of protection.⁸⁷

Displacement scenarios in the context of climate change.

Before proceeding to look deeper into the vulnerabilities of those who are or may be affected by forms of displacement in the context of climate change, it is necessary to identify the possible scenarios where displacement has already occurred or is likely to occur. According to the analysis of Kälin, former UN Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (IDPs), it is possible to distinguish between five specific scenarios that trigger displacement, and according to which different local, national and international responses are needed.⁸⁸

The first category addresses displacement caused by the increase of hydro-meteorological disasters such as flooding, mudslides, hurricanes, typhoons and cyclones. According to scientific evidence, the upward trend in the occurrence of these phenomena will increase as a consequence of climate change⁸⁹. This scenario will foreseeably have a major impact on African and Asian mega-deltas, as well as on low lying islands. Floods themselves account for 47% of worldwide weather-related disasters and have affected, in South America alone, for instance, an average of 2.2

⁸⁴ IPCC, 2014 (b), pp.767-768.

⁸⁵ CARE, UNHCR at al., 2009, p.2.

⁸⁶ Ferris, 2015, p.2 ff.

⁸⁷ The issue of protection of people displaced in the context of climate change will be discussed in subchapters 1.3.2 and 1.3.3.

⁸⁸ Kälin, 2008.

⁸⁹ UN Office for Disaster Risk Reduction and Centre for Research on the Epidemiology of Disasters, 2015, p.14.

million people every year since 2004.⁹⁰

The second scenario is the one where displacement occurs because some areas are designated by governments as too dangerous for human habitation. Such a situation could take place, for instance, when specific areas become increasingly prone to floods and mudslides. Due to the increased frequency in flash floods, acute riverine and coastal flooding in the last years, the relevance of displacement within this kind of scenario has been growing.⁹¹

Environmental degradation and slow onset disasters represent a third scenario which, in the long term, might urge people to leave their native land. This is likely to occur as a response to the worsening of access to freshwater following the foreseeable reduction and progressive salinization of water supplies, as well as recurrent flooding and advancing desertification.

A fourth scenario is the one that sees SIDS threatened by the rising level of the sea and the resulting inhabitability of vast territories. In this case, the major impacts on human systems are projected to happen as a result of erosion of coastal habitats, progressive salinization of the low-lying soil and increased incidence of coastal storms and flooding.⁹²

Finally, the fifth scenario identifies the progressive scarcity in natural resources as increasing the likeliness of situations of violence and conflict, with displacement being a probable outcome. The risk of competition over renewable surface water and groundwater resources is especially projected to happen in dry subtropical regions.⁹³ In regard to this last scenario, there is an emerging body of research that explores the relationship between climate change, conflict and displacement⁹⁴, particularly hypothesising patterns of internal human mobility towards fast-growing urban areas in the African and Asian continent as a mechanism to cope with conflict over resources.⁹⁵

⁹⁰ UN Office for Disaster Risk Reduction and Centre for Research on the Epidemiology of Disasters, 2015, p.13.

⁹¹ Ibidem, p.13.

⁹² Foresight, 2011, p.77.

⁹³ IPCC, 2014 (a), p.69.

⁹⁴ Geddes, 2013, p.179.

⁹⁵ Ibidem, p.181.

Climate change and mobility: a real nexus

As it was true when assessing vulnerability to climate change⁹⁶, the patterns of human mobility to flee or prevent situations of environmental stress need to be looked at within a broader perspective. In this respect, the structure of power, the access to resources⁹⁷ and the enjoyment of fundamental human rights become strong means to influence people's decision to move or not when facing the direct and indirect adversities of climate and environmental change.

An informed examination of the various factors that come into play when people move in the context of climate change should not, however, downplay the influence of environmental stress as such.⁹⁸ Studies have highlighted how environmental change will have a distinctive impact on various drivers of human mobility,⁹⁹ predominantly influencing and amplifying the environmental and economic reasons that cause people to move.¹⁰⁰ Something that remains highly uncertain, however, is the extent to which the occurrence of such anticipated climate-related scenarios could actually impact on the possibility of human beings to proactively and freely decide when, where and how to move.

Drawing a neat distinction between 'voluntary' and 'forced' migrants becomes extremely complex in the context of climate change. Decisions to move are rarely mono-causal and the line to distinguish between those who move by will or by force is blurry¹⁰¹ and difficult to draw scientifically, precisely because different individuals in different regions experience differently the "tipping point" that cause them to move.¹⁰²

The means to study and realistically identify forms of displacement as linked to diverse climate-related scenarios vary greatly; it is indeed easier, in terms of observability, to detect forms of displacement and forced migration that result from sudden-onset events, such as those described by Kālin in scenarios one and two. Displacement occurring in

⁹⁶ See the above-discussed concept of vulnerability, para 1.2.3.

⁹⁷ Zetter and Morrissey, 2014, p.254.

⁹⁸ Ibidem, p.254.

⁹⁹ Foresight, 2011, p.103.

¹⁰⁰ Ibidem, p.103.

¹⁰¹ Ferris, 2015, p.3.

¹⁰² Brown, 2008, p.19.

the aftermath of sudden climate events as, for instance, the hydro-geological hazards that led to the displacement of 17 million people in 2009 and 42 million people in 2010¹⁰³, appears to be both more visible and recognisable than “voluntary” displacement framed as a consequence of slow-onset forms of land degradation. Even if the latter provoke irreversible damages to the sustainability of livelihoods in rural areas¹⁰⁴, it is extremely complicated to determine what is the threshold for a land to be considered too degraded to support livelihoods, and therefore be regarded as a compelling reason for migration.¹⁰⁵

The challenge of recognising an underlying thread in such diverse situations thus becomes, above all, a challenge to identify those who are the subjects mostly affected by the aforementioned scenarios, particularly for what concerns their access to human rights in observed and foreseen environmental displacement circumstances. The attempts to try and disentangle the many factors involved and link the effects of climate change to likely patterns of human mobility have led to a profound debate on how to best define those who are primarily affected by the intersection of such phenomena. The following section will provide an overview of the debate that aims to define those who are on the move in the context of climate change.

1.3.2 Environmentally displaced people (EDPs): An ongoing debate¹⁰⁶

Millions on the move

The first meaningful attempts to clearly establish a link between climate change and its disputed effects on displacement can be dated to the late 1980s, when the issue was addressed in a United Nations Environmental Programme (UNEP) report by El-Hinnawi, which provided a first definition according to which environmental refugees are those “forced to leave their traditional habitat, temporarily or permanently, because

¹⁰³ Geddes, 2013, p.178.

¹⁰⁴ Ibidem, p.179.

¹⁰⁵ Kolmannskog and Trebbi, 2010, p.716.

¹⁰⁶ The following section aims at framing the major steps in the development of research on the relationship between climate change and displacement. It does not claim to be an exhaustive account of the literature on the subject. For recent insights and research consult, *inter alia*, the International Organisation for Migration’s Environmental Migration Portal at: <https://environmentalmigration.iom.int/>.

of a marked environmental disruption”, be it natural or triggered by human actions, inasmuch as it is no longer suitable for supporting human existence.¹⁰⁷ This definition provided a first operationalisation of the concept¹⁰⁸, and it channelled the focus of research towards the interaction between anthropogenic global warming and environmental degradation regarded as the future major drivers of migration in the 21st century, especially in the global South.¹⁰⁹

The issue gained its momentum after some researchers provided the first estimates of the numbers of those who were identified as potential climate-related displaced people. Amongst the most accredited predictions are the ones provided by Myers, which have been recalled as a confident basis for advocacy and policy-making in manifold subsequent reports.¹¹⁰ Myers estimated that the number of environmental refugees in 1995 was of 25 million people, who had been forced to escape the unsustainability of their livelihoods provoked by several environmental problems, also associated with poverty and population pressures.¹¹¹ Of these, four and five million people were considered to be displaced respectively in the Horn of Africa and in the Sahel region, with the reasons for their move being allegedly rooted in the occurrence of persistent droughts and environmentally-provoked famine.¹¹²

Assuming that anthropogenic global warming will keep worsening the environmental disruption advanced by the changing of the climate, figures depicting the reality of climate displacement are expected to grow steadily in the next decades; estimates suggest that the phenomenon could reach as many as 200 million people worldwide, including 162 million threatened by sea-level rise in Bangladesh, China, India, Egypt and SIDS, and approximately further 50 million possibly forced to escape from climate-provoked droughts.¹¹³ These figures were supported, for example, by the Stern Review, that associated the rise of global temperatures of 2° up to 3°C with the risk of displacement for 30 to 200 million people trying to cope with lack of clean water,

¹⁰⁷ El-Hinnawi as cited in Bates, 2002, p.466.

¹⁰⁸ Morrissey (b), 2012, p.37.

¹⁰⁹ Zetter and Morrissey, 2014, p.343.

¹¹⁰ Brown, 2007, p.5.

¹¹¹ Myers, 2001, p.609.

¹¹² Ibidem, p.609.

¹¹³ Myers, 2001, p.611.

malnutrition and hunger.¹¹⁴ In 2001, the International Federation of the Red Cross had also warned that environmental refugees had outnumbered those fleeing wars and conflicts, and suggested that the apparently “natural” causes of climate hazards and droughts were actually to be found in man-rooted activities.¹¹⁵

Refugees?

Attempts to define the size of the phenomenon of “environmental” or “climate” refugees have contributed to disputes around the term “refugees” itself. Bates, for instance, conceptualised a continuum scheme according to which environmental refugees are those who have no choice but to move as a consequence of disasters, expropriation or deterioration of the environment.¹¹⁶ Others, as Gemenne, defend the politicisation of the concept of “climate refugees” in its conventional meaning, arguing that climate change is a form of persecution¹¹⁷ against the most vulnerable who, when migrating, should thus be able to benefit from the protection guaranteed to other categories of refugees. The idea of climate change as form of persecution is emphasised by the fact that anthropogenic global warming is primarily caused by developed countries, whereas the developing ones, despite their low carbon emission and polluting activities¹¹⁸, are those who feel its adverse effects the most.¹¹⁹

A part of the literature supports a position according to which the definition of “refugee” in the 1951 Geneva Convention for the Protection of Refugees should be revised and extended¹²⁰, in order to include the groups of contemporary refugees, predominantly referring to the environmental ones. Furthermore, scholars Biermann and Boas claim that the best solution to deal with the looming “climate refugee crisis”¹²¹ is not an extension of the Geneva Convention, which would be of paramount political difficulty

¹¹⁴ Stern, 2006, pp.111-112.

¹¹⁵ International Federation of the Red Cross, 2001, pp.11-12.

¹¹⁶ Bates, 2002, p.475.

¹¹⁷ Gemenne, 2015, p.71.

¹¹⁸ Robinson, 2011, p.68.

¹¹⁹ “Climate justice” is the study of causes and effects of climate change not only scientifically, but also from a political and ethical perspective. For more information on the issue see, for example, the “Mary Robinson Foundation’s Principle of Climate Justice” <http://www.mrfcj.org/principles-of-climate-justice/>; and the international grassroots network “Climate Justice Action” <https://climatejusticeaction.net/en/>.

¹²⁰ Conisbee and Simms, 2003, p.37 ff.

¹²¹ Biermann and Boas, 2008, p.11.

to achieve, but the creation of a new special regime, for example through a Protocol on the Recognition, Protection, and Resettlement of Climate Refugees to the UN Framework Convention on Climate Change (UNFCCC).¹²² This would allow for anticipatory, long-term planned solutions, for a global comprehension and shared responsibility of the problem, particularly implying international support of the most vulnerable states through an appropriate funding mechanism and implementation by the existing UN agencies.¹²³

International displacement and the Nansen Initiative

The issue of international environmental displacement has raised major worries, *inter alia*, with regard to the situation of the inhabitants of SIDS, whose existence is threatened by the rise of the sea level. The submersion of such vulnerable countries is projected to lead to the statelessness of their populations,¹²⁴ which would require international forms of intervention and support, and call upon the establishment of practices to fill the current gap of protection existing in relation to this scenario.¹²⁵ Some have argued in favour of the creation of a convention¹²⁶ on the international status of the people displaced in the context of climate change, with the purpose of providing them with new, tailored provisions and secure their protection and access to human rights both nationally and internationally¹²⁷. Conversely, others have tried to look for a common denominator to the existing legal instruments and practices. Of peculiar relevance is, for this purpose, the “Nansen Initiative”. The Initiative is a bottom-up, state-led process working for the creation of an agenda to fill the international protection gaps in the context of cross-border displacement as a consequence of disasters and climate change.¹²⁸ Building on the existing international and national legal instruments, as well as on examples of past efficient policies, the Initiative aims at

¹²² Biermann and Boas, 2008, pp.12-13.

¹²³ Ibidem, p.12 ff.

¹²⁴ McAdams and Limon, 2015, p.17.

¹²⁵ Ibidem, p.15.

¹²⁶ See, for instance, the 2013 project on a Draft Convention on the International Status of Environmentally-Displaced Persons advanced, *inter alia*, by the University of Limoges and the International Centre of Comparative Environmental Law: <http://www.cidce.org/>.

¹²⁷ Prieur, 2010, p.253.

¹²⁸ The Nansen Initiative, 2015, p.26.

enhancing international actions to fill the various gaps (data and knowledge, legal, operational and institutional, funding) related to cross-border displacement.¹²⁹ The added value of the Initiative is its comprehensive and multilateral approach, which points at bringing together all the stakeholders that are involved in the process of assisting during cross-border, environmental displacement scenarios. Both humanitarian and development actors as well as governments are called upon to elaborate and foster viable protection strategies through cooperation and solidarity in order to guarantee the human rights of the climate displaced people.¹³⁰

Controversial definitions

The concept of “refugees” in the climate change-related literature has been, however, significantly opposed, not least by the United Nations High Commissioner for Refugees (UNHCR), which has underlined that such definition has no basis on the international refugee law.¹³¹ Amongst the reasons is, for instance, the aforementioned considerable variety of climate change-related scenarios in which displacement can take place; since the forms of forced movement are greatly diverse from each other,¹³² any attempts to group them all under the “refugee” *chapeau* would then lead to an oversimplification of the roots of the phenomenon. The issue of multi-causality of displacement is also addressed, claiming the quasi-impossibility to single out climate change as the one and only reason why people move¹³³ and therefore rebutting any simplistic analysis according to which displacement is the only likely outcome to environmental degradation.¹³⁴ This challenges the core of studies on both definitions and statistics¹³⁵ in regard to the phenomenon, ultimately questioning the existence of a nexus between climate change and displacement at all. Above all is the confusion¹³⁶ created by the association of the term with the juridical status recognised by the 1951 Geneva Convention to individuals fleeing their countries because of "well-founded fear of being

¹²⁹ The Nansen Initiative, 2015, pp.31-32.

¹³⁰ Kälin, 2012, p.49.

¹³¹ UNHCR, 2009, p.8.

¹³² McAdam, 2012, p.434.

¹³³ Ibidem, pp.434-435.

¹³⁴ McNamara, 2007, p.13.

¹³⁵ Black, 2001, p.3.

¹³⁶ Piguet, 2008, p.1.

persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”.¹³⁷ Using the word “refugees” in association with environmental issues can be a double-edged sword. First, since not all those who are displaced environmentally cross national borders or flee forms of violence, the term distorts the reality of facts and provides inaccurate accounts of the issue;¹³⁸ it contributes to unrealistic representations of current trends, evoking a sense of urgency and alarmism,¹³⁹ and ultimately undermining the credibility of the category of environmentally displaced people themselves. Secondly, in the current historical moment, where the international asylum system is already under pressure and the political willingness of States to honour and implement the Geneva Convention is growing shaky, any attempt to expand the definition of “refugees” is likely to both fail and feed into a sense of generalised xenophobia and aversion¹⁴⁰ – and, as one can already witness, into restrictive migration policies¹⁴¹ - towards those who are waiting for their status to be recognised.¹⁴²

As a conclusion, even if the term “refugee” does highlight the urgency to identify and protect those who forcibly move in the context of climate change, this paper will follow the line supported with agreement by the majority of the literature¹⁴³, therefore avoiding to use the expression “environmental refugees” or “climate refugees”. For the purpose of the present thesis, the definition elaborated in 2007 by the UNHCR will be used. People forced to move as a consequence of sudden and slow-onset events will be considered as those groups and individuals who “are displaced from or who feel obliged to leave their usual place of residence, because their lives, livelihoods and welfare have been placed at serious risk as a result of adverse environmental, ecological or climatic processes and events¹⁴⁴”.

Finally, for the purpose of this paper, the subjects of the research will be described as

¹³⁷ Convention relating to the Status of Refugees, 1951, chapter 1, art.1(2).

¹³⁸ Boano et al., 2008, p.11.

¹³⁹ Piguet, 2008, p.8.

¹⁴⁰ Ibidem, p.8.

¹⁴¹ Fleming, 2016.

¹⁴² Black, 2001, p.11.

¹⁴³ Boano et al., 2008, p.10.

¹⁴⁴ Gorlick as cited in Boano, 2008, p.8.

“environmentally displaced people” (EDPs) in order to underscore both the climatic and environmental components as well as the element of compulsion - be it objective or perceived as such by the subjects in question - to move away from a situation that compromises the full realisation of their human rights.

1.3.3 EDPs as IDPs? The challenge of protection

EDPs, when compared to other groups who have been subject to forced human mobility, can be regarded as a relatively “newly identified” category of displaced people.¹⁴⁵ This has raised concerns regarding the adequacy and applicability of existing national and international legal instruments to tackle the vulnerabilities of EDPs, and particularly ensure their full access and enjoyment of human rights.¹⁴⁶

EDPs in the context of internal displacement.

As mentioned in the previous sections, there have been attempts to establish links between EDPs and the category of refugees in order to provide them with a secure and defined form of international protection. It must not be overlooked, however, that research conducted so far points to the fact that the majority of those displaced in the context of climate change tend to remain in their countries of origin, therefore falling under the jurisdiction of their national governments.¹⁴⁷ Even in the case of low-level islands and coastal areas, scenarios of complete inundation and subsequent need for international protection of those displaced will presumably be anticipated by the need for people to move away from degraded areas¹⁴⁸ and look for sustainable livelihoods within their states of origin.

When it comes to displacement within climate vulnerable states, among the most easily predictable scenarios of internal displacement prevails the one which sees EDPs moving from the rural areas towards the urban region of their countries,¹⁴⁹ foreseeably risking to worsen the already existing challenges that big cities in developing regions have to face: access to water and resources in general, environmental health, and urban planning

¹⁴⁵ Zetter, 2011, p.10.

¹⁴⁶ Ibidem, p.10.

¹⁴⁷ Zetter, 2011, p.21.

¹⁴⁸ McAdams and Limon, 2015, p.17.

¹⁴⁹ Foresight, 2011, p.109 ff.

strategies that struggle to create resilience to climate and environmental change.¹⁵⁰ It appears to be of particular importance, therefore, to analyse the instruments that states have at their disposal to inform their policies with effective practices and protect EDPs. In terms of protection of EDPs in the scenarios where they can be identified as IDPs, the most internationally relevant soft law instrument is the 1998 UN Guiding Principles on Internal Displacement. Even if they are not legally binding and therefore need to be integrated into domestic legislation and applied by national governments¹⁵¹, the Guiding Principles are built by analogy on binding human rights, humanitarian and refugee law instruments which states have agreed on, therefore being generally accepted by domestic authorities and suitable to reinforce existing tools of protection.¹⁵² Among those entitled to protection in the aftermath of internal displacement, the Guiding Principles identify those who are “obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of [...] natural or human-made disasters, and who have not crossed an internationally recognized State border”¹⁵³, therefore formally acknowledging the existence of displacement scenarios under the occurrence of climate disasters. The scope of the protection has later been extended so to include internal displacement not only as a result of disasters, but also to cover climate and environmental events taking place or being exacerbated as a consequence of climate change.¹⁵⁴ The value of the Guiding Principles lies in their comprehensive approach towards displacement, therefore encompassing actions of prevention, protection during displacement and support in finding durable solutions for those affected.¹⁵⁵

The Guiding Principles have further been elaborated and contextualised for cases of climate change displacement in a number of initiatives and regional context. Perhaps the most meaningful¹⁵⁶ development in this sense was the adoption of the first regional –

¹⁵⁰ Foresight, 2011, pp.110-111.

¹⁵¹ Zetter, 2011, p.21.

¹⁵² Cohen, 2014, p.13.

¹⁵³ HRC, E/CN.4/1998/53/Add.2, 1998, p.5.

¹⁵⁴ UNGA, A/HRC/13/21, 2010, pp.11-12, paras.41-44.

¹⁵⁵ Brookings-LSE, 2014 (a), p.8.

¹⁵⁶ The Kampala Convention is ground-breaking primarily because Africa is considered one of the regions that will be hit the most by the effects of climate change, forcing people to move due to the progressive lack of water resources, increase in droughts and floods, and crescent food insecurity. (See, among others,

and so far, the only – legally binding instrument on the protection of IDPs, namely the “African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa”, commonly referred to as the Kampala Convention. The Convention builds on existing international principles and takes decisive steps in addressing the most challenging causes of displacement,¹⁵⁷ among which it includes natural disasters.¹⁵⁸ The Kampala Convention is innovative as it acknowledges the links between climate change and internal displacement,¹⁵⁹ therefore providing a legal basis for EDPs to claim respect, protection for their rights and access to remedy¹⁶⁰ particularly inasmuch as they are vulnerable and dependent on the land for their livelihoods.¹⁶¹ It is worth mentioning the obligations, on the part of the States party to the Convention, to adopt the necessary measures to prevent displacement in the context of environmental degradation and natural disasters.¹⁶²

Non-binding follow-ups of the Guiding Principles at the global level include the Nansen Initiative itself, which identifies a connection between a poor implementation of the Guiding Principles and the rising likelihood of scenarios of cross-border displacement. Thus, it calls for the integration of the Principles and a human rights-approach to EDPs at all levels, especially in national and sub-regional strategies of disaster risk management, adaptation and development projects carried out to cope with climate change.¹⁶³ A further initiative is the one proposed by the non-profit association Displacement Solutions¹⁶⁴ that elaborated the Peninsula Principles on Climate Displacement Within States, a soft law normative framework aiming at protecting EDPs especially as far as the right to maintain connection to their land, the right to move safely and the right to be resettled within their national state in the long term are

Mohamoud et al., 2014).

¹⁵⁷ Bradley, 6 December 2012.

¹⁵⁸ Kampala Convention, 2009, p.3, art.1(k).

¹⁵⁹ Brookings-LSE, 2014 (b), pp.3-4.

¹⁶⁰ Kampala Convention, 2009, p.14, art.12(3).

¹⁶¹ Abebe, 2011.

¹⁶² Kampala Convention, p.13, art. 9(2)(j).

¹⁶³ The Nansen Initiative, 2015, p.50-51.

¹⁶⁴ Displacement Solutions works multilaterally with EDPs, communities, governments and the UN to find right-based land solutions to displaced happening in relation to climate change. For further information, consult: <http://displacementsolutions.org>.

concerned.¹⁶⁵ Remarkable is, for instance, the attention given to the proactive role of displaced communities, which are not seen as mere victims of climate events but as fundamental subjects in the process of response to climate displacement.¹⁶⁶ All the same, governments are encouraged to integrate the issue of EDPs in their legislations and policies to prevent environmental displacement scenarios; they are likewise requested to uphold their obligations to protect, respect and fulfil the human rights of those displaced, both during and after the occurrence of displacement.¹⁶⁷

In the context of the UNFCCC, a landmark recognition of the need of protection of EDPs was provided in the Cancun Agreements of 2010, where Parties to the Convention were called to adopt “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels”¹⁶⁸. This provision highlighted the need for countries to adopt “cross-ministry” approaches to understand the implications of climate induced displacement and frame them in an overarching understanding of the development, humanitarian and human security consequences of climate displacement.¹⁶⁹ The necessity for countries to act in line with what was stated within the Cancun Agreements was also recalled by the UN Special Rapporteur on the right of IDPs, who underlined the importance to address the issue of EDPs from a human-rights perspective.¹⁷⁰

1.4 Conclusion

The impact of climate change on people and their human rights has been progressively acknowledged, ultimately being recognised by the international community as one of the greatest challenges of contemporary times. As the OHCHR recently warned, “Climate change is a human rights problem and the human rights framework must be

¹⁶⁵ Displacement Solutions, 2013, p.8.

¹⁶⁶ Ibidem, p.19 ff.

¹⁶⁷ Displacement Solutions, 2013, p.23 ff.

¹⁶⁸ FCCC/CP/2010/7/Add.1, 15 March 2011, p.5, art. 14(f).

¹⁶⁹ Warner, 2011, p.13.

¹⁷⁰ A/HRC/26/33, 4 April 2014, p.22, para.97.

part of the solution”¹⁷¹. Moving away from a merely scientific evaluation of climate change impacts, it is therefore vital to adopt a HRBA to climate change.¹⁷² Such approach is to be adopted as a conceptual framework according to which the main objective of all climate mitigation and adaptation policies should be the fulfilment of human rights, identifying right-holders and right-bearers and making sure human rights principles stemming from international human rights laws are respected and reflected in all national plans and international actions aimed at reducing the negative impact of climate change.¹⁷³

HRBAs are mostly needed to tackle the adverse impact of climate change on those groups, communities and countries that are already in vulnerable positions due to geographical, developmental, economic and social reasons.¹⁷⁴ Among the groups who suffer the most from the consequences of climate change are the EDPs, people forced to leave their native lands following climate and environmental events that have rendered their livelihood unsustainable, thus threatening the enjoyment of their human rights. In the majority of cases, EDPs are displaced within their country of origin, meaning that their protection depends primarily on their national governments and on domestic policies aimed at reducing their vulnerability.¹⁷⁵

However, what emerges from an analysis of the abovementioned tools for protection of EDPs is that, even if national governments are identified as primary actors to respond to climate displacement and provide for the respect of EDPs rights, all solutions look at the international community as a determining and complementing framework which states can rely on when dealing with climate displacement. The Guiding Principles, for instance, welcome the humanitarian assistance of international actors, which are seen as complementary deliverers of assistance and human rights guarantees.¹⁷⁶ The Peninsula Principles, furthermore, put in evidence how climate displacement, being a “matter of global responsibility”, triggers the need for cooperation for adaptation among states,

¹⁷¹ OHCHR, 2015, p.6.

¹⁷² UNGA, A/HRC/10/L.11, 12 May 2009, p. 14-16.

¹⁷³ OHCHR, 2015, p.9.

¹⁷⁴ Ibidem, pp.22-23.

¹⁷⁵ Advisory Group on Climate Change and Human Mobility, 2014, p.4

¹⁷⁶ HRC, E/CN.4/1998/53/Add.2, 1998, p.13, principle 25(2).

made particularly necessary when the latter are not able or do not have the means to respond to climate displacement themselves.¹⁷⁷ The Cancun Agreements, finally, invite more developed states to support vulnerable L in enhancing their efforts to adapt to climate change¹⁷⁸, which includes the challenge of protection of human rights of EDPs. Finally, since climate change is a global phenomenon of global responsibility, it requires responses that transcend national borders and guide states towards acting in solidarity with those who are affected the most¹⁷⁹, as EDPs. The next chapter will therefore analyse the role of an international actor, the EU, which has proved its commitment both actively discussing the issues of environmental displacement and EDPs, as well as through its vital support to international climate finance policies and climate change adaptation projects in vulnerable developing countries.

¹⁷⁷ Displacement Solutions, 2013, p.18, principle 8.

¹⁷⁸ FCCC/CP/2010/7/Add.1, 15 March 2011, p.4, art.14(a)

¹⁷⁹ OHCHR, 2015, p.3.

Chapter 2 – Which Role for the EU in Enhancing Protection of EDPs?

2.1 Introduction

Environmental and climate change have been priority issues on the EU agenda for a long time, and EU standards on such matters are considered among the most prominent ones internationally.¹⁸⁰ A number of EU treaties and policy commitments provide for the integration of climate change in both internal and external policies of the EU, particularly in relations to the fields of energy, security, research, and development cooperation.¹⁸¹ Cooperation on the front of environmental protection is meaningful for the EU precisely because it is incorporated into its governing treaties and has been institutionalised in its governing structures, finally being promoted by the EU institutions.¹⁸²

The premises for why the EU has been a global forerunner on environmental and climate change are manifold. Firstly, regarding its internal efforts to mitigate actions that contribute to the adverse impacts of climate change, the EU has proven to be significantly ambitious in setting its targets.¹⁸³ With its commitment relative to improvements in energy efficiency, steep reduction in greenhouse gases emissions and progressive use of renewable sources, the EU's climate policies package is considered to be the most comprehensive globally.¹⁸⁴

Secondly, in terms of external action, the EU has been decidedly eager to endorse international agreements creating a common ground to act jointly against climate change. In this context, it is worth mentioning the EU's effort to integrate climate change problematics into its development cooperation commitments.¹⁸⁵ Support to developing countries in the form of climate projects financing has also been steadily increasing,¹⁸⁶ in line with what was provided for in the UNFCCC,¹⁸⁷ ultimately leading

¹⁸⁰ Schreurs, 2013, p.358.

¹⁸¹ EC, 2016, p.6.

¹⁸² Schreurs, 2013, pp.359-360.

¹⁸³ See the Climate Action Tracker's assessment of the EU's policies and climate performance at <http://climateactiontracker.org/countries/eu.html>.

¹⁸⁴ Ibidem.

¹⁸⁵ See, among others: EC, COM(2011) 637 final.

¹⁸⁶ Italian Presidency of the Council of the EU, 29 September 2014, p.4.

the EU and its Member States (MS) to be the largest contributors of climate finance benefiting developing countries.¹⁸⁸ For instance, in the period of 2007 to 2103 the EU has funded more than 120 climate-relevant projects in low and middle income countries, providing financial support for a total of 25 billion Euros.¹⁸⁹ In 2014 alone, 14.5 billion were devolved in favour of projects for mitigation and adaptation to climate change. Finally, the EU has committed to spend at least 20% of its budget on climate action for the period 2014 to 2020.¹⁹⁰

Thirdly, international activism is crucial. The potential and effective role of the Union as a pioneer in advancing climate solutions was repeatedly remarked by the EU itself, which noted its “unique position” to galvanise a global response to the security threats that stem from climate change and could affect not only Europe, but the whole international community.¹⁹¹ Above all, the suitability of the EU to address such concerns would derive from its primary position in setting the development and global climate policy agendas, as well as in elaborating comprehensive and multilateral strategies to tackle situations of crisis.¹⁹² Policy efforts to achieve the targets of climate action set under the UNFCCC have resulted in political commitment to step up the international visibility and influence of EU’s climate action.¹⁹³ The EU’s call for increasing climate cooperation between all EU institutions and the MS has been developed around three strands of action, namely the promotion of climate action, the support to the implementation of climate action and the awareness-raising and action mechanisms needed to address the international security challenges posed by climate change.¹⁹⁴ In this respect, the role of the EU has been uncommonly proactive during the negotiations at the UNFCCC 21st Conference of Parties¹⁹⁵ in Paris. The Union strongly supported the adoption of a binding document and reinstated the commitment of both the EU and the

¹⁸⁷ Ayers and Abeyasinghe, 2013, p.487.

¹⁸⁸ EC, 2015, p.4.

¹⁸⁹ Italian Presidency of the Council of the EU, 29 September 2014, p.5.

¹⁹⁰ EC, 2015, p.4.

¹⁹¹ EC, S113/08, 14 March 2008, p.2.

¹⁹² Ibidem, p.2.

¹⁹³ EEAS, 9 July 2011, p.1.

¹⁹⁴ Ibidem, pp.1-4.

¹⁹⁵ The Conference of Parties is the supreme decision-making body of the UNFCCC and is meant to assess the progress made by the Parties in the in achieving the ultimate objective of the Convention.

MS towards the priority issues of climate change action,¹⁹⁶ encouraging other states do adopt the same stand.

Fourthly, when setting out its climate strategies, the EU is also dedicated to protecting and promoting human rights.¹⁹⁷ Adding a human rights perspective to the fight against climate change, in fact, is in line with the “interest and values” of the EU, also laying the foundations for a coherent EU action, both internally and externally.¹⁹⁸ The EU thus aims to be exemplary in promoting the integration of international human rights obligations into negotiations to act and minimise the negative impacts of climate change,¹⁹⁹ principally amplifying the voices of vulnerable subjects who lack means of adaptation and end up being affected the most.²⁰⁰

All in all, since the EU is such a relevant actor in elaborating and supporting policy responses to the negative effects of climate change, it finds itself in the position to “export” its environmental standards and norms abroad,²⁰¹ also advocating for a thorough analysis and recognition of thorny issues that might be otherwise overlooked – as could be the one of EDPs.

This chapter thus explores the EU’s approach with regard to environmental displacement and EDPs, principally insofar as human rights are concerned. In order to better contextualise the relevance of the EU’s climate action, the first part of the chapter provides some highlights on the commitments and achievements of the EU in this sense. Finally, the chapter provides an assessment of the major developments in the EU’s theoretical and practical approach to the issues of environmental displacement and EDPs, particularly highlighting the elements that have contributed to substantial shifts in the Union’s overall approach to EDPs.

¹⁹⁶ Council of the EU, 6061/16, 15 February 2016, p.3, paras.3-5.

¹⁹⁷ *Ibidem*, p.5, para.12.

¹⁹⁸ EP, PE 457.066, 2012, pp.29-30.

¹⁹⁹ *Ibidem*, p.31.

²⁰⁰ *Ibidem*, pp.21, 26-27.

²⁰¹ Schreurs, 2013, p.363.

2.2 The EU and climate action

Climate action encompasses all the strategies and mechanisms that are created and implemented to mitigate climate change and adapt to it. It brings together national and international mainstreaming of climate change into policy making, as well as strategies for awareness-raising and institutional education to resilience.²⁰² The EU institution in charge of climate action is the European Commission (EC or the Commission), which is guided by the Directorate-General for Climate Action in elaborating its strategies to fight climate change within and without the Union.²⁰³ Climate action is amongst the EU priorities set by the EC and is in line with the commitments the Union has agreed upon under the Kyoto Protocol,²⁰⁴ namely to reduce its emissions in order to become a low-carbon and climate resilient economy.²⁰⁵ Hence, climate action has been integrated into the major areas of the Union's policies – including, *inter alia*, the policy areas of development, common agriculture, regional cohesion, research and innovation, infrastructure.²⁰⁶ Besides being a crucial tool to inform all policies at the EU level, climate action is also considered a “strategic foreign policy challenge” with implications for the EU's role in different fields.²⁰⁷ In light of the EU's tailored policy and financial responses, the global dimension of the EU's external climate action becomes singularly crucial with regard to EU's financial resources dedicated to promote mitigation and adaptation to climate change in more vulnerable countries.²⁰⁸ The following section explores therefore the climate finance commitments and mechanisms that the EU is supporting to fight climate change outside its borders.

2.2.1 EU's climate finance policies in cooperation with developing countries

One of the underpinning principles of international climate action is that countries have common but differentiated responsibilities,²⁰⁹ namely countries that find themselves in

²⁰² A/RES/70/1, 21 October 2015, p.23.

²⁰³ For further information on the DG CLIMA, refer to its official website:

http://ec.europa.eu/clima/index_en.htm

²⁰⁴ EC, COM(2014) 15 final, pp.17.

²⁰⁵ Ibidem, pp.3 ff.

²⁰⁶ EC, 19 November 2013.

²⁰⁷ EC, COM(2016) 110 final, p.8.

²⁰⁸ EC, COM(2011) 500 final, pp.13-14.

²⁰⁹ UNFCCC, 1992, p.9, art.3, principle 1.

different developmental stages are requested to commit a different level of resources for international climate action. According to the UNFCCC, therefore, developed Parties shall assist developing countries, in particular those most vulnerable to the adverse effects of climate change, in “meeting costs of adaptation to those adverse effects”.²¹⁰ The term climate finance is used to describe the financial mechanisms under the UNFCCC and the Kyoto Protocol, and generally refers to the financial resources that are mobilised privately or publicly by developed countries in order to support adaptation and mitigation programmes in developing countries.²¹¹ The EU is the largest provider of development and climate finance at the global level.²¹² Together with its MS, the Union is committed to scale up its contribution and help mobilise overall 100 billion dollars a year, the climate finance goal the developed states have set to support developing countries.²¹³ In 2013, such contributions amounted to 9.5 Billion of Euros, in 2014 the financial flow towards countries in need reached 14.5 billion.²¹⁴

As previously pointed out in this work, environmental displacement occurs primarily on the territory of LDCs that struggle to tackle climate-related challenges. For this reason, international finance – and, in this context, EU’s climate finance projects - becomes crucial for the concrete support of mitigation and adaptation measures in vulnerable areas to safeguard the access to human rights of those who, as EDPs, suffer from the consequences of climate change.

2.3 Developments in the EU’s discourse and policy approach to EDPs

The core sections of this chapter analyse the evolving approach of the EU towards environmental displacement and EDPs. The approach is assessed through the individuation of three major phases that correspond to major shifts in the EU’s approach to EDPs.

For each phase, the relevant developments are analysed by looking at two crucial

²¹⁰ UNFCCC, 1992, p.14, Art. 4(4).

²¹¹ Michaelowa, 2012, p.269.

²¹² EC, 2014, p.14.

²¹³ Ibidem, p.4.

²¹⁴ Ibidem, p. 4.

elements of the EU's climate action. The first element is the discourse at the institutional level, namely research and policy documents that have contributed to frame the issue of environmental displacement at the EU level. The second element considers the peculiar and innovative climate finance instruments through which the EU is funding adaptation and mitigation projects in developing countries and LDCs. In particular, the analysis of this second element is carried out by looking at climate finance projects' materials and reports.

2.3.1 The first phase

Starting from the early 2000s, EU policies have increasingly addressed the adverse impacts of climate change. In this phase, climate change is discussed in terms of security at the institutional level. The issue of displacement appears to be relevant to the EU only as it might have a detrimental impact on the EU's internal security. As far as the external dimension of the EU's policies are concerned, displacement is only marginally mentioned as a potential jeopardising factor of LDCs' development efforts. Conversely, at the level of climate finance, the displacement implications of climate change seem to be completely overlooked.

2.3.1.1 The institutional discourse: Climate change and security concerns

Internal dimension

Among the EU institutions, the European Parliament (EP or the Parliament) was the arena where the first meaningful discussions on climate change and displacement took place, *inter alia* in the form of hearings, workshops and seminars.²¹⁵ The issue was initially framed in terms of internal security of the EU, foreseeing a risk for Europe to end up bearing the pressure of migratory flows triggered by the changing climate.²¹⁶ Among the first concerns was therefore the need to carry out an in-depth analysis of climate change's influence on migration flows, especially in relation to EU's neighbouring countries.²¹⁷ All in all, the EU discourse on climate change and displacement was characterised by a relatively defensive tone, which principally aimed

²¹⁵ Heinrich-Böll-Stiftung, 2014, p.24.

²¹⁶ EC, S113/08, 14 March 2008, p.4.

²¹⁷ EC, COM (2008) 611 final, pp.7-8.

at preventing EU's MS from being challenged by allegedly unquantified flows of migrants.²¹⁸ With regard to specific policies or documents addressing environmental displacement and climate change, in this phase there appears to be none.

External dimension

Concerning the external dimension of the EU's action, the effects of climate change on displacement were not initially considered a stand-alone issue of particular relevance to the EU institutions. In fact, displacement was generally listed among the environmental and socio-economic effects of climate change.²¹⁹ Displacement was therefore relevant merely in terms of its potential interference with certain areas of the EU's external action, such as development cooperation policies. Discourse on the relevance of climate change for the external action of the EU, therefore, focused principally on strategies of mitigation and adaptation to promote climate resilience internationally.

Adaptation measures in vulnerable countries have long been a key concern for the formulation of EU strategies to combat climate change.²²⁰ In 2007, the EC elaborated a Green Paper proposing innovative approaches to integrate climate change adaptation in the EU policies at all levels.²²¹ In particular, the Commission identified the need of the EU to support adaptation efforts in developing countries, precisely because climate change undermines development and poverty reduction achievements. Remarkably, displacement was also mentioned as one of the major impacts of climate change in vulnerable territories.²²² What is more, building on the 2004 Action Plan on Climate Change and Development,²²³ the Commission expressed its intention to foster a "Global Climate Change Alliance" (GCCA or the Alliance) to "promote an enhanced dialogue and cooperation between the EU and developing countries on climate change" and support the latter with targeted projects.²²⁴

It is worth underlining that, even though the rationale of the Alliance was the creation of

²¹⁸ Geddes and Somerville, 2013, p.2.

²¹⁹ COM(2003) 85 final, p.8.

²²⁰ COM(2007) 2 final, p.12.

²²¹ COM(2007) 354 final, p.3.

²²² Ibidem, p.22.

²²³ See: COM(2003) 85 final.

²²⁴ COM(2007) 354 final, p.23.

a platform for dialogue and practical cooperation between the EU, LDCs and SIDS against the double-folded challenge of climate change and poverty²²⁵, the EU action was underpinned by security concerns.²²⁶

2.3.1.2 The climate finance level: International activism and the GCCA

Notwithstanding the minor attempts to frame environmental displacement at the institutional level, on the practical level the issue of EDPs is completely overlooked, especially for what concerns the major climate finance initiative of the EU, i.e. the GCCA.

The GCCA

Since its inception, the GCCA initiative was formulated as a strategy to both assist vulnerable countries in their efforts to adapt to climate change and encourage them to participate in the global effort towards mitigation, as provided for in the UNFCCC.²²⁷ The initiative was therefore not built as a one-way relationship of financial aid²²⁸ on the part of the Union towards LDCs and SIDS. In fact, it aimed at creating the basis for cooperation to make climate awareness a cross-cutting issue on the development and poverty reduction strategies of developing countries. The strength of the initiative also stemmed from the complementarity of its two founding pillars, namely policy dialogue as a platform to exchange knowledge, and technical and financial cooperation.²²⁹ The areas of intervention were adaptation to climate change, the reduction of emissions from deforestation, the enhancement participation of developing countries in the global carbon market, the promotion of disaster risk reduction strategies and the integration of

²²⁵ COM(2007) 540 final, p.2.

²²⁶ Among the reasons behind the GCCA was the EU's necessity to link its support to vulnerable countries with the identification of possible climate security hot spots, including potential scenarios of instability and crisis in the European neighbourhood. See: EC, S113/08, 14 March 2008, p.11.

²²⁷ COM(2007) 540 final, p.4.

²²⁸ The key delivery instrument for the GCCA was the thematic programme "Environment and Sustainable Management of Natural Resources, including Energy" (ENRTP) under the Development Cooperation Instrument, one of the main funding mechanism of the EC. Furthermore, complementary financial contributions were mobilised by MS.

²²⁹ SEC(2008)2319, p.3.

climate change into poverty reduction efforts.²³⁰ The GCCA strongly focused on the added value of the EU's political commitment in upgrading climate change as a priority issue in its relations with the most vulnerable countries – particularly the regions of Africa, the Caribbean, the Pacific and Asian LDCs²³¹, at the same time coordinating EU's financial efforts with existing international climate change initiatives.

The third countries' eligibility criteria for the GCCA initiative are based on the Bali Action Plan²³² and establish that beneficiaries are chosen after an assessment of their vulnerability to climate change - with regard to both sudden and slow onset events - their adaptive capacity as evaluated by the United Nations Development Programme (UNDP) Human Development Index, and finally considering the proportion of the population who is at risk.²³³ In 2008, the first countries identified as eligible according to the GCCA criteria were four, namely Cambodia, the Maldives, Tanzania and Vanuatu.²³⁴

All in all, what emerges at the practical level of this first phase is the EU's willingness to maintain a coherent approach towards mainstreaming climate change into development cooperation efforts,²³⁵ precisely to maximise its dialogue and policy cooperation with climate vulnerable countries. In the light of this, a gap with the discourse at the institutional level can be noticed, precisely because concerns on the detrimental effect of displacement in LDCs are not addressed in any of the GCCA fields of action.

²³⁰ SEC(2008)2319, p.4 ff.

²³¹ Ibidem, pp.7-8.

²³² The Bali Action Plan (2007) underlined the need to act and support adaptation in LDCs, SIDS and African countries affected by flooding, drought and desertification. The Plan is available at: http://unfccc.int/meetings/bali_dec_2007/meeting/6319.php.

²³³ EC, 2011, p.5.

²³⁴ The Alliance has grown exponentially over the years, becoming “one of the most meaningful climate change initiatives in the world”. It currently supports 51 different programmes in 38 countries and 8 regions with an EU budget of more than 300 million Euros and additional contributions of MS amounting to 37 million Euros.

²³⁵ Under the coordination of its Directorate General for Development Cooperation (DEVCO), the EU supports needy countries through different forms of funding. In particular, budget support consists of financial transfers to the national governments to support the needs identified by countries themselves. It also involves policy dialogue to assess the impacts of such funds. Sector support, instead, focuses on sustaining sectoral policies run by the partner government, increasing the effectiveness of aid. For further information, refer to: https://ec.europa.eu/europeaid/about-funding_en

2.3.1.3 First phase: Concluding remarks

In the first phase of the EU's approach to the issues of climate change and displacement, there appears to be a gap between the institutional discourse and the EU activism in the context of climate finance policy. At the theoretical level climate change is framed as a security concern, both threatening the EU's internal security and its successful implementation of external development cooperation policies. Conversely, practical GCCA finance projects to tackle climate change adverse effects on development are silent as far as displacement is concerned. In conclusion, in the first phase of the EU's approach to EDPs the issue of displacement remains marginal. Even though displacement is depicted as a threat to development, implying the need of measures to tackle it, environmental displacement *per se* is not addressed among the GCCA priority climate issues.

2.3.2 The second phase

A second phase in the EU's approach to environmental displacement can be identified starting from 2011. At the discourse level, the phase is characterised by efforts to explore more thoroughly the links between climate change and displacement, in particular via a number of documents that are discussed below. At practical climate finance level, the issue of displacement starts to be addressed, therefore building, to some extent, on developments observed at the theoretical level.

2.3.2.1 The institutional discourse: The protection approach

As regards the element of institutional discourse, the second phase of the EU's approach to EDPs differs from the first one in terms of the quantity and quality of research addressing the issue of environmental displacement.²³⁶ During this phase, in particular, academics and the EU institutions carried out double-faceted analyses of the impact that EDPs can have both within and without the borders of the EU, respectively addressing protection mechanism at the EU level and migration policies at the international

²³⁶ International Centre for Migration Policy Development, 2012, p.1.

level.²³⁷ The main considerations elaborated during the second phase of the EU's approach to EDPs are particularly relevant as far as definitions and terminology are concerned.

The shift

A shift from the rather defensive paradigm characterising the first phase of EU's approach to EDPs occurred when, in 2011, a landmark study on climate change and displacement was commissioned and published by the EP. Since then, initiatives at the EP level have tried to assess the adequateness of existing protection mechanisms, which individuals who have been displaced in the context of climate change might benefit from. Building on this ground, the study of the EP not only evaluates the existing international and EU policies that could provide assistance to EDPs. It also investigates environmentally induced migration with the objective of identifying the legal channels upon which, in accordance with the Treaty of Lisbon, it is possible to elaborate policy responses and extend the level of protection of EDPs in the EU.²³⁸

EDPs and protection at the EU level

What emerges from the EP's study is that, currently, there are no specific instruments to provide EDPs with individual protection at the EU level, and it is unlikely that this would be the case in the future.²³⁹ Nonetheless, the study observes that there have been attempts to investigate existing protection tools under the Common European Asylum System, more specifically the Temporary Protection Directive and the Qualitative Directive,²⁴⁰ in order to verify whether it would be possible to include the protection of EDPs in their scope.²⁴¹ What appears, though, is that neither the former nor the latter Directive can be interpreted and implemented as to provide EDPs with protection at the

²³⁷ International Centre for Migration Policy Development, 2012, p.4 ff.

²³⁸ EP, PE 462.422, 2011, pp.9-10.

²³⁹ Ibidem, pp.9-10, p.50.

²⁴⁰ The above mentioned Directives are, respectively, the Council Directive 2001/55/EC of 20 July 2001 "on minimum standards for giving temporary protection in the event of a mass influx of displaced persons (...)" and the Council Directive 2004/83/EC of 29 April 2004 "on minimum standards for the qualification and status of third country nationals or stateless persons (...)". For more information, refer to the EC's website: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

²⁴¹ ICMPD, 2012, pp.4,6.

present stage.²⁴² This is due, as regards the first Directive, to the foreseeable lack of EU's political will to activate emergency protection responses in case of mass influx of EDPs²⁴³ - even if such massive migrations flows are, as pointed out in the previous chapter, highly unlikely to take place. In the second case, subsidiary protection to EDPs under the Qualification Directive would rest on precarious premises, primarily because of the lack of a specific element of human persecution and because climate change would have to be identified as the direct cause of inhuman and degrading treatment.²⁴⁴ In terms of protection at the level of MS, national responses and observable trends vary greatly from country to country.²⁴⁵ On the one hand, immigration and asylum legislation of some countries specifically foresee certain forms of protection for EDPs. This is the case for Cyprus, Finland, Sweden and, to some extent, Italy.²⁴⁶ On the other hand, the majority of MS appear not to have any specific measures to assist people who have been displaced in the context of climate change-related disasters and environmental degradation. Even if the norms of some countries leave space for constructive interpretation in this sense,²⁴⁷ there is no common standard in addressing the issue of EDPs.

Shifting the focus towards external action

In addition to the EP's study on "climate refugees", global and EU policy options towards forced mobility and climate change are also investigated in relation to further areas of the EU's external action. For instance, in a 2011 report of the Commission addressing climate change cooperation between developing countries and the EU, a

²⁴² Scott, 2015, p.220.

²⁴³ Ibidem, pp.209-210.

²⁴⁴ Scott, 2015, p.211 ff.

²⁴⁵ An exhaustive analysis of all MS' existing and potential measures of protection for EDPs is out of the scope of this section. For further information, refer to the EP's Study above mentioned.

²⁴⁶ In Cyprus, people with a protection status cannot be deported to any country where they would risk to be exposed to inhuman and degrading treatment as a consequence of, *inter alia*, "environmental destruction". The Finnish Aliens Act foresees temporary protection for people that have been displaced as result of "an environmental disaster"; moreover, when individuals are not eligible for temporary protection, humanitarian protection is provided when "environmental catastrophe[s]" threaten the living conditions in the country of origin. In the Swedish Aliens Act, entitlement to protection is granted for individuals fleeing their country due to "environmental disaster". In Italy, temporary protection is guaranteed in cases of "natural disasters".

²⁴⁷ EP, PE 462.422, 2011, pp.57 ff.

discourse of protection emerges in relation to displacement due to climate change hazards. In the report, it is estimated that climate related events force 200 million people to displace annually, and that the numbers can only increase if concrete climate action is not anchored in sound disaster risk reduction strategies.²⁴⁸ The EU is particularly called upon to coordinate its climate finance and manage it in accordance with the priorities elaborated by stakeholders.²⁴⁹

Together with the study “Climate Refugees” conducted by the EP, another document marking the shift from the first to the second phase of the EU’s institutional discourse on EDPs is a 2013 EC Staff Working Document. Indeed, not only does the paper address the links between “Climate change, environmental degradation and migration”; it also underlines the interest of the EU to step up its role from a research-supporting actor to a policy proponent in the field.²⁵⁰ The Document provides some highlights on major environmental projects where the EU has been a pioneer, such as the EC-sponsored “Environmental Change and Forced Migration Scenarios” project, whose aim was to explore and compare the effects of environmental change on forced mobility in a number of countries, as well as to provide plausible future scenarios of the phenomenon.²⁵¹ The reasons why the Document marks a quality step in the EU’s analysis of EDPs are manifold. Firstly, it provides information on environmental displacement scenarios, affirming that the impact of environmentally induced migration towards the EU is unlikely to be substantial, and that the majority of EDPs will be forced to move within their State or region,²⁵² principally LDCs. Secondly, it sets the scene for concrete EU actions towards EDPs protection. In particular, it underlines that the EU needs to coordinate its policies in the fields of development, risk reduction, humanitarian aid, migration and relocation management to protect those who move in the aftermath of sudden and slow onset events.²⁵³ Finally, it establishes a clear link to the concrete climate finance actions: EU financial aid to promote climate adaptation in

²⁴⁸ EC, 2011, p.17.

²⁴⁹ The same conclusions and recommendations are presented in the 2012 updated version of the report.

²⁵⁰ EC, SWD (2013) 138 final, p.6.

²⁵¹ Afifi et al., 2010, p.69.

²⁵² EC, SWD (2013) 138 final, p.11.

²⁵³ Ibidem, pp.13-14.

low- and middle-income countries is in fact openly recognised as a truly effective tool to tackle the challenge of climate-related displacement.²⁵⁴

Definitions

Lastly, this phase of the EU's institutional discourse is also distinguishable from the previous one as it is characterised by the adoption of precise terminology *vis-à-vis* the phenomenon and the subjects of environmental displacement. This can be deduced by the two watershed documents analysed above. In line with most of studies on the matter²⁵⁵, the EP's study suggests the avoidance of the term "climate refugees". Instead, it adopts the terms "environmentally induced migration" and "environmentally induced displacement" to refer, respectively, to both broader and specific situations where people are forced to move as a result of environmental change.²⁵⁶ Additionally, the assessment provides an account of the various types of environmentally induced migration²⁵⁷, which is categorised according to the cause of movement, its nature and the existing protection gaps.²⁵⁸ The distinction between "environmentally induced migrants" and "environmentally induced displaced persons" is further elaborated in the EC Working Paper, in which the second expression is used to refer to those who move as a "last response measure to the effects of environmental change".²⁵⁹

2.3.2.2 The climate finance policy level: The vulnerability approach

In light of the developments above presented, it is relevant to assess whether the EU's institutional discourse encouraging the integration of EDPs protection concerns into EU's climate finance action did actually have any effects on the development of the

²⁵⁴ EC, SWD (2013) 138 final, p.33.

²⁵⁵ See paragraph 1.3.2.

²⁵⁶ EP, PE 462.422, 2011, p.31.

²⁵⁷ Whereas "environmentally induced displacement" entails a strong element of forced movement, the concept of "environmentally induced migration" is framed by the EU as a scenario where movement is, at least to some extent, "voluntary" - i.e. those moving do so after having compared different "alternative quality options". Hence, environmental migrants choose to move not because their livelihoods are directly threatened by environmental and climate change, but to anticipate the future worsening conditions of climate vulnerable areas.

²⁵⁸ EP, PE 462.422, 2011, p.33.

²⁵⁹ EC, SWD (2013) 138 final, p.15.

GCCA initiative. Such parallelism is discussed in the next section, principally by analysing the documents and reports that track the progress of the GCCA initiative.

Seminars and training materials

Among the instruments proposed by the EU to foster dialogue between the GCCA parties and encourage experience sharing are training materials for regional and national workshops on mainstreaming climate change in national development planning, budgeting and adaptation strategies.²⁶⁰ The training materials, elaborated in the early 2010s, consist of ten modules addressing the multifaceted implication of mainstreaming climate change into national policies. The concept of vulnerability is a *fil rouge* running throughout the ten modules and highlighting the context where there is impellent need to act. The effects of climate change on human life are also explored, for example underlining the risks in terms of the impoverishment and damage to crops and cultivated soil, the challenges related to the decrease in water supplies and the effects on human health.²⁶¹ It is remarkable, however, how impacts of climate change on human beings are not considered in relation to human rights. In fact, human rights are not mentioned even once in any of the training materials. On a similar note, environmental displacement is looked at marginally, being addressed in only one of the modules available for consultation. Displacement and migration are in fact listed among the socio-economic impacts that could stem from the biophysical effects of climate change.²⁶² The issue is therefore not perceived as a stand-alone problematic, but it is rather framed in terms of being a potential scenario deriving from, for instance, the effects of water shortages on human settlements and industry. Trends in migration and population resettlements are also categorised as an area to research further as to provide vulnerable people with anticipatory adaptation strategies.²⁶³

²⁶⁰ The full list of materials is available at: <http://www.gcca.eu/resources/gcca-training-materials>

²⁶¹ See module 2 “Understanding climate change-development linkages”, pp.3-4, available at: http://www.gcca.eu/sites/default/files/GCCA/MOD2_Handout_EN.pdf

²⁶² Ibidem, p.3.

²⁶³ Ibidem, p.9.

Global learning events

According to the first pillar of the GCCA, lesson learning is a crucial part of the process of elaborating climate resilient development strategies. Accordingly, two global conferences were organised in order to facilitate the achievement of a shared platform for knowledge exchange between the climate finance recipients and the EU.

The first Global Learning Event was organised in Brussels in September 2012 and saw the participation of representatives of the GCCA partner countries and regional organisations, development partners, representatives of the EU institutions and MS, and staff from NGOs and actors involved in programmes related to the work of the GCCA.²⁶⁴ A series of five background papers was elaborated to provide insights on key challenges and lessons learnt during the first four years since the implementation of the initiative in 2008.²⁶⁵ As in the case of training materials, assessing and tackling vulnerability is framed as the principal way to tailor efficient and effective responses to climate change. The concept of vulnerability is used to refer either to poor people (as what projects in Laos and Mozambique have focused on), as well as to areas at risk of climate impacts (as is the case of projects carried out in Uganda and the Maldives). Finally, a third understanding of vulnerability combines both human and environmental vulnerability (among the prioritised areas are, in this case, Nepal and Bangladesh).²⁶⁶ The majority of the projects aims at reducing vulnerability either through improved access to information, technology and the promotion of education and development of specific skills, or through the rehabilitating and building of infrastructures and the protection of ecosystems.²⁶⁷ Once again, human rights are not integrated in the vulnerability assessment.

Despite the fact that environmental displacement is not explicitly mentioned, the concerns related to forced displacement are taken into account in GCCA projects that foresee some form of financial support for the resettlement of highly climate vulnerable communities.²⁶⁸ Two GCCA projects, in the Solomon Islands and Senegal respectively,

²⁶⁴ The full list of participants is available at:

http://www.gcca.eu/sites/default/files/GCCA/gle_final_list_of_participants_corrected.pdf

²⁶⁵ GCCA, 2012 (a), p.1.

²⁶⁶ Ibidem, p.7.

²⁶⁷ GCCA, 2012 (a), p.8.

²⁶⁸ GCCA, 2012(b), pp.4-5.

strongly encourage to take into consideration resettlement as a strategy to adapt and reduce the vulnerability of communities living in climate threatened coastal areas.²⁶⁹ The need to resettle climate vulnerable communities is furthermore inserted in a wider attempt to finance projects tying climate change to disaster risk reduction strategies²⁷⁰ in National Adaptation Programmes of Action.²⁷¹ In conclusion, none of the conference documents addresses EDPs, not even in the cases where climate finance aims to tackle the vulnerability of vital climate-threatened human settlements and infrastructures.²⁷² Remarkably different is the consideration of environmental displacement during the second GCCA Global Learning Event, which took place in September 2013.²⁷³ In this case, the practical integration of what elaborated at the institutional level through the EP Study and the EC Working Document is evident, since climate-induced displacement is specifically mentioned in the conference background materials. Indeed, it is recommended that climate displacement and migration considerations – elaborated with the active engagement of stakeholders and climate finance recipient countries - inform the elaboration of National Adaptation Plans,²⁷⁴ accordingly to what was indicated in the guidelines provided by the 2013 Cancun Adaptation Framework²⁷⁵ and recalled in the EC Working Document.

GCCA annual publications

The GCCA annual publications present findings and results achieved through the EU climate finance instruments, as well as the obstacles that need to be tackled in order to foster better climate aid delivery. The 2011 (and first available) publication of the GCCA activities provides insight on the functioning of the programme.²⁷⁶ In this

²⁶⁹ GCCA, 2012(b), p.5.

²⁷⁰ Ibidem, p.3.

²⁷¹ In the context of the UNFCCC, National Adaptation Programmes of Action are country-led, action-oriented processes allowing LDCs to analyse their “urgent and immediate needs” to adapt to climate change and establish priority activities accordingly.

²⁷² GCCA, 2012 (c), see among others p.15.

²⁷³ In 2013, the Conference was aimed at informing the international climate debate by connecting climate and development practitioners in a wider climate negotiation debate under the UNFCCC. Key documents are available at: <http://www.gcca.eu/policy-dialogue-and-experience-sharing/gcca-global-policy-event>

²⁷⁴ GCCA, 2013 (b), pp.6-7.

²⁷⁵ See paragraphs 1.3.3 and 1.4.

²⁷⁶ All the GCCA and GCCA+ publications are available for consultation at: <http://www.gcca.eu/resources/gcca-annual-publications>

context, once more, the concept of vulnerability is constantly built upon to explain the exposure of LDCs to climate change challenges and to explain the rationale of EU's climate action towards them.²⁷⁷ Conversely, the issue of displacement in relation to climate change is not mentioned throughout the whole report. There are highlights on the vulnerability of populations living in areas that are prone to constant flooding and drought – among others, the Solomon Islands²⁷⁸ and Mozambique²⁷⁹ - and whose existence is threatened by environmental degradation and climate extremes. However, there is no acknowledgements of links in terms of risk of human displacement and its consequent effects on development and the human rights of those affected.

In line with the previous edition, the 2012²⁸⁰ and 2013²⁸¹ GCCA report is silent on displacement, even in the scenarios where climate change consequences threaten the very existence of human communities. A striking example, in this context, is the case of the Pacific Islands,²⁸² where the risk of environmental displacement is among the most dramatic consequences of slow and sudden onset events.²⁸³

Migration discourse

Interesting developments, however, can be noticed with regard to the use, in the GCCA projects, of terms that somehow acknowledge and relate to scenarios of mobility of people in the context of climate change.²⁸⁴ It is worth mentioning, more specifically, the integration of the issues of environmental migration and preventive resettlement,²⁸⁵ which are used to explore innovative adaptation policy options and, respectively, cope with and avoid disaster-related environmental displacement. To provide some examples of how the EU's climate finance can be informed by climate displacement-relevant language, some indicative cases are looked at briefly below.

The issue of migration in the context of climate change is addressed, for instance, in the

²⁷⁷ GCCA, 2011 (c). See, among other pages, pp. 4,6,10,11.

²⁷⁸ Ibidem, pp.27-28.

²⁷⁹ Ibidem, p.21-22.

²⁸⁰ GCCA, 2012 (d).

²⁸¹ See GCCA, 2013 (a).

²⁸² Ibidem, p.55.

²⁸³ Ferris et al., 2011, p.10.

²⁸⁴ For displacement scenarios, see paragraph 1.3.1.

²⁸⁵ Planned resettlement as a preventive action to avoid environmental displacement will be further discussed in the next chapter.

“Nepal Climate Change Support Programme” project, which was run from 2012 until the end of 2015 and aimed at creating climate resilience at the national and local level, primarily through climate-informed design, implementation and monitoring of interventions.²⁸⁶ In this context, the EU has had a crucial role raising climate change awareness among the Nepalese population, especially in regard to the impact of climate change on the livelihoods of most vulnerable groups. In line with the interviews conducted with the beneficiaries of the programme, who were indicating mobility as a consequence to frequent disrupting off-season flooding of their living areas,²⁸⁷ migration was framed as a possible area to explore in order to find innovative and cost-effective measure for adaptation to climate change.

Another case worth mentioning is the GCCA project aimed at supporting “The Bangladesh Climate Change Resilience Fund”.²⁸⁸ Bangladesh is ranked by the EU as number four amongst the most climate vulnerable countries,²⁸⁹ being exposed to multiple climate change-related hazards such as floods, storm surges, riverbank erosion and droughts. As regards the impact of such phenomena, it is estimated that up to 50% of Bangladeshi urban slum dwellers are at risk of becoming EDPs.²⁹⁰ In light of this, the focus of the EU-sponsored project appears of particular value, precisely because, in the 2011 to 2017 period, it aims to protect and improve the lives and means of subsistence of 10 million climate-vulnerable people. This is to be achieved principally through comprehensive strategies to strengthen early-warning disaster systems and investments in resilient infrastructure, as well as assessing the factors that threaten to boost climate migration.

Resettlement discourse

Similarly, the option of preventive resettlement is also named in multiple projects as one of the areas to be further researched in relation to climate change adaptation. A GCCA

²⁸⁶ The description of the project is available at: <http://www.gcca.eu/national-programmes/asia/gcca-nepal-climate-change-support-programme>

²⁸⁷ GCCA, 2012, p.13.

²⁸⁸ The details of the project are available at: <http://www.gcca.eu/national-programmes/asia/gcca-bangladesh-climate-change-resilience-fund-bccrf>

²⁸⁹ See the Joint Research Report, 2015, p.32.

²⁹⁰ Internal Displacement Monitoring Centre, 2015, p.32.

project that makes a reference to resettlement is, *inter alia*, the “Support for climate change integration in Haiti’s national development”.²⁹¹ The 2014 project sees, as its priority objectives, the promotion of adaptation strategies, which are predominantly anchored in a better management of natural resources and coastal areas. It is indeed to cope with the overall environmental degradation and extreme exposure to climate change-induced extreme events that the programme foresees the need for vulnerable people to be resettled away from the areas of major risks, which can be interpreted as an attempt to avoid the creation of EDPs. A similar profile can be found in the project “The Solomon Islands Climate Assistance Programme”²⁹² supported by the GCCA from 2011 to 2014. In this occasion, EU financing was linked with plans of adaptation and disaster risk reduction, mainly to provide the islands with options to cope with coastal erosion and the adverse impact of saltwater intrusion and cyclones. In this context, resettlement is not just mentioned as a possible way to cope with the prevention of population displacement. Indeed, the process is associated with the need for nation-wide consultation and the importance to produce national guidelines in order to avoid conflict and adverse impacts (for instance, concerning access to health and education systems) on already vulnerable populations.

2.3.2.3 Second phase: Concluding remarks

The second phase of the EU’s approach is, again, characterised by a gap between the policy discourse at the institutional level and the practice of climate finance reflected in the GCCA conference and training materials. At the institutional level, a major shift towards the acknowledgment of the phenomenon of environmental displacement is visible after the publication of the EP Study in 2011 and the Commission’s adoption of the Working Document in 2013. The two documents also provide watershed considerations as regards the need of the EU’s climate finance to detect, protect and support EDPs. The analysis of the GCCA materials published between 2011 and 2014 highlighted, however, that such major steps towards supporting protection needs of

²⁹¹ The project is available to consult at: <http://www.gcca.eu/national-programmes/caribbean/gcca-haiti>

²⁹² The description of the project is available at: <http://www.gcca.eu/national-programmes/pacific/gcca-solomon-islands-climate-assistance-programme>

EDPs were not fully reflected in practice. In fact, even if certain concepts related to forced mobility (migration, resettlement) did inform the GCCA materials, environmental displacement was not consistently addressed in the EU's climate finance action – contrarily to what the institutional discourse had recommended.

2.3.3 The third phase

The third, and current phase in the EU approach to EDPs can be highlighted starting from 2014. It corresponds, in particular, to a vivid discourse on environmental displacement at the institutional level, which was particularly relevant in the context of the drafting of the Paris Agreement. The discourse is, in particular, strongly anchored in the concept of protection. On the practical policy level, meaningful developments can be noticed with the adoption of an upgraded version of the GCCA initiative that addresses, more specifically, new challenges posed by climate change. The major developments, in this case, are the clear acknowledgment of the influence of climate change on force mobility and, to some extent, the emergence of human rights considerations *vis-à-vis* the vulnerable categories addressed by the climate finance projects.

2.3.3.1 The institutional discourse: The need for more protection

The influence of the EU's institutional discourse during the second phase of analysis of environmental displacement appears as fully-fledged in the third phase. Incentives elaborated during the second phase and aimed at including considerations on environmental displacement in various field of the EU action can be noticed, indeed, in a number of EU external policies. Environmental displacement is considered, for example, in the recent EC's guidelines for the mainstreaming of climate and environmental change with regard to the Union's global action in the field of development and cooperation. The guidelines, in fact, underline the importance of engaging stakeholders during the process of Climate Risk Assessment²⁹³ prior to the

²⁹³ Climate Risk Assessment (also CRA) is an ex-ante evaluation of a project aimed at producing

elaboration of development projects, and in particular as far as elements of vulnerability, among which environmental displacement, are concerned.²⁹⁴ Interestingly enough, the guidelines anchor the prevention of climate-exacerbated conflict over resources, “climate migration”, and consequent infringement of human rights with communal efforts for the achievement of the climate-related Sustainable Development Goals.²⁹⁵

New trends in definitions

Surprisingly, in the current third phase not only is the protection cause of EDPs endorsed in the EU’s institutional discourse. In fact, the last two years have witnessed an evolution of EDPs terminology towards more assertive tones. For instance, in a 2015 resolution which addresses the need for a binding agreement to enhance global climate action, the Parliament calls for the acknowledgement of the issue of “climate refugees”. In the resolutions, environmental displacement is explicitly described as an outcome of disasters and global warming.²⁹⁶ Furthermore, the document expresses disapproval towards the lack of an official recognition of the category of “climate refugees”, which creates a “legal loophole” that does not allow EDPs to benefit from the refugee status and related protection.²⁹⁷ Concerns over the new challenges posed by climate refugees were also voiced by the President of the EC Juncker in the occasion of the State of the Union speech. In his statement, he elaborated on the climate displacement phenomenon to re-emphasise the EU’s priority and commitment to scale up global climate action.²⁹⁸

2.3.3.2 The climate finance policy level: Supporting the most vulnerable

Integrating new challenges in the EU climate finance

At the current third phase, the EU’s commitments towards climate finance appears to be

recommendations on how best to cope with climate-related risk and maximise the sustainability of a project.

²⁹⁴ EC, 2015, p.131.

²⁹⁵ Ibidem, pp.6-7, see in particular goal 5 and goal 16.

²⁹⁶ EP, P8_TA (2015) 0359, para.66.

²⁹⁷ Ibidem, para.71.

²⁹⁸ EC, “State of the Union 2015: Time for Honesty, Unity and Solidarity”, Strasbourg, 9 September 2015. The full text of the speech is available at: http://europa.eu/rapid/press-release_SPEECH-15-5614_en.htm

strengthened. In 2014, an independent evaluation was carried out in order to track the GCCA's advancement and provide a critical basis to further improve the EU climate finance action. Even though the capacity of the initiative to respond to concrete needs as formulated by beneficiary countries was considered positive - both under the pillar of dialogue promotion and under the one of cooperation in climate action²⁹⁹ - some shortcomings and improvable measures were stressed.³⁰⁰ All in all, the report underlined the vital importance for the EU to keep running the initiative and refine its climate action so to provide support to the most climate vulnerable communities.³⁰¹

The GCCA+

The GCCA+, the new phase of the GCCA to run until 2020, was launched in October 2015 by the EU Commissioner for International Cooperation and Development and was confirmed as one of the key tools for the EU to assist LDCs in tackling climate change challenges. The launch of the updated version of the initiative confirmed climate finance for vulnerable developing countries as a “top priority for the EU”.³⁰² The GCCA+ is among the flagship initiatives promoted by the EU to maximise the sustainable development impact of its policies,³⁰³ and which is aimed at incorporating the new challenges posed by climate change and related risks of disasters under the two GCCA pillars.³⁰⁴ The initiative is specifically tailored to address the evolving international awareness of climate threats, for instance including urgent climate action among the 2015 Sustainable Development Goals and the 2015 UNFCCC Conference of Parties in Paris.³⁰⁵

As far as EDPs are concerned, some features of the GCCA+ appear particularly promising *vis-à-vis* the recognition and concrete implementation of protection measures in displacement scenarios. Among these are, for instance, the prioritisation of

²⁹⁹ Euronet Consortium, 2015, p.32.

³⁰⁰ In particular, the report highlighted the need for greater interaction between national and regional programmes, as well as to establish long-term activities planning and disbursement of financial aid in line with the regularly monitored climate achievements of recipient countries.

³⁰¹ Ibidem, pp.34-35.

³⁰² EC, 29 October 2015.

³⁰³ EC, C(2014) 8833, p.9.

³⁰⁴ Ibidem, p.89.

³⁰⁵ Ares(2015)5956167, p.5.

comprehensive dialogue with stakeholders of the partner countries, such as vulnerable communities, local authorities, civil society organisations, research organisations and networks;³⁰⁶ the increased attention to understanding recipient countries' individual and development-related needs and climate challenges;³⁰⁷ and, finally, the work in close contact with the EU delegations in partner countries to make sure that EU policies are informed by specific adaptation and mitigation needs.³⁰⁸ Precisely because of its strong focus on an overall *ex-ante* evaluation of scenarios of vulnerability in recipient countries,³⁰⁹ the new GCCA+ opens the way for more careful, comprehensive assessment of the impact of climate change on human beings – hopefully integrating the considerations on forced displacement advanced with insistence at the EU institutional level.

New trends in the GCCA+ reports and projects

With regard to climate finance reports and materials, a clear-cut step forward regarding the inclusion of EDPs as a priority amongst the areas addressed by the EU climate action can be noticed in correspondence with the transition from the GCCA to the GCCA+. In particular, a leaflet publication in 2014 includes climate-induced migration within various topics that have become “increasingly significant for development and policy agendas”, and that will therefore be supported financially by the EU, in terms of both technical and strategic activity assistance.³¹⁰ The most recent (and first) GCCA+ annual publication links, for the first time, the concept of vulnerability of communities to their potential displacement as a consequence of both sudden and slow onset events.³¹¹ The report acknowledges the growing consensus and the developing evidence that climate change does influence patterns of both voluntary and forced mobility. Furthermore, it underlines how displacement occurs not only from climate vulnerable spots toward more climate-safe regions, but also towards areas that are significantly exposed to climate change, which results in a multiplication of the already existing

³⁰⁶ Ares(2015)5956167, p.11.

³⁰⁷ Ibidem, p.7.

³⁰⁸ Ibidem, p.8.

³⁰⁹ See the EC's Joint Centre Report, 2015.

³¹⁰ GCCA, 2014, p.1.

³¹¹ GCCA+, 2015, pp.53-54.

vulnerabilities.

For the first time, a GCCA report establishes a link with the EDPs discourse at the institutional level: indeed, it recalls the relevant documents elaborated at the EU level³¹² that can provide policy guidelines in the attempt to foster adequate responses in receiving countries.³¹³ As an interesting “side” note, when discussing aid modalities to finance climate action in developing countries, the report mentions human rights as one of the areas the EU aims to enhance alongside the aid effectiveness *per se*.³¹⁴

Action-wise, it is worth mentioning, finally, the 2015-2019 GCCA+ project “Support to the Union of the Comoros for strengthening resilience to climate change”.³¹⁵ The project is tailored to integrate climate-related vulnerabilities in the country’s development plans, so to improve the living conditions of vulnerable populations and step up their resilience strategies. It is remarkable that, among economic and environmental effects of climate change, the “displacement of vulnerable populations” is explicitly mentioned. The inclusion of the issue is even more relevant in the light of the UNEP’s projection of the effects of climate change on the Comoros. The findings, indeed, foresee that as much as 10% of the population will become EDPs as a consequence of climate-related sea level rise.³¹⁶

2.3.3.3 Third phase: Concluding remarks

In the third and current phase of the EU’s approach towards EDPs, there finally appears to be elements of coherence between the discourse at the institutional level, calling for the urgent need to address EDPs with protection policies, and the climate finance level. More specifically, the advent of the GCCA+ witnesses the inclusion of environmental displacement among the issues to be addressed by climate finance projects, therefore underlining a concrete predisposition of the EU towards enacting measures that are significant to the individuation of displacement scenarios and, most importantly, to

³¹² I.e. the EP 2011 Study and the 2013 EC Working Document.

³¹³ GCCA+, 2015, p.54.

³¹⁴ Ibidem, p.35.

³¹⁵ The description of the project available at: <http://www.gcca.eu/national-programmes/africa/gcca-comoros>

³¹⁶ UNEP, 2010, pp.18-19.

elaboration of protection strategies for EDPs.

2.5 Conclusion

In light of what presented above, the EU can be regarded as a relevant actor in the global fight against climate change's adverse impacts. In fact, the Union has been proactive both in terms of measures taken at the internal level and regarding its support to the global efforts promoted under the UNFCCC and related multilateral climate initiatives. As for its international action, the Union is particularly remarkable for it steadily provides climate financing to vulnerable LDCs struggling to be resilient to climate change.³¹⁷ In line with this purpose, the EU's initiative GCCA and its follow-up phase GCCA+ are considered the EU's key tools to help the most vulnerable face the multi-layered developmental challenges posed by climate change.³¹⁸ Since the concrete protection of EDPs depends, to a great extent, on the willingness of international actors to tackle the occurrence of environmental displacement, this chapter provided a comprehensive analysis of the approach that the EU has taken towards the institutional acknowledgement and implementation of policies that advance EDPs protection strategies.

This analysis highlighted that there have been efforts, at the EU institutional discourse level, to increasingly understand and frame both environmental displacement and the protection needs of EDPs. It is worth recalling, for this purpose, the decisive shift in policy discourse boosted by the adoption of the 2011 EP Study and the 2013 EC Working Document. These documents have contributed to framing the issue of environmental displacement not in terms of security threat, but as a defined area the EU needs to explore and understand in order to provide protection responses to EDPs. Conversely, elements of protection elaborated at the institutional discourse level were not systematically integrate at the climate finance level. This created discrepancies between what advocated for in guidelines documents and what actually realised in concrete implementation measures of climate finance, eventually jeopardising EU's

³¹⁷ EC, 2015, p.4 ff.

³¹⁸ EC, 29 October 2015.

efforts to adopt policy measures to support EDPs in LDCs. However, since the adoption of the new phase of the GCCA, i.e. the GCCA+, there appears to be a new form of consistency between the perception of EDPs at the institutional level and express provisions addressing their need of protection in climate finance policy documents.

As a concluding remark, while analysing the materials of the GCCA and GCCA+, this work noticed that human rights are completely left out in the assessment of climate change adverse impacts and its effects on human beings. The concept of vulnerability adopted by the EU to describe the contexts of climate intervention disregards human rights as well. In light of the above mentioned remarks, the next chapter presents certain policy options that the EU could explore to make a step forward on the matter of EDPs. If, on the one hand, the EU could give proper policy consideration to EDPs' needs of protection – especially building on the promising developments brought about by the GCCA+ - on the other hand it is crucial that it integrates a human rights perspective in its climate finance actions.

Chapter 3 – The Way Forward: EU, EDPs and Human Rights

3.1 Introduction

The analysis of EU's climate finance projects in the previous chapter highlighted that, even if there appears to be a raising awareness on environmental displacement at the institutional level, the issue of EDPs is still not comprehensively addressed in the EU's policies to tackle the effects of climate vulnerability. More generally, it appears that the EU's climate action tends to frame and assess vulnerability in environmental terms³¹⁹, therefore risking to disregard the human rights implications of climate change. The new GCCA+ initiative is the only case where human rights issues are raised in EU's climate finance policy. However, for the time being, this represents the exception rather than the rule. As it has been already discussed in this paper,³²⁰ in fact, the impact of climate change is to be fully understood as a human rights issue, and therefore needs to be investigated in human rights terms.³²¹

The absence of systematic human rights considerations in the EU's climate policies is quite remarkable for two reasons. Firstly, overlooking the human rights dimension in the field of climate policy, which is a priority area of the EU's external action, is incoherent with what required by the founding principles of the EU's external action itself. Secondly, according to the ambitious role it wishes to fulfil, the EU should make sure its climate interventions are consistent with international standards, which advocate for the mainstreaming of human rights into climate action.³²²

This chapter argues that the integration of human rights in EU's climate action is necessary to comprehensively understand the human rights challenges posed by climate change, especially to protect those who are more vulnerable to it, i.e. EDPs. Hence, the chapter argues in favour of the EU's adoption of a HRBA to climate change and, more specifically, to climate finance policies in support of LDCs. Finally, the chapter

³¹⁹ For instance, the European Climate Adaptation Platform defines vulnerability assessment as “the analysis of the expected impacts, risks and the adaptive capacity of a region or sector to the effects of climate change”, which also includes an assessment of the sector or region's ability to adapt.

³²⁰ See paragraph 1.2.2.

³²¹ OHCHR, 26 November 2015, p.6.

³²² These points are elaborated in the following paragraphs.

highlights how a HRBA could guide the GCCA+ policy dialogue and be beneficial for the EU's recognition, individuation and, not least, prevention of environmental displacement in the context of climate change.

3.2 Climate change and climate action: Which role for human rights?

As far as EDPs protection is concerned, the lack of a methodical assessment of the human rights implications of climate change in EU's climate policies has resulted in the overlooking of protection challenges and policy solutions. Other than jeopardising the protection objectives of climate policies, the lack of the adoption of a human rights perspective in EU climate policies raises concerns of consistency *vis-à-vis* the overall Union's climate commitments. In fact, not only did the EU affirm its dedication to protecting and promoting human rights when it establishes its climate policies;³²³ it also elaborated studies on the policy relevance of the link between climate change and human rights³²⁴ and promoted initiatives to raise awareness on the need to adopt a rights-perspective to address global climate-related threats.³²⁵ Despite these theoretical commitments, evidence of rights-informed action on the matter is still lacking.

3.2.1. EU, climate change and human rights: A missing link?

Concerning human rights, even more remarkable is the issue of (in)coherence between the EU's external climate finance policies and the general provisions guiding the EU's external action. This issue can be raised, more specifically, when analysing the 2009 Lisbon Treaty on the European Union. According to Article 21, in fact, the EU's international policies should be guided by the Union's founding principles, among which is the "universality and indivisibility of human rights".³²⁶ In other words, the Union is requested to act globally in order to "consolidate and support [...] human rights"³²⁷ with respect to, *inter alia*, its policies to "foster the sustainable economic,

³²³ Council of the EU, 6061/16, p.5, para.12.

³²⁴ See the EP's study "Human Rights and Climate Change. EU Policy Options", 2012.

³²⁵ For instance, in the context of the 2015 European Year of Development climate change was referred to as a "human rights issue" to be address through a rights-informed approach. See: <https://europa.eu/eyd2015/en/unric/posts/yes-climate-change-human-rights-issue>.

³²⁶ Treaty of Lisbon, 2009, Art.21(1).

³²⁷ *Ibidem*, Art.21(2)(b).

social and environmental development” of LDCs,³²⁸ help LDCs “preserve and improve the quality of environment [...] to ensure sustainable development”³²⁹ and assist “populations, countries and regions confronting natural or man-made disasters”.³³⁰ The objectives related to the promotion and protection of environmental sustainability and assistance in the aftermath of natural disasters that are set in these provisions can be easily identified in the EU’s external climate policy. Hence, since climate action – including the GCCA+’s climate finance for LDCs – is amongst the priority fields addressed by the EU’s external policy,³³¹ it should be substantially informed by a human rights perspective.

A report published in 2012 by the EP provided an assessment of the two ways the EU can follow in order to acknowledge and account for the overlapping implications of its human rights and climate policies. A first approach would be to elaborate on the integration of climate issues in the EU’s external human rights action. A second approach would, vice versa, provide for the integration of human rights into the Union’s external climate policies.³³² What emerges from the report is the utmost importance to adopt a new approach to climate change, namely placing human rights considerations at the heart of the EU’s international climate engagement.³³³ Regarding the second approach, the issue of integration of human rights in climate finance policies has already been discussed in this work. Concerning the second approach proposed by the report, namely the acknowledgement of climate change challenges into the EU’s external human rights policies, progress seem to be stalling as well. This can be noted especially when analysing some of the principal policy documents on the EU’s strategic external human rights action. To take but a few significant examples, climate change is completely disregarded in the 2012-2014 EU “Strategic Framework and Action Plan on Human Rights and Democracy”.³³⁴ Along with various key situations selected for the EU’s action on human rights, the plan underlines the priority of ensuring that the human

³²⁸ Treaty of Lisbon, 2009, Art. 21(2)(d).

³²⁹ Ibidem, Art. 21(2)(f).

³³⁰ Ibidem, Art. 21(2)(g).

³³¹ See EC’s website on climate action: http://ec.europa.eu/clima/citizens/eu/index_en.htm.

³³² EP, PE 477.066, 2012, p.12.

³³³ Ibidem, pp.29-30.

³³⁴ See: Council of the EU, 11855/12, 25 June 2012.

rights of the most vulnerable groups are respected.³³⁵ Yet, the climate actions undertaken by the EU to explicitly support climate vulnerable groups have proven not to be human rights-informed; at least, not systematically nor explicitly. Concerning the second “Action Plan on Human Rights and Democracy 2015 – 2019”,³³⁶ the situation is barely different. The inclusion of climate change under the section of human rights challenges, in fact, is only mentioned as related to the promotion of economic, social and cultural rights,³³⁷ therefore not highlighting climate change effects *per se* as a threat to the enjoyment of human rights. The outcome is similar for what concerns the EU’s 2014 Annual Report on Human Rights and Democracy in the World,³³⁸ and the recently published Thematic Part of the forthcoming 2015 Report.³³⁹ The Reports, whose purpose is to provide an account and analysis of the EU’s promotion and support of human rights and democracy in third countries, do not treat the issue of climate change, except for a side reference to the climate effects on the land rights of indigenous people. In conclusion, these considerations further support the argument that a clear link between climate change and human rights in the EU’s external policy documents is far from being established. Ultimately, this undermines a human rights-informed approach to the protection needs of EDPs.

3.2.2 Setting the international standards for action

The lacking human rights and EDPs dimensions in EU’s past - and, to some extent, present - climate policies are even more evident when compared to the current practices at the international level, where environmental displacement is increasingly being framed through the lens of protection and human rights. Several UN bodies and agencies, among which OHCHR, the HRC, the UNEP, the UNDP and the UNHCR have been trying to mainstream and assess the human rights challenges posed by climate change in respective fields of action, ultimately acknowledging the human rights challenges posed by the phenomenon of environmental displacement.³⁴⁰ The UNHCR,

³³⁵ Council of the EU, 11855/12,2012, p.3.

³³⁶ See: Council of the EU, 10897/15, 20 July 2015.

³³⁷ Ibidem, p.16, point 17 (c).

³³⁸ Council of the EU, 10152/15, 22 June 2015.

³³⁹ Council of the EU, 10255/16, 20 June 2016.

³⁴⁰ UN webpage on Global Issues:

the HRC and various UNSPs, more specifically, have been proactive via a number of resolutions, panel discussions and multilateral fora to provide comprehensive accounts on the reasons why climate change is a threat to human rights and why it increases the risk of forced displacement.³⁴¹ Finally, under the UNFCCC Cancun Agreements, climate change disadvantageous effects have been further put in relation to the vulnerability experienced by LDCs,³⁴² also insisting on the need of assistance of the latter to deal with the challenge of environmental displacement.³⁴³

In addition to the UN action, the overarching human rights implications of climate change, among which are EDPs-connected challenges, have also been voiced in several other scenarios. Several international NGOs³⁴⁴, intergovernmental initiatives for national climate action³⁴⁵ and international multilateral summits³⁴⁶ have underlined that a full understanding of the displacement implications of climate change, along with the human rights problematics inherent to the occurrence of forced displacement itself, can only generate from the adoption of a human rights perspective to climate change.

Finally, concerning international climate finance architecture, in particular, human rights have been progressively setting the standards for action as well. Whereas the text of the UNFCCC did not originally mention human rights, the 2010 Cancun Agreements marked a decisive step in affirming that the Parties to the Convention are encouraged to “fully respect human rights” in all their climate change-related actions.³⁴⁷ This provision appears fundamental for its implications *vis-à-vis* climate finance policies, which are one of the main international instruments to address the urgent climate challenges

<http://www.un.org/en/globalissues/briefingpapers/refugees/nextsteps.htm>.

³⁴¹ An exhaustive list of the HRC and UNSP initiatives on the climate change - human rights link is available at: <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCAction.aspx>

³⁴² FCCC/CP/2010/7/Add.1, 15 March 2011, p.2.

³⁴³ Ibidem, p.5, art.14(f).

³⁴⁴ See, for instance, CARE International, 2015.

³⁴⁵ See the Geneva Pledge for Human Rights in Climate Action, 13 February of 2015. The initiative was launched by Costa Rica and supported, *inter alia*, by ten EU's MS.

³⁴⁶ See the 2016 Istanbul First World Humanitarian Summit. Interesting considerations on the links between climate change, human rights and displacement were raised *inter alia*, by the governments of Tuvalu and Switzerland. available at: <https://www.worldhumanitariansummit.org/specialsession-statements>.

³⁴⁷ FCCC/CP/2010/7/Add.1, 15 March 2011, p.4, para.8.

affecting primarily LDCs,³⁴⁸ including environmental displacement. Since international climate finance is a primary means to support mitigation and adaptation measures on which the human rights enjoyments of vulnerable people in LDCs depend, it is of utmost importance that it is soundly based on international human rights standards.³⁴⁹ According to the steps taken at the international level, this paper now discusses the relevance of a HRBA to climate change and, most importantly, to climate finance towards LDCs.

3.3 Towards a HRBA to climate finance

The added value of a HRBA³⁵⁰ during the drafting and implementation of climate change policies lies on the fact that such approach requests to drastically shift the focus of climate change diplomacy and policy-making from a nation-centred approach towards a “people-centred diplomacy”.³⁵¹ This is fundamental to give vulnerable communities and EDPs a greater voice in the shaping of climate action, ultimately integrating their basic needs and fundamental human rights in the negotiations of international climate agreements.³⁵² Moreover, a HRBA guarantees that all activities carried out thanks to financial contributions do have positive outcomes on the concrete enjoyment of human rights.³⁵³ More specifically, a HRBA to climate finance entails numerous advantages for the effective and comprehensive implementation of adaptation and mitigation efforts. Such advantages are briefly illustrated below.

Firstly, a HRBA to climate finance assures that adaptation and mitigation projects are consistent with existing international human rights obligations, especially those protecting the human rights most threatened by climate change.³⁵⁴ Human rights become therefore the benchmark against which to assess climate action. In scenarios of displacement, the UN Guiding Principles on Internal Displacement and, where applicable, the Kampala Convention, would therefore be a relevant human rights-based

³⁴⁸ FCCC/CP/2010/7/Add.1, 15 March 2011, p.16, para.97.

³⁴⁹ Johl and Lador, 2012, pp.3-4.

³⁵⁰ See description in above paragraph 1.4.

³⁵¹ Harris, 2013, pp.120-121.

³⁵² Ibidem, pp.201-202.

³⁵³ Johl and Lador, 2012, p.4.

³⁵⁴ See paragraph 1.2.2.

basis for action. Secondly, a HRBA to climate finance is based on the “do no harm” approach, therefore checking that efforts to fight climate change do not have detrimental impacts on the enjoyment of human rights.³⁵⁵ Thirdly, a HRBA is transparent and accountable, hence entailing that the beneficiaries of climate finance projects are entitled to be aware of the impact of climate action on the enjoyment of their human rights. Fourthly, a HRBA to climate finance allows for public participation in decision-making, therefore leading to rights-informed policies and monitoring mechanisms elaborated in cooperation with those directly affected by climate change. Finally, since the approach is based on equity and non-discrimination, it supports the inclusive participation of the more vulnerable members of climate vulnerable communities.³⁵⁶

As a whole, the adoption of a HRBA to climate change and climate finance is a promising path towards the setting of international climate action benchmarks both promoting and reinforcing universal human rights standards. As a consequence of this, through a HRBA human rights principles can play a “scale-up” function to politically mobilise global climate efforts and channel financing towards the protection of human rights of fragile communities.³⁵⁷ Accordingly, the potential of this approach *vis-à-vis* the protection of EDPs is extremely relevant. Indeed, the human rights and risk evaluations undertaken before and throughout the provision of climate finance for adaptation would necessarily have to take into account the human rights vulnerabilities of those displaced or at risk of environmental displacement.³⁵⁸ Finally, a transparent, participative HRBA to climate finance would benefit from the active consultation and involvement of EDPs, leading to more tailored and transparent finance responses to displacement and climate-related threats to displacement.

Having underlined the positive outcome that a HRBA regarding EDPs, the following section looks at the viability of the adoption of a HRBA to climate finance at the EU

³⁵⁵ In the context of climate change, the “do no harm” principle is double-faceted. On the one hand, it underlines the need not to provoke damage to human beings and the environment when implementing climate adaptation measures. On the other hand, it puts in evidence that climate adaptation needs not to rely solely on innovative practices, but it can build on and improve the climate coping-mechanisms already existing within a vulnerable community. See Magnan, 2014, p.3.

³⁵⁶ Johl and Lador, 2012, p.4 ff.

³⁵⁷ Fisher, 2014, p.22.

³⁵⁸ UNEP, 2015, p.22.

level.

3.3.1 The case for a HRBA to EU's climate finance policies

The adoption of a HRBA to EU's climate policies appears ever more compelling in light of the fact that human rights are systematically integrated in other areas of the EU's external actions. The value of HRBAs as a means to mainstream human rights is therefore not new to the EU's institutions, especially as external policies of development cooperation are concerned.³⁵⁹ The emergence of a new, "horizontal" approach towards mainstreaming human rights into development cooperation strategies has in fact characterised the agenda of the Commission in recent years.³⁶⁰ What is remarkable about the EU's HRBA to the development cooperation policy is that it has an "inward focus", namely it requires that donors align their aid delivery mechanisms with international human rights standards.³⁶¹ Besides, such approach is firmly anchored in the assumption that human rights are essential for achieving sustainable development,³⁶² and that accounting for human rights standards and principles throughout all policy phases is a prerequisite to ensure the empowerment of the most vulnerable, and ultimately succeed in the effort to eradicate poverty.³⁶³ Furthermore, a HRBA "Toolbox" was recently elaborated to provide EU's institutions and partners with guidance and pragmatic support in the daily implementation of development cooperation projects.³⁶⁴

As it is for development cooperation, the ultimate aim of the climate finance policy of the EU – and, above all, the GCCA+ initiative – is to foster climate action and ensure that sustainable development efforts lead towards the eradication of poverty.³⁶⁵ Thus, both development cooperation and climate finance policy areas ultimately share the

³⁵⁹ The EU's HRBA to development cooperation is taken into account inasmuch as it represents 'model' of policy option that could be built on to foster the integration of a human rights perspective in the EU's climate finance policies. For a thorough analysis of the actual application of such approach throughout the EU's development cooperation action, refer to: Brando et al, FRAME project, 2015.

³⁶⁰ D'Hollander et al., 2014, p.6.

³⁶¹ Ibidem, p.10.

³⁶² Council of the EU, 19 May 2014, p.2, para.3.

³⁶³ Ibidem, p.2, para.4.

³⁶⁴ See EC, SWD(2014) 152 final.

³⁶⁵ EC, 2015, p.6.

same objectives. Accordingly, the following sections argue³⁶⁶ that EU climate finance strategies could and should be elaborated through a HRBA, particularly building on the existing tools established under the HRBA to development cooperation policies.³⁶⁷

3.4 Closing the circle: A HRBA to GCCA+ for the protection of EDPs

As it has been advocated, a HRBA to climate change and climate policies would represent a crucial instrument to integrate international human rights standards throughout the process of drafting, implementing and assessing EU's climate action. What is more, the "right-holders and duty-bearers" element of the approach would request, firstly, that the climate finance actors align their policies with international human rights standards, and foster beneficiary government's respect for the human rights of climate vulnerable communities on their territory; secondly, it would allow for a country-based careful mapping of the human rights that need to be protected from the detrimental impacts of climate change. Precisely because it offers a new understanding of the implications of climate change and climate policies on human beings,³⁶⁸ the adoption of a HRBA can prove essential for the recognition of EDPs and the protection of their human rights through allocation of funds to projects considering displacement scenarios.

The following section therefore illustrates how the adoption of a HRBA could prove beneficial for a more decisive acknowledgement of EDPs on the part of the EU, as well as for the implementation of more EDPs-tailored finance policies for protection. In particular, the benefits of a human rights perspective are analysed in relation to three areas of the GCCA+ initiative, which is currently the most prominent EU's climate finance project. The three areas are: the framing of the issue of EDPs in EU-led multilateral knowledge sharing platforms, the concrete implementation of EDPs-informed measures in the projects, and the recognition and prevention of scenarios of

³⁶⁶ The relevance of a HRBA to climate finance was already discussed by the EP, which concluded that a HRBA is indispensable to adopt policies and financing mechanisms that are truly consistent with international human rights obligations. (See: EP, PE 477.066, 2012). Furthermore, the issue was more recently discussed at the EP in relation to the preparatory works for the 2015 UNFCCC's Paris Conference of Parties. (See, *inter alia*, Carbon Market Watch, 2015).

³⁶⁷ Ayers and Abeyasinghe, 2013, pp. 502-503.

³⁶⁸ Johl and Lador, 2012, p.4.

environmental displacement.

3.4.1. Policy platforms as a mechanism to share knowledge on EDPs

The first pillar of the GCCA+ initiative refers to the establishment of a continuative dialogue platform between the EU and the LDCs to promote the integration of climate change issues at the beneficiary countries' national level, as well as to foster the regional exchange of practical climate adaptation experiences. The reasons for the adoption of a HRBA in the context of knowledge sharing and climate finance policy drafting are manifold. In the first place, a HRBA to the GCCA+ first pillar could foster the idea that the main objective of climate finance policies is to fund adaptation and mitigation actions that fulfil the human rights of those identified as vulnerable by the policies themselves.³⁶⁹ In particular, reframing the concept of “climate vulnerability” in terms of human rights challenges could represent a starting point to enhance cooperation in the area of research on the global threats posed by climate change.

Addressing the issue of EDPs during regional and global GCCA+ events

Being forced migration and environmental displacement listed among the GCCA+ areas that need to be further explored³⁷⁰, future GCCA+ national, regional and global learning events could include sessions on the climate impacts on human mobility, as it was also suggested by the previously mentioned EC's Staff Working Document.³⁷¹ For such occasions, training materials that systematically include information on the human rights implications of environmental displacement would represent a solid basis for result-oriented discussions on forms of protection. What is more, such sessions could benefit greatly from the participation and experience sharing of EDPs themselves, or representatives of communities that live in the areas at high risk of displacement. Meetings and seminars could, moreover, be the occasion to analyse, disseminate and encourage the application of protection instruments and guidelines that are relevant in scenarios of environmental displacement. Above all, the full understanding and the application of the UN Guiding Principles on Internal Displacement and, where

³⁶⁹ OHCHR, 26 November 2015, p.3.

³⁷⁰ GCCA+, 2015, pp.53-54.

³⁷¹ EC, SWD(2013) 138 final, p.24, p.35.

applicable, the Kampala Convention, should be promoted.

Particularly at the regional level, the EU could encourage the organisation of seminars and conferences addressing international protection initiatives for EDPs, and provide for mechanisms of know-how sharing with regard to environmental displacement issues.³⁷²

The EU could, *inter alia*, build on past international initiatives aimed at assessing and mainstreaming human rights implications in the context of disaster and environmental displacement.³⁷³

Working with national governments

Finally, the EU could use its “environmental leadership”³⁷⁴ to further recognise a link between environmental displacement and the need for EDPs protection through dialogue opportunities at the national level. In this case, the EU could make use of its delegations to establish dialogues with partner beneficiary governments³⁷⁵ and make sure that the human rights impact of climate change, displacement in the first place, is integrated into national development policies. For this purpose, regular human rights-informed and transparent consultations with vulnerable local stakeholders could help identify areas that need urgent funding to support people directly affected by climate change - be them EDPs or people at risk of displacement.

3.4.2 Implementation of EDPs-informed measures

Assessing climate risk in GCCA+ projects

Concerning the second pillar, namely the technical and financial cooperation to support adaptation and mitigation efforts in LDCs, a HRBA would be particularly relevant during the phase of assessment of climate risk and exposure that leads to the elaboration

³⁷² The GCCA+ knowledge online platform could be updated with references to other knowledge-sharing platform that address the impact of climate change on vulnerable people and, more specifically, on displacement. Among others, protection tools and strategies elaborated by the Nansen Initiative and the NGO Displacement Solution could be of interest.

³⁷³ Valuable reports were elaborated as a result from a number of regional conferences on rights protection in the context of natural disasters and climate change promoted by the Brookings-LSE Project on Internal Displacement and several UN agencies. The reports are available at: <http://www.brookings.edu/about/projects/idp/resources/training>.

³⁷⁴ Schreurs, 2013, p.363.

³⁷⁵ European External Action Service website: http://eeas.europa.eu/delegations/index_en.htm.

of the GCCA+ index. The index is an instrument that maps the overall vulnerability of a country and its population, alongside their exposure to natural hazard and capacity to react to climate change. The purpose of the index is to take into account present and future climate risks and integrate them into the overall development strategies of LDCs.³⁷⁶ The indicators cover a number of areas, and particularly analyse the environmental, social and economic aspects that climate change is expected to hit the most in beneficiary countries.³⁷⁷ Additionally, some of the indicators can be used both for *ex-ante* and *ex-post* evaluation processes, therefore providing a dynamic instrument to measure the progress towards the GCCA+ projects' overall goals.³⁷⁸

Adding a human rights dimension to GCCA+ risk assessments

Introducing a human rights dimension to the interpretation and operationalisation of the index could help elaborate climate finance projects that are able to tackle climate challenges to specific human rights. In this case, the adoption of a HRBA could build on the HRBA toolbox elaborated by the EC for the EU's development cooperation policies. More specifically, risk assessments could be complemented with a "human rights checklist" to guide the EU and LDCs in the different steps of design, implementation and monitoring³⁷⁹ of the GCCA+ projects. The new approach would not mean that EU's climate finance policies have to be reformulated. In fact, it would help the EU focus on a better "qualitative methodology" that allows to "better reach target - groups and to strengthen their access to basic services in all sectors of intervention"³⁸⁰, at the same time using the international human rights standards as benchmarks for its climate action. It is precisely by providing a new perspective to climate risk that a HRBA would allow for a human-rights informed interpretation of economic, environmental and social impacts of climate change in a determined area, ultimately leading both to identifying forced displacement scenarios and acknowledging their occurrence as a consequence of climate-led deterioration of both the environment and the enjoyment of human rights.

³⁷⁶ For more details on the GCCA+ index: <http://knowsdgs.jrc.ec.europa.eu/?q=methodology>.

³⁷⁷ Joint Research Centre, 2015, pp.9-10.

³⁷⁸ Ibidem, p.22.

³⁷⁹ SWD(2014) 152 final, p.20 ff.

³⁸⁰ Ibidem, p.8.

Finally, and in line with what recently claimed by the Council of the EU, forced displacement is a multifaceted challenge; as such, it needs to be tackled through long-term, forward-looking strategies that are strongly underpinned by a HRBA and aim at reaching sustainable development and protection solutions.³⁸¹ Accordingly, the adoption of a HRBA to EU's GCCA+ projects seems to be the most appropriate strategy to effectively integrate environmental displacement considerations and protection solutions in the ultimate aim of climate finance projects, i.e. sustainable development.

3.4.3 Preventing the phenomenon of EDPs: The case for resettlement

As previously mentioned, a HRBA to EU's climate finance would lead to a systematic assessment of the human rights implications of adaptation and mitigation processes, therefore allowing for a comprehensive *ex-ante* evaluation not only of the environmental outcomes of policies (such as, for instance, reforestation, better management of the coastal areas), but also of the impact they have on the enjoyment of basic human rights.³⁸²

Anticipating environmental displacement

By focusing on individuals as subjects of rights, a HRBA can provide the means to categorise different levels of climate vulnerability, and therefore be a starting point for the elaboration of finance strategies that sustain groups whose human rights' enjoyment is threatened the most.³⁸³ In the case of EDPs, GCCA+ projects could benefit from the above mentioned risk index to monitor the conditions of vulnerable communities living in climate exposed areas, also referring to the displacement scenarios that have been identified internationally.³⁸⁴ To further investigate the occurrence of such scenarios, it would be relevant, moreover, to establish *ad hoc* strategies to observe and map people's livelihoods and their dependence on differential access to climate-threatened resources (such as water, food, land).³⁸⁵ Once the particular severity of climate threats in a certain area is identified, and that a high level of human rights vulnerability appears to exist,

³⁸¹ Council of the EU, 240/16, 12 May 2016, para.4.

³⁸² Johl and Lador, 2012, p.18.

³⁸³ Orellana, 2012, pp.60-61.

³⁸⁴ See paragraph 1.3.1.

³⁸⁵ Sida, 2015, p.4.

EU's climate finance projects could advance measures that prevent environmental displacement and sustain vulnerable communities to reduce their likelihood of becoming EDPs. Such measures could prove crucial especially in situations where communities are so vulnerable that risk to become "trapped" in the aftermath of slow or sudden onset events,³⁸⁶ either as a consequence of lack of adaptation projects or because climate finance projects do not offer instruments to deal with cases of environmental displacement itself.

Combining funding and human rights for preventive resettlement

Following what stated before, a significant area where a HRBA to climate finance could boost EU's efforts to promote adaptation and sustainable development, while offering concrete options for the protection of EDPs, is the policy field of resettlement. The issue of people's resettlement is being increasingly researched in relation to climate change-related displacement. More generally, researchers use the term "relocation" in the context of climate change to refer to various kinds of potential people's movements as a climate-driven outcome.³⁸⁷ Alongside displacement and migration, relocation has also been indicated under the UNFCCC³⁸⁸ as challenging area to be further explored. The term is used to denote the following cases: communities that have to be relocated from highly climate-exposed areas, i.e. zones where the occurrence of climate onset events is exacerbated by climate change; people who are in need to move permanently because their lives are no longer sustainable as a consequence of slow-onset events; finally, people in need of being relocated because climate change-related effects are threatening the very existence of parts of their countries.³⁸⁹ On the contrary, the term resettlement refers more specifically to the restoration of livelihoods and access to basic human rights after the process of movement from a climate-exposed area towards a safer place.³⁹⁰ As it has been mentioned while analysing the EU's policy approach towards displacement in the GCCA+ initiative, some EU-funded projects do refer to

³⁸⁶ Fisher, 2014, p.20.

³⁸⁷ Ferris, 2012, p.9.

³⁸⁸ FCCC/CP/2010/7/Add.1, 15 March 2011, p.5, art.14(f).

³⁸⁹ Ferris, 2012, pp.9-10.

³⁹⁰ Ibidem, p.11.

resettlement as a way of coping with climate change.³⁹¹ However, resettlement itself is not explicitly associated to the risk of environmental displacement and consequent challenges to human rights of EDPs. A HRBA to EU's climate finance could step up mechanisms of protection of people at risk of displacement in three ways.

Firstly, GCCA+ technical expertise and funding could be channelled to financially support preventive resettlement of vulnerable communities towards more climate-safe areas. Practices of relocation and resettlement, indeed, are costly and need to be planned carefully.³⁹² The GCCA+ risk index could, for instance, be used to help beneficiary countries identify the most climate exposed areas, as well delineate interventions building on other countries' past successful practices.³⁹³ Secondly, a HRBA would request that funding for resettlement project is disbursed following, *inter alia*, the principle of "do no harm" and active involvement of all stakeholders. This would imply the need for the EU to encourage the duty-bearers, namely the national governments officially in charge of the resettlement procedure, to consult and involve the rights-holders, i.e. those residing in scenarios at risk of displacement, throughout all phases of the project.³⁹⁴ This would allow EDPs and those at risk of displacement to have access to forms of empowerment and concrete chances to take part in the decision-making process,³⁹⁵ therefore also contributing with their concrete concerns and insights in terms of human rights challenges. Finally, a HRBA could help reinforce the analysis of many cross-cutting issues, such as the impact of resettlement on the human rights of those displaced,³⁹⁶ the equal, transparent and inclusive information, consultation and consent³⁹⁷ of EDPs or those at risk of displacement, and the mechanisms of monitoring, evaluation and complaint.³⁹⁸

All in all, the application of a HRBA to climate finance in the context of prevention of climate change harm could open the way for the EU to support the identification of

³⁹¹ GCCA, 2012 (b), p.5. The projects refer, specifically, to the cases of the Solomon Islands and Senegal.

³⁹² Brookings Institution et al., 2015, p.3.

³⁹³ Ibidem, p.16. For further insight on this topic see, among others, Thomas (2015) on Haiti; Chun (2015) on the Mekong Delta; Vithanagama et al. (2015) on Sri Lanka.

³⁹⁴ Brookings Institution, 2015, p. 17 ff.

³⁹⁵ Zetter and Morrissey, 2014, p.71.

³⁹⁶ Petz, 2015, p.45.

³⁹⁷ Ibidem, pp.48-49.

³⁹⁸ Ibidem, p.54.

EDPs situations and provide finance and forms of technical assessment support that tackle the human rights challenges of those at risk of displacement. The question remains, whether such pioneer role would be too “political” for the EU to be actively performed in its relations to partner climate vulnerable LDCs.³⁹⁹ Despite this, the GCCA+, being a flagship and ambitious initiative to fight climate change at the side of the world’s most vulnerable, could indeed become the stepping stone for increased research and action on innovative climate finance mechanism fostering human rights-informed protection for EDPs.

3.5 Conclusion

In view of what has been pointed out by several international human rights bodies, this chapter has argued that the only way to sustainably address climate change adverse effects and the challenge of environmental displacement is through a HRBA. Such approach, with its solid foundations on the international human rights standards and its orientation towards the comprehensive acknowledgement and consultation of those most vulnerable to climate change,⁴⁰⁰ appears to be crucial also in relation to climate financing for adaptation. Concerning the EU, it appears that the Union has both institutional awareness and policy instruments to integrate human rights into climate change policies. However, the realisation of a strong link between the two areas is far from clear, therefore undermining the potential the EU itself has to step up and protect the human rights of climate vulnerable communities in LDCs, primarily EDPs.

Despite the lack of concrete measures at the present time, the EU could make use of the HRBA it has adopted in other external policy areas, namely development cooperation, and tailor it to its climate finance policies. In practical terms, a HRBA to climate finance would provide for the acknowledgement of human rights implications and the protection of human rights of the most vulnerable communities, above all EDPs. A HRBA to the GCCA+ initiative, in particular, would allow for the integration of the environmental displacement and human rights discourse at the policy and knowledge

³⁹⁹ I thank Daniel Petz for his insights on the complexity and politicisation issues related to the formal recognition of EDPs at the national and international level.

⁴⁰⁰ OHCHR, 2015 p.7.

sharing level, especially disseminating materials on the existing international forms of protection for EDPs. At the level of technical financing and cooperation, a HRBA would allow for the EU to contribute to highlight displacement scenarios and addressing human rights-informed finance to resettlement strategies that aim at protecting EDPs. All in all, a HRBA to EU's climate finance policy would not necessarily change the EU policy and financial focus on climate adaptation. In fact, it would help the Union widen the scope of its action by, firstly, integrating human rights challenges in its climate action and, secondly, by acting as pioneer in supporting climate finance beneficiary states with concrete EDPs-informed policy dialogue and financial support.

General Conclusions

The aim of this thesis was to investigate the approach of the EU towards the issues of environmental displacement and EDPs, especially as far as the EU's institutional policy discourse and concrete climate action are concerned. The objective was, moreover, to consider whether specific EU's climate finance initiatives supporting mitigation and adaptation in LDCs address the issue of climate change-related displacement and its possible effects on the human rights of EDPs.

In order to effectively assess the approach of the EU to environmental displacement, several considerations have been elaborated.

In the first place, an extensive account and analysis of the adverse effects of climate change on the enjoyment of human rights permitted to define a human-rights informed concept of vulnerability to climate change. Secondly, in the light of the academic debate on the legal status of EDPs and the search for international forms of protection, this thesis opted for an understanding of the EDPs as, primarily, IDPs. Accordingly, the UN Guiding Principles on External Displacement – as well as the Kampala Convention, where applicable - were identified as a noteworthy framework for guiding national governments in identifying forms of internal displacement in the context of climate change, as well as in understanding the human rights challenges faced by those displaced. Additionally, this work highlighted that the role of the international community is perceived as crucial for an effective protection of EDPs. Indeed, international actors are called upon to help national governments tackle the occurrence of environmental displacement scenarios, primarily through the financing of adaptation and mitigation projects. Finally, this thesis has provided valid and extensive reasons to support the argument that the EU is indeed a relevant actor in the shaping of international dialogue and policy making in the context of the global commitments to tackle the adverse effects of climate change. In view of the prominent position of the EU, this work furthermore argued that the EU has the potential to become “a leading

political force”⁴⁰¹ to raise global awareness on the phenomenon of environmental displacement, as well as to encourage the adoption of policies that provide for the protection of EDPs.

In the light of the above reported preliminary considerations, the findings regarding the EU’s approach to environmental displacement and EDPs are the following.

Firstly, the analysis of both the EU’s institutional discourse and the climate finance policies led to the identification of three major phases in the development of the EU’s approach to EDPs. Interestingly enough, in the first and second phases the level of institutional discourse and climate finance policy showed discrepancies. Particularly in the second phase, the elaboration on EDPs terminology and protection concerns at the institutional level found little reflection in the climate finance projects and documents analysed. This is particularly remarkable as both the 2011 EP’s study on climate refugees and the 2013 EC’s Staff Working Document on climate change and migration refer to the main EU’s climate finance initiatives, namely the GCCA, as a fruitful context where to raise awareness on EDPs and establish international, regional and local forms of cooperation on environmental displacement.

However, especially in the third and current phase of the EU’s approach, this thesis found that a more solid and comprehensive discourse-informed policy is starting to emerge. In particular, in the current phase the issues of EDPs and environmental displacement appear decisively anchored in an underpinning concept of protection. This appears to be a very promising basis for the potential future integration of environmental displacement concerns in the EU’s climate finance policies; it proves especially noteworthy because drafting and implementing tailored policy options for the protection of EDPs would support climate vulnerable countries, LDCs *in primis*, in finding effective and efficient measures to cope with environmental displacement.

Perhaps more interestingly, a second, remarkable finding is related to the integration of human rights as far as EU’s climate action is concerned. What emerged during the analysis of policy documents, reports and training materials of the most meaningful EU

⁴⁰¹ Heinrich-Böll-Stiftung, 2014, p.38.

climate initiative, i.e. the GCCA, is that human rights are barely mentioned. In fact, even though the concept of vulnerability is a framework used to assess the areas where to intervene in support of fragile human communities, a broader perspective analysing the impact of climate change on the human rights of vulnerable communities is completely lacking.

According to this thesis, the systematic overlooking of human rights in the EU's climate finance action ultimately leads to the failure, as far as the scope of the current analysis was concerned, to clearly identify the risk of forced displacement as a consequence of climate-related deterioration of livelihoods and hampered enjoyment of human rights. This finding is particularly worrying in the light of the following considerations. Firstly, according to the Treaty of Lisbon, the EU is explicitly mandated to integrate human rights principles in all areas of its external action. As climate policies are one of the major areas of the EU's cooperation with and support to third countries, the failure to clearly address the link between climate change and human rights may cause incoherent policy responses. Secondly, the lack of integration of human rights concerns in climate action creates a gap between the features of EU climate policies and the policy options strongly advocated for at the international level, especially by the UN human rights bodies.

In light of these findings, this thesis advocated for the need for the EU to proactively integrate human rights issues in all aspects of its climate action. In particular, this thesis agreed with what recent research has pointed out, namely that the adoption of a HRBA to climate change action - and more specifically to climate finance - would provide for the establishment of rights-informed assessments of scenarios of climate vulnerability. Finally, this thesis supported the argument that a HRBA to EU's climate finance projects, especially as far as the GCCA+ initiative is concerned, would be a concrete possibility to integrate displacement and EDPs rights protection in EU's climate dialogue and policy cooperation with LDCs. In particular, this study argued that, according to its international relevance to climate action, the EU finds itself in the position to advance comprehensive policy options to protect EDPs and tackle scenarios of environmental displacement. In light of this, the value added by the adoption of a

HRBA would encourage the EU to elaborate its policies according to international human rights standards, as well as raising awareness on the existing human rights frameworks and guidelines on the protection of EDPs.

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