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CLIMATE DISPLACEMENT AND SECURITY IN INTERNATIONAL AND
EUROPEAN UNION LEGAL FRAMEWORKS

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Quoting

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The body of the present Dissertation, including spaces and footnotes, amounts to 143.712 Characters.

Abstract

The issue of climate displacement presents a complex and unresolved problematic, leaving individuals who are forced to move from their homes navigating uncertain legal frameworks. In our opinion, this absence of adequate legal safeguards for climate-displaced individuals can be attributed to the prevailing institutional state security approach dominating this field. Within the realms of both International and European Union legal frameworks, climate-displaced individuals lack an adequate protective regime tailored to their concrete legal necessities. While the European Union framework leans towards a state security approach and the international community advocates a human security approach, both these paradigms fall short in protecting the individuals facing life-threatening circumstances and the loss of their homes due to climate-induced disasters. The problematic of climate displacement remains fragmented, and divergent messages from the European Union and the international community often project a misleading sense of compassion and solidarity towards the individuals who suffer the consequences of this problematic. The primacy of the institutional security approach continues to shape the response to climate displacement, hindering the establishment of comprehensive legal solutions. Crucially, the determination of the protection regime available to climate-displaced individuals hinges on the interpretations made by relevant actors within the existing legal instruments. Therefore, this study seeks to raise awareness about the entrenched security-oriented perspective that characterizes the institutional perception of climate-displaced individuals.

Keywords: Climate Displacement, The Security Approach.

Resumo

A questão do deslocamento climático apresenta um problema complexo e não resolvido, deixando os indivíduos forçados a abandonar as suas casas a navegar em quadros legais incertos. Esta ausência de salvaguardas legais adequadas para os indivíduos deslocados pelo clima pode ser atribuída à predominante abordagem institucional de segurança do Estado que domina este campo. Dentro do âmbito dos enquadramentos legais internacionais e da União Europeia, os indivíduos deslocados pelo clima carecem de um regime de proteção adequado adaptado às suas necessidades

legais concretas. Embora o quadro da União Europeia tenda para uma abordagem de segurança do Estado e a comunidade internacional defenda uma abordagem de segurança humana, ambos esses paradigmas ficam aquém na proteção dos indivíduos que enfrentam circunstâncias de risco de vida e a perda das suas casas devido a desastres induzidos pelo clima. O problema do deslocamento climático permanece fragmentado, e mensagens divergentes da União Europeia e da comunidade internacional frequentemente projetam uma sensação enganadora de compaixão e solidariedade em relação aos indivíduos que sofrem as consequências deste problema. A primazia da abordagem institucional de segurança continua a moldar a resposta ao deslocamento climático, dificultando o estabelecimento de soluções legais. Crucialmente, a implementação de um regime de proteção legal para os indivíduos deslocados pelo clima depende das interpretações feitas pelos atores relevantes dentro dos instrumentos legais existentes. Portanto, este estudo busca aumentar a consciência sobre a perspectiva orientada pela primazia da segurança dos Estados que caracteriza a percepção institucional dos indivíduos deslocados pelo clima.

Palavras-Chave: Deslocamento Climático, A Abordagem de Segurança.

1. Introduction

Climate displacement, a form of forced population movement, is the result that climate change poses on human mobility. The movement of people around the globe exists since humanity itself exists, but here, climate displacement is the specific type of human mobility highlighted, where the link between climate change and displacement is recognized *per se*. Based on the ‘climate change’ definitions provided by The Intergovernmental Panel on Climate Change and The United Nations Framework Convention on Climate Change,¹ the correlation between climate change and human mobility is established, combating the arguments in Baldwin *et al.* (2014) that describe this connection as speculative, alarmist, dramatic, subjective and arbitrary.

Due to the complexity and multidisciplinary nature of climate displacement, Ferris (2020) describes the academic research on the subject as a “field in formation” (Ferris, 2020, p. 1) and Gómez (2013) corroborates this opinion by affirming climate displacement is an “understudied, fragmented and in need of robust evidence” (Gómez, 2013, p. 5) field. The fragmentation of climate displacement becomes evident when examining its various aspects, including its causes, magnitude, distance, and duration, thus necessitating additional clarifications.

Climate displacement can be attributed to six primary causes: sea level rise, changes in tropical storms and cyclone frequency or intensity, changes in rainfall regimes, increases in temperature, changes in atmospheric chemistry and melting of mountain glaciers (Gómez, 2013). Based on these causes, climate displacement can be categorized into two types: rapid-onset displacement, triggered by sudden and extreme weather events like floods and hurricanes; and slow-onset displacement, stemmed from long-term factors such as land degradation, drought, and desertification (Gómez, 2013). The type of displacement varies, as Gómez (2013) identifies, in three crucial aspects: its magnitude

¹ The Intergovernmental Panel on Climate Change describes climate change as “a change in the state of the climate that can be identified (by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer” and The United Nations Framework Convention on Climate Change states that “climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” (The International Strategy for Disaster Reduction, p.1).

(the number of people that are being and will be affected, attached to understanding if movements are voluntary or forced); its distance (internal movements or cross-border movements); and its duration (temporary or permanent stays).

Regarding the distance of climate displacement movements, there is a differentiation between internal movements and cross-border movements (Gómez, 2013). Thus far, climate displacement has predominantly been documented as internal (European Commission, 2022), meaning it occurs within the geographical borders of a country. So far, climate-displaced individuals have mostly – though not exclusively – remained within the borders of their home countries, because people who experience the necessity to relocate, due to the deterioration of their living conditions, tend to choose the closest regions that have not yet been significantly affected. However, climate displacement also involves cross-border movements, and such movements are expected to expand in the foreseeable future. Indeed, despite “most persons remaining within the borders of their homelands” (European Commission, 2022, p. 3), cross-border movements are expected to increase, especially with the possibility of the permanent disappearance of certain territories and small islands. Concrete examples of cross-border movements already exist, specifically in regions such as Africa, Latin America, and Central America (European Commission, 2022). The 2022 Commission Staff Working Document on ‘*Addressing displacement and migration related to disasters, climate change and environmental degradation*’ addresses not only internal movements, but also cross-border movements; and the European Parliament, in its 2022 ‘*The Future of Climate Migration*’ policy document, affirms that “an emerging trend is that more of those displaced for climate reasons are crossing borders” (European Parliament, 2022, p. 1). It is imperative to address this phenomenon at this stage, not only considering the most likely future increase of cross-border climate displacement, but also due to the underlying state security approach that persists within such displacement scenarios. If climate-displaced individuals relocate within the borders of their home country, this country remains the primary responsible entity and national law is applicable. The situation becomes more complex when individuals are forced to move across the borders of their domestic legal system, as they are then perceived as ‘outsiders’ and most likely refused protection based on state security arguments.

In terms of duration, the phenomenon of climate displacement can be of a temporary or permanent nature (Gómez, 2013). For example, climate displacement is temporary because of degradation due to intense storms; and permanent when there is a complete deterioration of the living conditions or the total disappearance of a certain region and/or country (Gómez, 2013). To further complete this information, there are recent practical examples, such as Asia, Africa (with emphasis on the Sub-Saharan case), Latin America and small islands, which are the most threatened regions, due to their proximity to the sea level, their exposure to tropical cyclones, and their location at high altitudes, subjected to melting and consequent lack of water due to the disappearance of glaciers (C. Gomes, 2018).

In this context, the study of this thesis pertains to the following research question: “to what extent is climate displacement related to (state) security concerns in European Union and international law and policy?” and for the purposes of clarification, the term ‘climate-displaced’ will be consistently utilized in this thesis to describe individuals forced to move because of climate-related disasters.

The issue of climate displacement is inherently determined by the security approach (chapter 2). The security approach encompasses three distinct approaches, each of which will be discussed in its respective chapters. Nevertheless, the argument we intend to transmit as of now is, despite the state security approach being closely associated with European Union practices (subchapter 2.1.) and the human security approach finding greater advocacy within the international community (States and the United Nations) (subchapter 2.2.), these distinct approaches ultimately serve a common practical objective: prioritizing the safeguarding of national security interests over the well-being and lives of the climate-displaced individuals, regardless of the justifications put forth. The Copenhagen School (subchapter 2.3.) finds its greater advantage by focusing on how the latter two approaches translate into practice.

Upon establishing clear definitions for each security approach concerning climate displacement, the groundwork is laid for the examination of academic research in chapter 3. This chapter will focus on presenting and critically examining the contributions made by scholars such as Methmann *et al.* (2015), Ransan-Cooper *et al.* (2015), Gonzalez (2019) and Ferris’ (2020), with the aim of providing a more comprehensive understanding

of climate displacement. Moreover, chapter 3 is dedicated to the overarching and common concern surrounding the securitization of climate displacement within institutional frameworks. It is crucial to recognize that the academic research on climate displacement represents a pivotal advancement in comprehending this issue by accurately emphasizing the role of the state security approach within institutional practices. Nonetheless, these authors often overlook the fact that the state security approach is not solely confined to specific terms or eras denoting the historical evolution of climate displacement. Methmann *et al.* (2015) and Ransan-Cooper *et al.* (2015) explore the continuity among various eras or terminologies employed in the context of climate displacement. However, they do not explicitly highlight the omnipresent influence of the state security approach within the issue of climate displacement.

Chapter 4 concentrates on the legal and practical manifestations of the state security approach on climate displacement. In this chapter, our aim is to convey that as long as the state security approach prevails, attempts to devise legal solutions to protect the climate-displaced individuals will remain insufficient and divert attention from addressing the rooted problematics that hinder both the European Union and the international community from effectively protecting these individuals.

In this study, we will examine the concrete frameworks of both the European Union and the international community (both States and organizations, such as the United Nations), with its dedicated chapters, namely chapter 5 and chapter 6, respectively. More concretely, chapter 5 will initially examine the legal evolution of freedom of movement within and into the European Union. This examination will highlight how, over time, this freedom has expanded for its citizens, while simultaneously imposing limitations and restrictions on the so-called ‘third-country nationals’, a category into which the climate-displaced individuals are anticipated to be classified as, primarily due to their expected origins in the Global South (Ransan-Cooper *et al.*, 2015). After conducting a comprehensive analysis, it is crucial to analyze the concrete implications of the state security approach of the European Union framework concerning the climate-displaced individuals. In this context, this chapter sheds light on the climate displacement and security nexus within European Union Law and Policies. More specifically, we will closely examine the phenomenon of climate displacement through the lens of various sources. Subchapter 5.1. will be dedicated to the subject of climate displacement in

European Union Policies, including a discussion of key documents such as the 2022 European Commission Staff Working Document titled ‘*Addressing displacement and migration related to disasters, climate change and environmental degradation*’ (subchapter 5.1.1.) and the 2022 European Parliament document titled ‘*The future of climate migration*’ (subchapter 5.1.2.). Subchapter 5.2. will delve into the realm of climate displacement within European Union Law, including an analysis the Schengen Borders and the Visa System (subchapter 5.2.1.), along with the examination of the practices of the European Border and Coast Guard Agency (Frontex) (subchapter 5.2.2.). These sources will be considered to demonstrate how the state security approach underpins the practices of the European Union that could potentially apply to climate displacement, should climate-displaced individuals be incorporated within this framework.

In chapter 6, entitled ‘Climate Displacement and Security Nexus in International Law and Policies’, we will commence by examining the involvement of the United Nations Security Council in the matter of climate displacement (subchapter 6.1.). This subchapter elucidates our understanding of the discernible but superficial evolution of this body towards a human security approach. At this stage, the United Nations Security Council addresses the climate displacement phenomenon by transferring competence to the United Nations Framework on Climate Change, which does not explicitly address this issue. Instead, the United Nations Framework on Climate Change leaves the implementation of measures to individual national laws, thereby entrusting the handling of climate displacement to the discretion of contracting States, which will likely prioritize the safeguarding of their national security. Subsequently, subchapter 6.2. will focus on the examination of the 1951 Geneva Convention. This emphasis stems from its role as the key legal instrument of the humanitarian approach, which is under consideration for potential application to climate-displaced individuals. Nevertheless, it is noteworthy that even the principle of *non-refoulement* is subject to constraints rooted in the national security of States.

To finalize, chapter 7 will be the conclusive chapter, where the overcoming of the state security approach in climate displacement will be considered as the necessary step to protect the individuals displaced due to climate related factors. In the end, the main purpose of this thesis is to bring to light the fact that security considerations are more

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prevalent in the existing international and European Union legal regimes than it is commonly acknowledged in scholarly and policy debates.

2. The Security Approach

The issue of climate displacement is profoundly dictated by the security approach, particularly the state security approach. Currently, the climate-displaced individuals continue to encounter the absence of an appropriate legal status and corresponding protection framework, primarily due to the prevailing state security approach entrenched in institutional practices. To solidify this argument, this chapter will provide clarification on the various approaches of the security concept. Specifically, we will delve into the state security approach (subchapter 2.1.), the human security approach (subchapter 2.2.), and the Copenhagen School approach (subchapter 2.3.).

Since the 1940s, the concept of security has undergone redefinitions and has been influenced by emerging approaches, with distinct eras characterized by different meanings and scopes (Özcan, 2013). Özcan (2013) divides the evolution of the security approach into two main phases: one focused on state security and military issues; and another perspective dedicated to human security and the importance to consider the happiness and well-being of individuals. In our perspective, at the European Union level, the responses concerning climate displacement tend to focus on state security interests, whereas at the international community level, the human security perspective is more prominent. However, regardless of the security approach the European Union or the international community may adopt and the correspondent justifications, the outcomes for the climate-displaced individuals remain largely unchanged: they continue to not be considered as a priority to protect, thus facing inadequate protection regimes.

2.1. The State Security Approach

The concept of security was initially examined through a traditional and restrictive lens, known as realism (Özcan, 2013). The focus of this approach is the national security of States, and the primary objective is to protect States against threats of war, preserve their sovereignty, safeguard their national independence, and maintain their territorial integrity with military means (Özcan, 2013). Accordingly, within the state security approach, the priority is what is considered “high politics” (Özcan, 2013, p. 58), which include issues of military defense, national security, as well as the protection of the interests of the States.

In this perspective, the use of armed forces is justified to safeguard and protect the States, which are considered the sole object of reference, and the use of armed forces is the most effective mean to respond to military attacks from other States (Hama, 2017). This approach advocates the idea that, since the use of force is permitted in international politics, States will resort to it when they need to defend themselves (Hama, 2017). In this view, the ability to employ military force becomes crucial for deterrence and self-defense, ensuring the security and survival of the State in a hostile international environment (Hama, 2017).

According to Hama (2017) and in our perspective, the state security approach considers “States as the main actors in international politics because they strive to maintain their sovereignty in anarchical conditions” (Hama, 2017, p. 3). Considering this statement, we deem the traditional approach as indefensible, primarily owing to its neglect of safeguarding individuals and its inability to correctly address contemporary security issues (Hama, 2017), notably climate displacement. Applying this approach to climate displacement means the climate-displaced individuals are a threat to the national independence and sovereignty of States, and the use of force to respond to these threats is therefore justifiable. The sole focus on State sovereignty, national security and the use of force overlooks and neglects the well-being and rights of individuals suffering the consequences of climate displacement. Furthermore, this critique implies that such a deficiency is often deliberate and serves the interests of States advocating for the traditional approach. Thus, the state security approach serves the interests of States that are unwilling to receive and safeguard climate-displaced individuals and that wish to evade the legal obligations that they possess towards these individuals.

In our perspective, the state security approach is predominantly associated with the European Union framework, despite its statements advocating for the opposite. The European Union, and the so-called ‘Global North’, perpetuate the state security approach and do not legally protect the climate-displaced. The European Union replicates to a large extent the traditional state security approach, even if it is not a State. More concretely, by having its own internal/external security understanding, it replicates on the European Union level the state security approach. Regarding the internal security framework, there are examples such as the terminology used of ‘third country nationals’ (for example, in

article 8(3) of the Schengen Borders Code), as well as the practices of the European Border and Coast Guard Agency (Frontex), to be further developed in chapter 5. Concerning the external security framework, the most representative example is the European Union Common Security and Defense Policy. In addition to that, the European Union enables its Member States to justify certain exceptions in terms of their own security, as we will delve into in chapter 5. These findings highlight the presence of systemic issues that must be surpassed, namely the association of the climate-displaced with negative connotations, such as threats and pressure-factors that will challenge the protection of State sovereignty and the stability of the European Union.

The prevalence of the state security approach in the European Union framework can be attributed to a straightforward rationale. According to the High Representative and European Commission to European Council, the climate-displaced are “most typically imagined to originate in the Global South, with associated ‘pressure’ on the Global North as potential hosts” (apud RANSAN-COOPER, Hedda *et al.* – Being(s) framed: The means and ends of framing environmental migrants, p. 110), this framework is driven by the fear of ‘the other’, based on racist and xenophobic arguments, which supersede empathy and cooperation towards those displaced by climate disasters (Gonzalez, 2019). This prioritization of values and interests results in the implementation of disproportionate military responses and in the lack of consideration for the concrete situations and needs of these individuals, that ultimately culminates in their rejection. “Rather than evoke empathy (...) or responsibility for causing climate change, the national security frame exacerbates climate injustice by constructing [the climate-displaced] as barbarians threatening the sovereignty of civilized nations and by reinforcing racialized distinctions between “us and them, citizen and foreigner, friend and enemy”” (Gonzalez, 2019, p. 380).

On behalf of a more efficient defense system designed to protect the interests of the European Union, the referred understanding of the state security approach in terms of internal and external security is utilized to reinforce practices such as enhanced border surveillance with stricter territorial and legal borders (Skillington, 2015). The result of the established practices, further explored in chapter 5.1., does not permit lawful displacements. Instead, it mostly entails the denial of the universal rights of the climate-displaced.

The European Union was founded on the principle of freedom, but it paradoxically undermines this very principle to the climate-displaced outside its borders, by invoking state security arguments: “(...) the current legal and political order (...) denies such people the benefits that derive from membership of the politically and legally constituted community of humanity and human rights instruments. ‘Larger freedom’ entitlements (...), including basic entitlements to ‘freedom from want’, ‘freedom from fear’, and freedom to ‘live in dignity’ in a safe environment are unrealized in this instance” (Skillington, 2015, p. 296).

One of the notable achievements resulting from the establishment of the European Union was the liberal democratic systems of its Member States, which encompass freedoms such as the freedom of movement for people, capital, and goods among the citizens of the European Union (Treaty on the Functioning of the European Union). By protecting its citizens, the European Union portrays a sense of belonging within its borders, while it rejects equal freedoms to the climate-displaced beyond these very borders. Based on criteria of geographical, cultural, and even physical proximity and resemblance, “liberal and democratic states entrench the rights and duties of their citizens, while policing their borders to ensure these privileges are rarely available to others” (Held, 2016, p. 237). In this sense, Davitti (2019) accurately characterizes the European Union framework as a systemic and purposeful mechanism employed by the European Union to deter ‘third-country nationals’ from attempting to reach its borders.

Moreover, the European Union uses the fact that “the volume of immigrants would overwhelm the capacities of [Member States] to cope, leading to a potential breakdown of public order and a collapse of the [European Union’s] resource management regimes” (Skillington, 2015, p. 296) to assess its non-responsibility and unaccountability towards the climate-displaced. The European Union perceives these arguments as realistic and satisfactory, which is profoundly concerning. This sensationalist discourse of an inevitable collapse stands on the possibility that receiving and protecting the climate-displaced would “undermine economic growth and increase pressure on urban infrastructure and services” (Skillington, 2015, p. 297). These arguments translate into the intensification of internal surveillance and the control of movements, that result in the discrimination against minorities and consequent abuse of the civil liberties of the climate-displaced (Held, 2016).

When weighing the interests of the European Union Member States against the lives of the climate-displaced, the message conveyed is one of a mere illusory balance. Member States “exaggerate the power of sovereignty to curtail certain civil liberties and restrict granting a right to asylum to growing numbers seeking safe haven from conditions such as (...) ecological devastation” (Skillington, 2015, p. 289). Frequently, the legitimate expectations of human rights law - which belong to humanity, rather than solely to those ‘closer or similar to the ones within the European Union borders’ - are violated without legal repercussions and “law thereby remains compliant with an institutional regime that knowingly creates great inequities” (Skillington, 2015, p. 290).

To this day, the focus of the European Union is to primarily combat irregular displacement, rather than effectively manage legal displacement (Butros *et al.*, 2021). The distinction between voluntary and forced movements due to climate disasters does not exist in this context, because instead of establishing conditions to facilitate legal displacement, the European Union concentrates its efforts on defining illegal migration. Thus, it perpetuates the vicious cycle that the European Union itself created, and that Samers (2004) rightly exposes: “such restrictionism often lends to ‘overstaying’ or assisted illegal migration, since a market for smuggling and trafficking is created. This in turn reinforces the setting up of a list of countries whose nationals require visas for European authorities, and eventually encourages further illegal immigration as most will be unqualified to migrate legally” (Samers, 2004, p. 32). In essence, the European Union invests on the creation of paths for illegal displacement, leaving the climate-displaced with no alternative but to fit into the legal spaces they are deemed to belong. “The climate-displaced are pushed into spaces beyond adequate legal protection where their ‘irregular’ status forms the basis of a routine and publicly legitimated legal violence against them” (Skillington, 2015, p. 295).

Based on an overview of the existing European Union legal framework (chapter 5), the climate-displaced persons will most likely be seen as illegal migrants. The most straightforward example is the need to apply for a Visa to reach the European Union (Samers, 2004). As the European Union Visa regime concerns mainly people from the Global South, who are also the main population concerned by the issue of climate displacement, its restrictiveness will often lead to attempts to reach the European Union through irregular means. If these persons manage to reach the European Union, they

might try to use the existing legal frameworks (such as asylum) to obtain a legal status, but the lack of grounds specific to climate displacement will most likely lead to the rejection of these persons and their status as ‘illegally staying third-country nationals’. By leaving the climate-displaced without legal alternatives and categorizing them as illegal migrants, the European Union accomplishes its objective of preventing their entry into its borders, thereby obstructing these individuals from choosing between life and death. “Unable to meet basic subsistence needs in their own country of origin, such people, undeterred by restricted border access, will migrate illegally, if necessary (...). Forced ‘involuntarily’ to leave their home and frequently their country as a consequence of declining environmental conditions that cumulatively are not their own doing, the climate[-displaced individual] is denied what Sen (2010) describes as the opportunity and the choice aspects of their freedom” (Skillington, 2015, p. 289).

In the end, the climate-displaced are deprived of the opportunity to “choose the circumstances in which they act and the experience of being free” (Skillington, 2015, p. 289), while the European Union Member States argue to remain “simply unable to prevent such states of illegality from emerging” (Skillington, 2015, p. 295), thereby choosing to primarily assess their national security. Ultimately, political will is shaped by the imperative that leaders face in fulfilling the demands of their electorate, and in the hands of “some minority public perceptions that are formed and framed as mainstream” (Guild, 2021, p. 369), the far-right political parties gain representation and depict the climate-displaced as threats and as a potential strain on the stability of the European Union, instead of highlighting the needs of these individuals and the advantages that their acceptance would bring, notably their very survival.

2.2. The Human Security Approach

During the 1980s, a significant shift occurred with the emergence of the human security approach (Özcan, 2013). The appearance of this approach marked a positive development in addressing the issue of climate displacement and consequently in protecting the climate-displaced, because it transitioned from a sole focus on State protection to addressing contemporary security issues and venturing into new areas of discussion (Hama, 2017). Here, the idea is that the referent object is the individual, rather than the State (Hama, 2017).

2. The Security Approach

The human security approach has different interpretations according to what it should consist of (Hama, 2017). Hama (2017) clarifies five possible interpretations of human security. For the purposes of this thesis, only the interpretations that we find relevant to possibly respond to the issue of climate displacement will be analyzed. Hama (2017) explains that the school of Rights and Rule of Law argues that individuals are threaten when their fundamental rights are denied and exemplifies with rights such as the right to self-determination and the lack of the rule of law. Differently, the 1994 Human Development Report by the United Nations Development Programme established seven crucial points of human security, that consist in economic security, food security, health security, environmental security, personal security, community security and political security (Hama, 2017). Additionally, this report issued that human security deals with “chronic threats as hunger, disease and repression” (Hama, 2017, p. 14), alongside with the protection “from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities” (Hama, 2017, p. 14), where climate displacement can be included. Although not explicitly associated with climate displacement, we contend that this problematic could be protected through this lens because here, human security focuses on the consequences that climate displacement will pose on climate-displaced persons, such as the previously referred protection “from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities” (Hama, 2017, p. 14). Krause (apud HAMA, Hawre Hasan - State security, societal security, and human security) elucidates its distinct approach to human security, in response to the perceived vagueness characterizing the descriptions of the prior two approaches. Essentially, Krause (2004) advocates for a narrower perspective of human security, where war is the primary threat to human security and human security is guaranteed through freedom from fear. The last relevant approach is the approach of scholars such as Nef (apud HAMA, Hawre Hasan - State security, societal security, and human security), where environmental, personal, physical, economic, social, political, and cultural security are distinguished as different types of human security.

The human security approach illustrates the value of redefining the concept of absolute state sovereignty within the realm of security. Instead of an unconditional concept, sovereignty becomes a conditional one, contingent upon the territorial borders of a specific state, as advocated by Newman (apud HAMA, Hawre Hasan - State security, societal security, and human security). Moreover, this approach holds the crucial aspect

of respecting human rights standards (Hama, 2017). Nonetheless, this approach is not exempt of difficulties, especially when applied to climate displacement. Hama (2017) argues that it lacks concordance on the discussion around what constitutes human rights; and Buzan *et al.* (1998) highlight its excessive vagueness and abstraction.

Additionally, we emphasize that, despite the theoretical evolution from the restrictive state security perspective to the human security approach, the practical effects of this evolution must be considered. The human security perspective holds a more prominent position on the agendas of international organizations, both intergovernmental and non-governmental, regarding issues related to climate displacement. For example, the United Nations “emphasizes the responsibility to protect and the need to confront extreme vulnerabilities independent of war or political violence” (apud BUTROS, Deniz *et al.* – Solidarity versus security: exploring perspectives on climate induced migration in UN and EU policy, p. 847). Thus, it assumes a human security-oriented perspective, supposedly concentrated on the protection of human rights and individual security. Nonetheless, when assessing the tangible outcomes of the state security approach in contrast to the human security approach, we realize that it is probable that both approaches result in the rejection of climate-displaced individuals. The climate-displaced who are forced to flee their home countries continue to face inhumane conditions due to an uncertain legal order with significant protection gaps (Skillington, 2015), whether the approach that justifies such practices is the state security or the human security approach.

In this sense, Floyd (2007) affirms that despite the individual being the referent object of the human security approach, “the individual himself is in no position to provide for his own security, for how should an individual claim/legitimize his own right to survival?” (Floyd, 2007, p. 4). The legal protection against climate displacement “can only be guaranteed by a larger entity, such as a society, the state, or some global institution” (Floyd, 2007, p. 40). This affirmation lead Floyd (2007) to the conclusion that aligns with the argument here presented, that is, “nothing sets human security apart from other critical concepts of security” (Floyd, 2007, p. 40) when we analyze its practical results and consequences. This holds particular significance in the context of climate displacement, as human security is sometimes employed to mask the genuine motives of States, including the interference in the internal affairs of nations in the Global South, and the imposition of values of the Global North (apud HAMA, Hawre Hasan - State security,

societal security, and human security). To sum up, Hama (2017) affirms that human security will be utilized by States in a selective way, “because the discourse to fulfill human security (...) mainly depends on great powers” (Hama, 2017, p. 16) and the issue of climate displacement will be no exception.

2.3. The Copenhagen School

In the 1990s, the security paradigm suffered a crucial development with the multi-dimensional and constructivist approach of the Copenhagen School, initiated by the Copenhagen Peace Research Institute (Özcan, 2013). In this context, the work of Buzan *et al.* (1998) will be considered, particularly their theory of securitization constructed in the book ‘*Security: A new framework for analysis*’. Although Buzan *et al.* (1998) do not directly address the issue of climate displacement, we contend that the theory of securitization can be applied from this perspective. These authors formulated a sectorial notion of security and endeavors to include climate displacement in a concrete sector may vary from the environmental sector, if we refer to the causes of climate displacement, to the societal sector, if we examine the effects of climate displacement, namely cross-border movements. “When crises force the debate to change from one about causes to one about effects, the focus of securitization tends to move into other sectors. Once the AOSIS states have actually been swallowed by a sea-level rise, it is no longer useful to try to securitize the environmental dimension of their problems: The issue becomes one of political and societal disintegration, of migration, of finding or conquering new land on which to live. These are not environmental security issues” (Buzan *et al.*, 1998, p. 83).

Nonetheless, these authors elaborate a broader conceptualization of the theory of securitization on the chapter ‘*Security Analysis: Conceptual Apparatus*’ and it is through this lens that the issue of climate displacement will be analyzed. In line with Davitti's arguments (2019), we believe that the theory of securitization can be a useful tool for critically analyze the processes through which state security concerns become associated with climate displacement. “Based on a clear idea of the nature of security, securitization studies aims to gain an increasingly precise understanding of who securitizes, on what issues (threats), for whom (referent objects), why, with what results, and, not least, under what conditions (i.e., what explains when securitization is successful)” (Buzan *et al.*, 1998, p. 32).

The concept of security is “an issue (...) presented as posing an existential threat to a designated referent object (traditionally (...) the state, incorporating government, territory, and society)” (Buzan *et al.*, 1998, p. 21) and “the special nature of security threats justifies the use of extraordinary measures to handle them” (Buzan *et al.*, 1998, p. 21). The concept is further presented in a manner that is: “if we do not tackle this problem, everything else will be irrelevant (because we will not be here or will not be free to deal with it in our own way)” (Buzan *et al.*, 1998, p. 21). Thus, a message of urgency is transmitted and “throughout these (...) forms of systematic neglect and shifts in geopolitical power, the sovereign power over life continues to exist (...) as it operates to engender a situation of emergency (...) that (...) can then ‘intervene and restore security’” (Davitti, 2019, p. 1178). Additionally, “this image of ‘crisis’ is consolidated and maintained by the framing of people trying to reach the [European Union] as a security threat and of the [displacement] movement itself as precipitating an unprecedented humanitarian emergency” (Davitti, 2019, p. 1185).

As previously stated, the referent object requires protection through extraordinary measures to avoid a “point of no return” (Buzan *et al.*, 1998, p. 33). From our perspective, this viewpoint seeks to communicate a dramatic and alarmistic note to the audience, transferring a specific issue (in this case, climate displacement) to what the authors denominate as “panic politics” (Buzan *et al.*, 1998, p. 34). The presence of an existential threat and the imperative to avoid reaching the “point of no return” renders lawful the handling of an issue outside the scope of normal politics and legitimates the breaking of rules, if a significant audience (the audience of the security speech act) accepts it, and the actors are “generally accepted voices of security” (Buzan *et al.*, 1998, p. 31). This constitutes the rationale behind Buzan *et al.* (1998) considering the theory of securitization as an intersubjective and socially constructed concept. “The way to study securitization is to study discourse and political constellations: When does an argument with this particular rhetorical and semiotic structure achieve sufficient effect to make an audience tolerate violations of rules that would otherwise have to be obeyed? If by means of an argument about the priority and urgency of an existential threat the securitizing actor has managed to break free of procedures or rules he or she would otherwise be bound by, we are witnessing a case of securitization” (Buzan *et al.*, 1998, p. 25).

The Copenhagen School affirms that security threats – in this context, climate displacement – are first politicized and then securitized (Hama, 2017). Thus, climate displacement is framed by political elites who primarily safeguard their own interests (Hama, 2017). The securitization of climate displacement commences when political actors argue that this issue poses an existential threat to national security and public order, thereby justifying the use of extraordinary measures outside the scope of normal politics and legitimating the violation of the human rights of the climate-displaced. For example, if States argue that climate displacement will originate conflicts and resource scarcity, the enhancement of border control and the usage of militarized responses are then justified and the climate-displaced are rejected without further questionings.

2.4. Concurrent Challenges of the State Security Approach, the Human Security Approach and the Copenhagen School Approach

The frameworks of both the European Union and the international community arise communal difficulties when the necessity is to legally protect the climate-displaced individuals. The Copenhagen School approach finds its greatest advantage in explaining how both the state security and human security approach translate into practice in the issue of climate displacement. The presence of climate-displaced individuals who require assistance is recognized by the European Union and the United Nations, but simply advocating for the protection of these individuals brushes away a set of complexities that this thesis would like to highlight. Indeed, the presence of security considerations, whether in the form of state security or human security, is often counterproductive and lacks practical results. Both perspectives can and most likely will be used to support arguments to not protect the climate-displaced individuals, whether it is because the climate-displaced supposedly pose a threat to the national security of States, or because the human security approach lacks concordance on what constitutes human rights and the individual is in theory prioritized but left to deal with its own circumstances without a responsive legal system to assist him/her. The need to discuss climate displacement and its consequences is recognized in the frameworks of both the European Union and the United Nations, which are not only counterproductive, but also contradictory and paradoxical.

In the end, the predominant approach that determines and will determine the practices and frameworks applicable to the climate-displaced will depend on the decisions

made by the receiving countries, that usually protect their interests above any other variables. To effectively address the protection gaps where the climate-displaced stand, “cooperation requires an unprecedented degree of impartiality in our moral reasoning on the humanitarian necessity of offering assistance to the global other” (Skillington, 2015, p. 298), that is not visible both on the state security approach and on the usage of the human security approach.

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The discussion around the movement of people due to climate change adversities lacks consensus on its crucial legal aspects. Consequently, Gómez (2013) highlights the absence of agreement regarding the legal status that should be granted to individuals that move due to climate disasters (here climate-displaced individuals), along with the corresponding legal protective regime.

Different authors divide the study of climate displacement into distinct schools of thought. The approaches of Methmann *et al.* (2015), Ransan-Cooper *et al.* (2015), Gonzalez (2019) and Ferris' (2020) will be presented, to enable a more comprehensive understanding of the issue of climate displacement and conclude these divisions conceal a broader overarching and common concern over the securitization of climate displacement. Methmann *et al.* (2015) divide the genealogy of the climate-displaced into distinct eras, specifically identified as 'fearing climate refugees', 'saving climate refugees' and 'empowering climate-induced migrants'. Meanwhile, Ransan-Cooper *et al.* (2015) examine the climate-displaced as 'victims', as 'a security threat', as 'adaptive agents' and as 'political subjects. Gonzalez (2019) emphasizes three possible approaches to climate displacement: 'the national security approach', 'the humanitarian approach' and 'the migration management approach'. According to Ferris (2020), climate displacement is a complex subject addressed by a variety of actors operating in different disciplines, and those are: climate change scientists; migration researchers; disaster risk reduction and humanitarian actors; international lawyers and conflict researchers (with subdivisions on protection and human rights, the need for a new legal instrument to protect the climate-displaced, the gaps in existing law, soft law solutions and security arguments); and security agencies. Despite the disadvantage of connecting the state security approach to specific eras or terms, the academic research on climate displacement is crucial because it brings to light the state security approach that determines the institutional practices to which the climate-displaced are or would most likely be subjected to. To reach this conclusion, it is necessary to elaborate on each presented division.

Methmann *et al.* (2015) divide the genealogy of the climate-displaced into three overlapping eras: the ‘fearing climate refugees’ era, the ‘saving climate refugees’ era and the ‘empowering climate-induced migrants’ era. The authors clarify this division by affirming they “aim to show that climate-induced [displacement] was initially discussed within a framework of national security” (Methmann *et al.*, 2015, p. 55) followed by the fact that “it is important to bear in mind that [they] do not understand these as successive distinct phases, but rather as overlapping layers, each describing the dominant rationality in a particular era” (Methmann *et al.*, 2015, p. 55). In reference to these statements, we argue that the dominant rationality of national security was not only featured prominently in the initial discussions surrounding climate displacement, but also that it continues to pose an ongoing challenge to safeguarding those displaced by climate-related factors.

In the work of Methmann *et al.* (2015), the ‘fearing climate refugees’ era is the period where academic scholars such as Myers (apud METHMANN, Chris *et al.* – From ‘fearing’ to ‘empowering’ climate refugees: governing climate-induced migration in the name of resilience), explicitly connect climate displacement with threats to the national security of States, as well as with a sovereign rationality of power, which would justify the use of military responses if necessary (apud METHMANN, Chris *et al.* – From ‘fearing’ to ‘empowering’ climate refugees: governing climate-induced migration in the name of resilience). Myers and Kent (apud METHMANN, Chris *et al.* – From ‘fearing’ to ‘empowering’ climate refugees: governing climate-induced migration in the name of resilience), portrayed an apocalyptic scene of future climate displacement movements, and the Global South, where most of the climate-displaced were and still are expected to originate from, was described as “a ‘wild zone’ against which the [Global] North must protect himself” (Methmann *et al.*, 2015, p. 56). From an institutional perspective, the often-evoked event is the 1985 United Nations Environment Programme report, where the possibility of climate change originating climate displacement was first considered and the climate-displaced were first described as ‘refugees’ (Gómez, 2013). The ‘saving climate refugees’ era marked both an academic and an institutional transition from a state security perspective to a human security perspective. From an academic perspective, scholars acknowledged the multicausality of both displacement and conflict and highlighted that the affected communities depended on their adaptive abilities (Methmann *et al.*, 2015). From an institutional perspective, the United Nations published the 1994 Development Programme entitled ‘*New Dimensions of Human Security*’, where climate

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change was recognized as a threat to the security of individuals, rather than the security of States (Methmann *et al.*, 2015). The third and last era analyzed by Methmann *et al.* (2015) is the ‘empowering climate-induced migrants’ era. The legal status differentiation is clear from the moment the authors title this era, since the term ‘refugee’ gives place to the term ‘climate-induced migrants’. The focus of this era is the concept of resilience, used in the 2011 Foresight Project entitled ‘*Migration and Global Environmental Change*’, where climate displacement was transformed “from being a problem into being a solution” (Methmann *et al.*, 2015, p. 58). “It is the process of [displacement] itself that will render affected populations resilient to the impacts of climate change” (Methmann *et al.*, 2015, p. 58). Methmann *et al.* (2015) highlight the empowerment of the climate-displaced individuals, which maintain its active role and are “capable of achieving self-transformation” (Methmann *et al.*, 2015, p. 59) regarding the consequences of climate displacement. “[Displacement] should not be avoided, but [the displaced] are instead to become entrepreneurs who are actively encouraged to shape their fate” (Methmann *et al.*, 2015, p. 59). Despite not mentioned by these authors, we contend that this conceptualization of the climate-displaced individuals consolidates an illusory idea that these individuals possess freedom of choice. That is, since these people are perceived as responsible, active and entrepreneurial agents, portable of a consciousness aligned with freedom, by consequence, they are responsible for the risks they “willingly” choose to take and for their “self-optimization and pursuing its interests in the global labor market” (Methmann *et al.*, 2015, p. 60). “The labor market – not a state actor – is proposed as the facility capable of offering a new livelihood for those affected by climate change” (Methmann *et al.*, 2015, p. 60). In our perspective, the state security approach to climate displacement remains visible in the ‘empowering climate-induced migrants’ era because it prioritizes the protection of the State’s interests, leaving the climate-displaced with no alternative but to correspond to the necessities of the labor market, rather than their necessity to survive. Additionally, it implicitly poses this prioritization of interests in the climate-displaced themselves since these individuals are said to be responsible for their concrete circumstances. This fosters an unrealistic sense of empowerment that serves to justify the absence of proactive measures to establish legal pathways to the climate-displaced and absolves the States of the Global North from assuming responsibility in this issue.

Ransan-Cooper *et al.* (2015) examine the domain of the climate-displaced as ‘victims’, ‘security threats’, ‘adaptive agents’ and ‘political subjects’. Much like in the work of Methmann *et al.* (2015), a crucial statement is made in the sense that “the four framings are separated (...) as a heuristic only and are not understood as reified or static entities” (Ransan-Cooper *et al.*, 2015, p. 107). This statement is important to establish the fact that these perspectives, rather than static, establish the framing of the climate-displaced individuals in a continuous perspective. We contend this is the correct form to analyze the issue of climate displacement. Nevertheless, these authors do not concretely explain how this continuity demonstrates in practice. In our perspective, this continuity resides in the fact that the state security approach is the primordial institutional approach when addressing the issue of climate displacement, independently of which term is associated to the climate-displaced. In other words, despite the efforts to divide the genealogy of climate displacement into concrete terms, it is important to emphasize that the state security approach is a continuous and ever-present lens through which the climate-displaced are viewed. Consequently, this omnipresence of the state security approach in climate displacement is the justification that leads to the absence of effective legal protective regimes.

Regarding perceiving the climate-displaced as ‘victims’, Ransan-Cooper *et al.* (2015) state the following: “the key problem is that the framing is rooted in notions of people (...) as passive and helpless in the face of changing environments” (Ransan-Cooper *et al.*, 2015, p. 110). Although not explicitly associated with the state security approach, we contend that even here, this perspective is present. The rationale behind this affirmation is the following: the protection of national security prevails when the climate-displaced are portrayed as a passive and helpless variable which does not deserve prioritization, because there is nothing that can effectively be mobilized to protect them. The statement of perceiving the climate-displaced as passive and helpless agents is followed by: “what might, perhaps, be worthwhile preserving from the victim frame is the element of compassion and care” (apud RANSAN-COOPER, Hedda *et al.* – Being(s) framed: The means and ends of framing environmental migrants, p. 110). In this context, efforts to find advantages in the ‘victim frame’ approach start with “*what might, perhaps*”, which demonstrates the lack of certainty when advocating for these advantages. Additionally, there is an assumption that compassion produces beneficial outcomes. However, compassion is not an advantageous sentiment. Rather, it perpetuates not only

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the idea of passivity and helplessness of the climate-displaced individuals, but also the idea of superiority of the ones that have the legal means to protect them.

After the framing of the climate-displaced as ‘victims’, a new trend portraying these individuals as security threats emerged, where they were “frequently presented as a threat to global, regional, national or sub-national security in sections of the news media, by the military, researchers and civil society” (Ransan-Cooper *et al.*, 2015, p. 110). The correlation between the presence of the climate-displaced and the consequent security threats meant the possible responses to this problematic could be military responses, especially to protect the Global North. The priority was “the protection of sovereignty, rather than (...) a global commons problem and an issue of foreign policy” (Ransan-Cooper *et al.*, 2015, p. 110). In this sense, Ransan-Cooper *et al.* (2015) not only correctly explain the state security approach to climate displacement, but also emphasize that this framing is legitimized by the Global North’s portraying of the climate-displaced as “chaotic individuals” (Ransan-Cooper *et al.*, 2015, p. 110). In our perspective, this view remains the predominant institutional perspective in which the climate-displaced are perceived, especially in the European Union framework, as we will delve into in chapter 5. In the ‘adaptive agents’ approach, Ransan-Cooper *et al.* (2015) say that institutional initiatives, such as the Foresight Project (2011), explicitly reject the framing of the climate-displaced individuals as state security threats. However, we argue otherwise. The institutional perspective of perceiving the climate-displaced as state security threats is a rooted way of thinking that has not disappeared with the passage of time.

Gonzalez (2019) separation between the humanitarian approach and the migration management approach stands on the dichotomy between the Global North and the Global South to elaborate on climate displacement on opposite ends of the spectrum. The climate displacement phenomenon has two different stages, that are, its origins and its outcomes – in other words, the responsible entities and the individuals who suffer with its consequences – and this is where both approaches disagree. The humanitarian approach maintains that the Global North is the responsible party for climate displacement, due to its high consumption patterns of greenhouse emissions, whilst the Global South contains the individuals and the “the vulnerable communities in poor and middle-income countries” (Gonzalez, 2019, p. 366). The migration management approach also localizes the climate-displaced mainly in the Global South but portrays them as the true active

agents who can act upon their concrete situations (Gonzalez, 2019). In other words, while the humanitarian approach argues for the responsibility of the Global North and the fact that it must find appropriate responses to deal with climate displacement, the migration management approach relies on the fact that the climate-displaced are responsible to act upon their own concrete difficulties regarding climate adversities that may have an impact on their living conditions (Gonzalez, 2019). By disseminating the dichotomy between the Global North and the Global South, both approaches transmit the message that climate displacement must be dealt with one of these two alternatives: whether the climate-displaced rely on the initiatives of the Global North to protect them – which historically does not occur –; or these individuals act upon their concrete situations without sufficient means to do so. Ultimately, these two approaches share one common characteristic, which is an inexistent legal protection regime as their outcome. Once again, we defend that the state security approach is not merely one of several approaches to climate displacement. Instead, it represents the primary institutional approach chosen to address climate displacement. Consequently, it serves as the prevailing argument that prevents the attainment of consensus regarding the legal status to be attributed to the climate-displaced individuals and the establishment of an accompanying protection regime.

As previously stated, the humanitarian approach stands on the opposition between the Global South and the Global North. On one hand, the climate-displaced in the Global South are portrayed as weak and vulnerable people who do not get the chance to share their experiences regarding climate displacement (Gonzalez, 2019). In the 1985 El Hinnawi's analysis of climate displacement, these people were framed as 'the victims' who suffer the consequences of climate degradation (Gonzalez, 2019). Since then, this framing dissipated in the discussions of the Worldwatch Institute, Climate Institute, Earth Policy Institute, New Economics Foundation, Friends of the Earth and Environmental Justice Foundation (Gonzalez, 2019). Nonetheless, the humanitarian approach implicitly attaches the climate-displaced status with negative connotations. Despite this perspective serving as means to raise awareness about the issue of climate displacement, the humanitarian discussions of the referred international non-governmental organizations have "constructed a symbolic human face of environmental change and disasters in terms of helplessness and passivity, in need of 'saving' through foreign donor financial assistance and even asylum" (Ransan-Cooper's *et al.*, 2015, p. 109). As previously mentioned, not only is the description of these people as 'victims' problematic, but also

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the helplessness and passivity nouns associated are equally pejorative. On the other hand, the Global North is described as “the sympathetic savior” (Gonzalez, 2019, p. 382), rather than the entity historically responsible for climate displacement. In theory, the humanitarian approach is the recommended course of action for addressing climate displacement. However, it is concerning the hypocritical and contradictory ways in which it is possible to utilize this approach to disguise the primacy of state security interests in the practices of both States and institutions. By assuming that States do in fact provide for protection as acts of solidarity, the humanitarian approach can be used to disguise a condescending and narcissistic view towards the climate-displaced. “Nevertheless, some have cast a critical lens over such a narrative due to the risk of it being ‘a counterproductive (and normatively problematic) strategy for communicating the urgency’ of this issue” (apud RANSAN-COOPER, Hedda *et al.* – Being(s) framed: The means and ends of framing environmental migrants, p. 109). In our opinion, this way to communicate and approach the issue of climate displacement can be counterproductive. States find an excuse to assess their non-responsibility and lack of initiative, by associating the climate-displaced with threats to their national security and sovereignty and “(...) through the administration of humanitarian assistance, the lives of [the displaced] are stabilized, managed and controlled by sovereign power through comprehensive systems of administration and control” (Davitti, 2019, p. 1186). Finally, Gonzalez (2019) aligns with Kernberg’s (1987) thesis of projective identification by deeply influencing the way the climate-displaced individuals perceive themselves and their ability to cope with the consequences of climate displacement. The recipient of the projection (the climate-displaced) is affected by the one who projects the feelings (the European Union and the international community), identifying himself. The subject is not always immediately induced to act or behave in a certain way, but he is strongly induced to feel the projections aimed at him (Kernberg, 1987). In the humanitarian approach, the 1951 Geneva Convention, which will be discussed in subchapter 6.2., is the pivotal legal instrument and it is not exempt of national security provisions and national security interpretations.

The migration management approach is promoted by the International Organization for Migration and consists of a “state-governed regulation of mobility to prevent the disruptive threats posed by mass migration” (Gonzalez, 2019, p. 384). This approach focuses on adaptation, and for the purpose of clarity, adaption is the idea of

encouraging climate displacement to address climate change (Gonzalez, 2019). On an institutional level, the year of 2010 marked the year where the United Nations Framework Convention on Climate Change Conference of Parties 16 provided impetus for considering migration (here climate displacement) as a form of adaptation to climate change (Ferris, 2020). Within this framework, the climate-displaced were not described as passive agents relying on the goodwill of the Global North, but rather as “active agents who take responsibility for their own social and economic well-being” (Gonzalez, 2019, pp. 384-385). More specifically, this approach centers around labor migration, where the climate-displaced are given the opportunity to provide for their families and later transmit their knowledge to their communities (Gonzalez, 2019). Thus, climate displacement is a chance to adapt, latter leading to the improvement of the living conditions of the ones most susceptible to climate adversities.

To achieve resilience, the responsibility to protect the climate-displaced is shifted from the States of the Global North to the communities affected by climate displacement in the Global South; and the financial contributions from the Global North are replaced by remittances (Gonzalez, 2019). Ransan-Cooper *et al.* (2015) sustain this perspective by stating that the migration management approach perceives displacement as a “solution that assists with adaptation, as opposed to it being a (negative) impact of climate change” (Ransan-Cooper *et al.*, 2015, p. 110). Nevertheless, we tend to hold a differing opinion on this matter. The migration management approach may appear empowering, but it sustains the legal and practical challenges the climate-displaced encounter. It falsely assumes that these individuals have sufficient and adequate resources to access the labor market, or even to reach it without facing life-threatening circumstances. By establishing a connection between adaptation and the labor market, one can make the assumption that adaption is a regulated and functioning system and that the restrictions to access the labor market will not apply as they would in the current displacement scenarios (Gonzalez, 2019). Thus, this discourse places “an unfair onus on those affected to use [displacement] in their suite of livelihood activities, rather than supporting them to adapt” (Ransan-Cooper *et al.*, 2015, p. 111). The ability of the climate-displaced individuals to act is contingent upon the extent to which the Global North grants them the necessary resources and permissions. Unfortunately, these individuals often lack access to such means or permissions, a reality that the migration management approach tends to overlook.

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According to Ferris (2020), climate displacement is a complex subject with different schools of thought at stake: climate change scientists; migration researchers; disaster risk reduction and humanitarian actors; international lawyers and conflict researchers (with subdivisions on protection and human rights, the need for a new legal instrument to protect the climate-displaced, the gaps in existing law, soft law solutions and security arguments); and security agencies.

From the perspective of climate change scientists, Myers is the environmentalist who Ferris (2020) describes as “responsible for putting the issue [of climate displacement] on the global agenda” (Ferris, 2020, p. 613). On an institutional level, the Intergovernmental Panel on Climate Change focused on the consequences that climate change poses on human mobility (Ferris, 2020). Regarding migration researchers, the work of the International Organization for Migration is highlighted, because it was one of the first international organizations to address the issue of climate displacement, dating back to 2007 the initial stages of these discussions (Ferris, 2020).

Additionally, the academic investigation on climate displacement was deeply influenced by the Foresight Project (2011) (Ferris, 2020), because climate displacement was analyzed through the lens of adaptation and its multicausality was reiterated. While migration researchers discussed climate change as a driver to displacement, disaster risk reduction and humanitarian actors, namely the International Strategy for Disaster Reduction and the United Nations Development Programme, researched and focused on reducing the risk of climate-related disasters (Ferris, 2020). In 2018, the Nansen Initiative (the Platform on Disaster Displacement) was established to address the legal gaps that the climate-displaced across borders faced (Ferris, 2020). Regrettably, the efforts of these actors translated into soft law solutions such as the Nansen Initiative, which rely on the voluntary cooperation of each contracting State for their implementation and do not entail legal consequences if not adhered to. Thus, it is expected that the state security approach prevails. Regarding international lawyers, conflict researchers and security agencies, Ferris (2020) focused on the security approach of political scientists such as Homer-Dixon (2019), Barnett and Adger (2007) and Burrows and Kinney (2016), which essentially connected climate displacement to conflict. In the scope of this thesis, we argue for a broader understanding of the security approach, which consists in the association between climate displacement and security threats.

The logic used by Ghezelbash *et al.* (2018) illustrates the argument of the present thesis. The authors center their argument on Search and Rescue practices in European Union and Australian law, but the securitization that occurs in these practices can be translated into the securitization that occurs in the issue of climate displacement. More concretely, the humanitarian discourses advocated for in Search and Rescue missions are increasingly shifting to securitized practices (Ghezelbash *et al.*, 2018), and a similar shift can be verified in climate displacement. In the words of these authors, “the result is a situation in which the humanitarian purpose of Search and Rescue has become compromised in the name of border security with ensuing consequences” (Ghezelbash *et al.*, 2018, p. 316) and this affirmation can be applied to the handling of climate displacement.

Furthermore, it is possible to compare the practical and legal implications of Search and Rescue missions with the practical and legal implications of climate displacement, which include enhanced border security measures and the assessment of non-responsibility from States towards the situations of the climate-displaced individuals. Consequently, “this blurs the lines of responsibility between (...) Member States and creates uncertainty regarding attribution of conduct that may violate human rights” (Ghezelbash *et al.*, 2018, p. 324). In Search and Rescue missions, even the advantages highlighted manage to align with state security arguments. This is exemplified when proactive missions are perceived as generating a “magnet effect” (Ghezelbash *et al.*, 2018, p. 326) which, in turn, may attract additional unintended climate-displaced individuals. In both scenarios, the lack of proactive measures results in the loss of lives of individuals trying to escape unlivable locations. The state security approach persists, and most of the times States remain legally unaccountable, in the name of what continues to serve as a sufficient justification, that is the protection of their national security. To further illustrate these challenges, a deeper analysis of the climate displacement and security nexus in both European Union and international law and policies will be conducted in both chapter 5 and chapter 6, respectively.

To sum up, we contend that academic scholars correctly demonstrate the state security approach in the context of climate displacement, despite the disadvantage of linking it to eras or terms, and thus refraining from explicitly designating it as the

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predominant institutional approach. State security considerations have consistently underlined institutional practices toward climate displacement and continue to exert their influence in this regard. In this sense, while scholars have rightly identified the presence of state security concerns in specific periods and terms, they downplayed their significance beyond such periods and terms. In the end, while academics bring the state security approach to light, institutions are the ones with power to opt for these approaches when they must choose between protecting or not protecting the climate-displaced. And often choose not to protect these individuals. In this regard, we advocate that the state security approach is the primordial institutional approach to climate displacement, and it is the explanation why the climate-displaced individuals lack an effective protection regime.

4. The Legal and Practical Manifestations of the Security Approach in Climate Displacement

The prospect of integrating climate-displaced individuals into existing legal protective regimes is an often-proposed solution to the issue of climate displacement. For instance, certain legal frameworks examined by scholars such as C. Gomes (2018) encompass the 1948 Universal Declaration of Human Rights, the 1951 Geneva Convention (that will have its dedicated chapter 6.2.), the 1984 Cartagena Declaration on Refugees, the 2018 Global Pact for Migration, and the Common European Asylum System, which includes both the Temporary Protection Directive and the Qualification Directive.² Contrary to this possibility, scholars such as Biermann *et al.* (2011) and Docherty *et al.* (2009) convey that the best protection scenario for the climate-displaced would be the creation of a new legal instrument. Nonetheless, from our perspective, both solutions remain and will continue to be insufficient while the European Union prioritizes state security considerations, and the international community applies human security as a pretext to leave climate-displaced individuals to contend with their own predicaments. Whether it is to extent the scope of existing legal protective regimes to include the climate-displaced, or to create a new legal regime specifically dedicated to these individuals, there must exist both legal and political willingness to address the persisting gaps into which the climate-displaced individuals, even to this day, fall.

In fact, due to the security approach that persists (even if implicitly) in the manner through which the climate-displaced are perceived by both the European Union and the international community (both States and organizations, such as the United Nations), contemplate the incorporation of these individuals into security protection regimes or into a new legal instrument represents a strategy for potentially deflecting attention away from the more profound problematics of climate displacement. These solutions may transmit a

² Correspondingly: 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 on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; and Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

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misleading impression of progress, leading to a false belief that we are heading in the right direction.

The overcoming of the security approach, especially the state security approach in climate displacement, encompasses the involvement of humanity in the acceptance and protection of “the other”. If this is not achieved, possible solutions are deemed as ineffective, as they are merely written words on paper. This holds whether it is within the European Union framework, which assumes a state security approach, or the international community framework, which is more closely associated with a human security approach. In this context, Skillington (2015) affirms that “legal instruments are used today to deny those displaced by climatic conditions sufficient normative status to guarantee their safety” (Skillington, 2015, p. 288). Thereby, the “non-recognition of the climate-displaced and their suffering is not only possible but also wholly uneventful, unavoidable, and entirely legal” (Skillington, 2015, p. 290). Hence, both the potential inclusion of climate-displaced individuals within existing legal frameworks and the consideration of establishing a new legal instrument for their protection are here mentioned to underscore the need for first overcoming the security-oriented approach inherent to the issue of climate displacement.

5. The Climate Displacement and Security Nexus in European Union Law and Policies

In practice, the climate displacement and security nexus has gained increasing importance in European Union law and policies. The objective of this chapter is not only to demonstrate that the climate-displaced individuals do not move freely into and within the European Union borders, but also highlight how their rights have gradually been curtailed over time. What initially started as the denial of freedom of movement has evolved into the increasing creation of obstacles to reach the European Union.

Samers (2004) describes this nexus with “a racialized, ethicized and xenophobic construction of European identity, an emphasis on security, the absence of proactive human rights legislation, and the development of restrictive immigration policies” (Samers, 2004, p. 27), where the objectives are “preventing [the climate-displaced] without the necessary documents from entering the [European Union] or facilitating their return or expulsion” (Samers, 2004, p. 27). Samers (2004) provides an additional aspect to the state security framework of the European Union, that is the fact that it is produced: “Member States and [European Union]-level institutions are attempting to halt a phenomenon that they themselves produce” (Samers, 2004, p. 28) and “illegal immigration is produced by stricter regulations, then the state is not so much *controlling* it, the popular press not so much *reporting* it, as they are both *creating* it” (Samers, 2004, p. 29).

In 1957, article 3(c) of the Treaty on the European Economic Community established the freedom of movement for nationals of the Member States of the European Union. From that moment onwards, a differentiation emerged between nationals and 'third-country nationals' concerning the freedom of movement, consequently mirrored in the context of climate displacement. Indeed, the European Commission explicitly mentioned that the climate-displaced individuals are expected to originate from regions beyond the borders of the European Union (European Commission, 2022) and, therefore, are not considered as European Union citizens.

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In 1992, article K.1(3)(c) of the Maastricht Treaty granted the institutions of the European Union the authority to manage non-European displacement. This was a result of the recognition that migration and asylum had become matters of common interest and intergovernmental cooperation. Consequently, the state security approach was implicitly recognized by the European Union and of common interest to reject 'third-country nationals'. In 1999, with the entrance into force of the Amsterdam Treaty, the security of the European Union was explicitly considered an aim to maintain and protect in article 1(5), alongside freedom and justice of European Union citizens (*"The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured..."*). Comparatively, freedom, security and justice were not explicitly granted to non-citizens and the protection of external borders was prioritized against the potential occurrences of receiving these individuals, category in which the climate-displaced individuals fall (*"...in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime"*).

The historical evolution of freedom of movement within the European Union reveals the tendency to curtail this very freedom for individuals designated as 'third-country nationals', thus to climate-displaced individuals. Concurrently, this freedom of movement is granted and facilitated for those whom the European Union deems non-threatening to its internal and external security, based on their citizenship in one of its Member States. Adding to our concern is the fact that, while the European Union guarantees the freedom of its citizens, it omits the consequences that this distinction possibly entails for climate-displaced people. Thus, it transmits the message that it is evolving in the direction of inclusiveness. However, due to the predominant state security approach in the issue of climate displacement, these individuals are not granted equal freedoms as the individuals within the borders of the European Union.

From this outset, the state security approach that defines the European Union framework requires additional clarification regarding its practical ramifications and the implications it holds for individuals displaced due to climate-related factors. Consequently, this chapter aims to shed light on the state security approach by focusing on the climate displacement and security nexus within European Union Law and Policies. Specifically, we will examine the 2022 Commission Staff Working Document titled

‘Addressing displacement and migration related to disasters, climate change and environmental degradation’ (subchapter 5.1.1.), the 2022 European Parliament document titled *‘The future of climate migration’* (subchapter 5.1.2.), as well as the Schengen Borders and the Visa System (subchapter 5.2.1.), along with the practices of the European Border and Coast Guard Agency (Frontex) (subchapter 5.2.2.). These sources will be considered to demonstrate how the state security approach often forms the foundation of the European Union practices that could pertain to climate displacement if climate-displaced individuals were incorporated within this framework.

5.1. Climate Displacement in European Union Policies

5.1.1. The European Commission

The nexus between climate displacement and security within the European Union framework is present in its policy documents. In 2022, the European Commission elaborated the Staff Working Document titled *‘Addressing displacement and migration related to disasters, climate change and environmental degradation’* alongside humanitarian actors, namely non-governmental organizations (European Commission, 2022). However, given the state security approach that sustains the issue of climate displacement, the European Commission initiated this document with a doubtful affirmation, describing the European Union “as the leading humanitarian assistance provider and the world’s biggest donor of development assistance” (European Commission, 2022, p. 3). This institution completed the affirmation by briefly mentioning it includes “both short-term humanitarian operations, providing relief to the affected populations, and medium/long term projects, aimed at building capacities, preventing or addressing the consequences of the challenge” (European Commission, 2022, p. 14). In our perspective, the statement that describes the European Union as the most prominent humanitarian assistance provider in climate displacement, is followed by a vague and abstract elucidation.

In the introduction of this document, it was also affirmed that “the [European Union] plays a key role to protect and improve the lives of people hit by these phenomena with its wide array of policies, instruments and practices” (European Commission, 2022, p. 3). However, we tend to disagree with this affirmation. Firstly, it is important to note

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that the European Union lacks a comprehensive range of policies, instruments, and practices that can be directly employed to safeguard individuals displaced due to climate disasters. Secondly, the absence of a diverse set of possibilities in this regard is evident. The European Union not only falls short in safeguarding the lives of people affected by climate displacement, but also neglects the establishment of a legal protective framework. Instead, it mostly leaves these individuals unprotected and refuses to acknowledge their entitlement to a system of legal protection, largely due to the prevalence of the state security approach.

The European Commission elaborated on the humanitarian aid provided in the context of climate displacement, and even from this perspective, considerations of security were not inexistent: “the objectives referred [are] the *‘mainstreaming climate change impacts and environmental factors into humanitarian aid policy and practice, and strengthen coordination with development, security and climate/environment actors to build resilience of vulnerable communities’*” (European Commission, 2022, p. 11). The association between security and defence was mentioned, and the 2022 Strategic Compass for Security and Defence approved by the European Council “points out that climate change, environmental degradation and natural disasters are a threat-multiplier and proven drivers for instability and conflict, which in turn lead to severe humanitarian suffering and displacement” (European Commission, 2022, p. 11). In this line of thought, the message transmitted was that displacement due to climate disasters leads to conflict and threatens not only the national security of the receiving States, but also of the European Union itself. Thus, humanitarian actors need to intervene.

On one hand, the message of this document was vague and abstract regarding what the European Union is concretely developing to accept and protect the climate-displaced within its borders, instead of prioritizing state security. Terms such as “resilience”, “adaptation” and “dialogue” fall short when the necessity is to provide protection to these people. For example, the European Commission mentioned that “the [European Union] is developing an inclusive and participatory political dialogue with partner countries and other stakeholders” (European Commission, 2022, p. 14), without any further specifications. On the other hand, the vast enumeration of data collection or financing may appear as a diverting strategy, deflecting attention away from the core issues.

Moreover, this document frequently mentioned humanitarian practices, with security being briefly mentioned once, with one concrete legal instrument associated, *'The Strategic Compass for Security and Defence'* (European Commission, 2022). The necessity to demonstrate the humanitarian responses of the European Union, and the avoidance to refer to its state security concerns, translates what the European Union tries to overshadow in a proportionate amount. As the authorship belonged to the European Commission, the message of this document was based on an enumeration of the 'best practices' adopted by European Union regarding the issue of climate displacement (European Commission, 2022). However, its state security perspective is predominant, and it is through this lens we persist in asserting that the European Union frequently basis its practices regarding climate displacement.

"Additional protection issues may arise due to the lack of a well-defined legal status and associated rights which makes it difficult for displaced persons (...) to access assistance, basic services, and the labor market. (...) As part of its action in this area, the [European Union] should therefore seek to reflect further on the assistance and the protection needs of people displaced by disasters, the adverse effects of climate change and environmental degradation" (European Commission, 2022, p. 18). This paragraph holds relevance as it represents the sole mention to the lack of a concrete legal status of the climate-displaced individuals, consequently determining their lack of legal protection. However, the mere mention saying "(...) the [European Union] should therefore seek to reflect further on the assistance and the protection needs of people displaced by disasters (...)", when in fact it does not take substantial action, leads us to conclude that by acknowledging this caveat, the European Union transmits a misleading impression of acting in this regard, when most of the times it does not.

Finally, the European Commission dedicated the final chapter of this document to *'Looking Ahead'*, stating twelve points that require further development (European Commission, 2022). The "protecting persons displaced or trapped by disasters (...) and properly addressing needs to ensure that no-one is left behind in response and recovery programmes, and that governments take leadership in ensuring access to protection services" (European Commission, 2022 p. 23) was the closest objective to the objective we consider pivotal, which is to overcome the state security perspective of the European Union framework. Nevertheless, it is concerning that not even once the overcoming of

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the state security perspective is explicitly considered as an objective to surpass in the future.

5.1.2. The European Parliament

In 2022, the European Parliament elaborated a document entitled '*The future of climate migration*' (European Parliament, 2022). In this context, we consider that this document represented a positive advancement in mentioning the inherent state security approach in climate displacement. The European Parliament stated that “climate change may act as a threat multiplier in relation to poverty, failures of governance, and lack of human security” (European Parliament, 2022, p. 1). This was particularly relevant because the differentiation between state security and human security was highlighted. The European Parliament addressed the topic of security in a comprehensive form, and this differentiation could be deemed as a significant advancement, if it was not followed by the statement that threats to food security could negatively impact the national security of States: “according to the Council on Foreign Relations, climate change will add to water stress globally and will reduce food security. This has major consequences for health and livelihoods, and for internal and international conflicts” (European Parliament, 2022, p. 2). Thus, what would initially appear as a development, was subsequently overshadowed by the negative impacts that the issue of climate displacement is anticipated to generate. Since no further information was provided, the reader is left with this final impression, ultimately associating the climate-displaced with conflict and security threats.

This document recognized the importance of establishing a definitive legal status to the climate-displaced, albeit employing a language that conveys a sense of uncertainty. In our perspective, the choice of words and expressions was carefully considered since it carries legal and media implications. More concretely, in the statement “[European Union] support for a legal framework for 'climate refugees' could make a difference” (European Parliament, 2022, p. 2), the usage of the word “could” instead of “will” creates the impression that the European Union problematizes resolutions for the issue of climate displacement, when this choice of wording merely suggests a possibility of action without a definitive commitment.

“It is likely that a greater share of those displaced will seek to cross international borders. The arrival of large numbers of migrants across borders presents challenges for host regions. More specifically, it increases pressure on services and infrastructure. This in turn can lead to conflict over scarce resources. (...) Crises will be severe in the countries of origin but will not end at national frontiers. (...) Europe, in general, faces a lower level of ecological threat than other regions, but the Middle East and North Africa (...) is an especially vulnerable region, and is on Europe's doorstep. Both Europe and North America are likely to be the desired destinations for large numbers of climate migrants” (European Parliament, 2022, p. 2). Finally, the recognition of cross-border movements and its association with conflict, based on the primacy of the state security of the receiving countries and of the European Union, was described in the previous statement of the European Parliament. Subsequently, this translates into the practices of the European Union. In this statement, the European Parliament identified the European Union as the entity that will suffer with the upcoming of mass displacements, which may be used as an argument to latter deny the climate-displaced legal protection and basic human rights, such as the right to life.

5.2. Climate Displacement in European Union Law

5.2.1. The Schengen Borders and The Visa System

The Schengen Borders and the Visa System of the European Union were implemented after the 2015 refugee crisis. Even though this implementation was not directly associated with the issue of climate displacement, we assert that it is important to analyze its tangible ramifications, as they are likely to reflect in the necessities of the climate-displaced who may seek to reach the borders of European Union.

Following the 2015 refugee crisis, the Schengen Borders solidified the differentiation between the freedom of movement within and outside its borders. While the freedom of movement was established within its borders with the abolishment of internal border checks (article 2 of the Schengen Borders Code), beyond its borders, the focus was on controlling these same external borders (Colombeau, 2019). This differentiation is where the legal ramifications for the climate-displaced become apparent, because legal guarantees are limited to the borders of the Schengen Zone and individuals

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displaced by climate-related factors are not typically expected to originate from within these borders (European Commission, 2022).

The contrast in treatment between the individuals displaced by climate disasters and the citizens within the Schengen Borders is illustrated by the respective legal differences between the so-called ‘third-country nationals’ and the ‘nationals’ outlined in the Schengen Borders Code. On one hand, article 5 of the Schengen Borders Code establishes the legal regime to which the climate-displaced would be subjected to: “*1. External borders may be crossed only at border crossing points and during the fixed opening hours (...) Member States shall notify the list of their border crossing points to the Commission (...)*”; combined with article 8, that states that “*1. Cross-border movement at external borders shall be subject to checks by border guards (...); 3. On entry and exit, third-country nationals shall be subject to thorough checks (...)*”. To its nationals, it is stated in article 8 that “*(...) persons enjoying the right of free movement under Union law*” are only subjected to minimum checks in authorized crossing points. In the scenario concerning ‘third-country nationals’ (thus, the climate-displaced), the rules are stricter and the usage of terms such as ‘authorized’ in reference to crossing points is not present.

Moreover, article 3 of the Schengen Borders Code states the following: “*This Regulation shall apply to any person crossing the internal or external borders of Member States, without prejudice to: (a) the rights of persons enjoying the right of free movement under Union law; (b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement*”. In this context, it is also visible the disparity in the treatment of European Union citizens and non-citizens. European Union law is fully applicable to its citizens, whereas non-citizens, including the climate-displaced individuals, are not granted the same level of applicability. Instead, the principle of *non-refoulement* serves as the pivotal guarantee for non-citizens. However, it is worth noting that this principle presents limitations, which will be explored in the subsequent chapter 6.2. dedicated to the 1951 Geneva Convention.

Regarding the Schengen Borders, border police officers are granted discretion to exercise their judgement and to possibly solidify their state security justifications, which will most likely be applied to deny the free movement of the climate-displaced individuals in the Schengen Borders. Examples from countries such as Germany, Austria, Denmark,

Sweden and Norway illustrate the presence of the state security approach in these scenarios. More specifically, these countries chose to reestablish checks at their internal borders following the 2015 refugee crisis, rather than providing lawful mechanisms to assist these refugees (Colombeau, 2019). Colombeau (2019) describes this reintroduction as “a major backlash to the European project and the progressive integration of immigration policies at the European level” (Colombeau, 2019, p. 2). In our view, this decision resulted in the reintroduction of the state security approach within the borders of the Schengen Zone.

Related to the implementation of the Schengen Borders is the process of granting a Visa. This process is a legal path used by the European Union to control the entries in its borders, thus uncovering an additional instance of the state security framework that reflects in the issue of climate displacement. To gain insight into how the Visa application process may impact the climate-displaced individuals, it is imperative to examine the application of these immigration policies, as they are applicable on a case-by-case basis and are directly aimed at concrete countries (Samers, 2004). The decision to implement these policies regarding concrete countries is grounded upon a risk assessment conducted to safeguard internal security (Samers, 2004). Furthermore, the granting of legal protection depends upon the discretion of the applicator, who takes into consideration the socio-economic characteristics of the citizens and the possibility of a ‘mass migration’ event to occur (Samers, 2004). In this context, these variables possibly align with the circumstances of the climate-displaced. The risk assessment is predicated on the anticipated influx of individuals seeking entry into the borders of a country (Samers, 2004), and if the number of arrivals is deemed “excessive”, the host country may decline to accept them, possibly citing state security as the rationale. What is crucial to mention is that the countries that are subject to Visa requirements are from the Global South. That means that most climate-displaced – the majority of whom will be from the Global South – would be subject to Visa requirements. Since there is no special Visa regime for climate-displaced persons, this means that most often they will have no choice but to reach the European Union through irregular means.

The Visa system uses an exchange system of application decisions between the Schengen States – the Visa Information System. This system is used to demote “Visa shopping, improve Visa consultation and the delivery of the common Visa policy,

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facilitate (...) return procedures, and enhance internal security and anti-terrorist measures” (Samers, 2004, p. 33). If an individual is rejected, the legal consequences vary according to the national law of the country that rejected the individual. As an example, in Germany, individuals that do not go according to the Residence Act may be subjected to, for example, an entry or residence ban (section 11), or a deportation (section 58).

For the climate-displaced, this legal context creates a situation where the escape from a negative decision becomes challenging. In this context, the climate-displaced are eligible to assess the European Union borders if they fulfill the condition to be considered within specific pre-established categories, such as tourists, students, and workers (for example, article 20 of the Schengen Borders Code). These legal categories will subsequently determine the rights to which they are entitled (for example, annex VII of the Schengen Borders Code). The issue of climate displacement and the concrete circumstances of climate-displaced individuals constitutes a crucial example wherein Visas are employed as a mechanism for border control. Climate-displaced individuals lack a specific group into which they can be categorized to obtain legal protection. Thus, they may either attempt to align their concrete situations with the pre-established categories (designed according to the interests of the receiving country), or find themselves in the illegal category, forced to navigate the challenges of survival independently.

5.2.2. The European Border and Coast Guard Agency (Frontex)

The European Border and Coast Guard Agency (Frontex) relies its self-presentation on the idea of law enforcement, which relates to the security of the external borders of the European Union (Franko, 2021). Frontex is the European Union agency that is governed by Regulation (EU) 2019/1896, which was enacted on the 13th of November in the year 2019. The main objective of this agency is to manage the external borders of the European Union, and its mission is to address displacement “(...) *challenges and potential future challenges and threats at the external borders (...)*” (article 1 of the Regulation (EU) 2019/1896), while “(...) *it ensures a high level of internal security within the Union (...)*” (article 1 of the Regulation (EU) 2019/1896). From its broad description onwards, Frontex is expressively associated with the concept of security. In more concrete terms, the objective is to ensure “(...) *the efficiency of the*

Union return policy (...)” (as stated in article 1), with the desired outcome being the attainment of a high level of security (as outlined in article 1). This objective is to be achieved by simultaneously upholding fundamental rights and preserving the freedom of movement, which are guarantees reserved for European Union citizens. Hence, as evidenced by article 1 of the Regulation (EU) 2019/1896, Frontex places an emphasis on protecting internal security.

Regarding the activities of this agency, it is established that it must cooperate with the Member States of the European Union, as well as with third countries and other agencies, to manage border checks and border surveillance – in both in air, land and sea - and address irregular displacement through the identification and registration of the displaced people (Kalkman, 2020). In practice, addressing illegal displacement involves reinforcing border control, arresting individuals trying to reach the borders of the European Union, and mobilizing teams for short-notice return flights of ‘third-country nationals’ (Kalkman, 2020). Given that the primary aim of this agency is to address illegal displacement, rather than create legal paths for legal displacement, migration and asylum, one does not need to search too deeply to uncover the state security base that supports its activities. Here, the acceptance of the climate-displaced is not a central aspect or a priority. Frontex’ activities are developed through “continuous data exchange on relevant [displacement] trends and the sharing of best practices” (Kalkman, 2020, p. 168), regarding both entrance movements into the European Union and cross-border movements within the European Union (Kalkman, 2020). Thus, this transforms Frontex into an omnipresent agency with surveillance capacities encompassing every movement to and within the European Union. It is essential to recognize that these movements consist of the likely mobility needs of the climate-displaced individuals. In the end, these activities serve as a supportive foundation for the state security base it aims to guarantee, disregarding the safeguarding of these persons.

Furthermore, concerns about the secretive nature of Frontex arise when we contrast its omnipresence with the limited empirical research on the real-world impact of its activities (Kalkman, 2020). As mentioned earlier, Frontex is an agency that oversees movements both within and into the European Union, yet the specifics of how this control is carried out remains unclear. Frontex is often described as “a closed agency and appears to be concerned with avoiding blame” (Kalkman, 2020, p. 169). If an agency acts in the

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best interests of certain individuals who require legal protection, there is no justification to be a “closed agency” or to “avoid blame” (Kalkman, 2020, p. 169). In other words, the activities of Frontex and their expansion throughout the years indicate that its objective is to justify how these individuals are illegal migrants, as soon and as cost-effectively as possible, which is more favorable for serving the state security interests of the European Union.

Frontex is an independent agency with its own resources and functions, operating with the consent of the Member States of the European Union (Kalkman, 2020). This arrangement is deemed acceptable within the European Union, because of the state security it aims to protect above the lives of the climate-displaced. To outside researchers, Frontex faces a legitimacy deficit due to its under-regulation and a failure to provide relevant information (Kalkman, 2020). In the absence of clear regulation and relevant information, it is simpler for Frontex to not be held accountable for breaches of both European Union and international law (Kalkman, 2020). In this context, the responsibility is shifted to the Member States and Frontex remains not only omnipresent, but also an untouchable agency (Kalkman, 2020). This shift of accountability to the Member States appears convenient, and one could assume the European Union would then shift its questioning to its Member States. However, the system of unaccountability seems universal. Frontex is only “subject to national political interference rather than accountable to [European Union] institutions. The European Parliament, potentially functioning as a democratic control mechanism, can only oversee Frontex’ operations to a very limited degree as it is not fully informed and is unable to hold the agency’s leadership to account” (Kalkman, 2020, p. 170).

Frontex typically operates with border and coast guards as part of its standard operations (Kalkman, 2020). In cases where external security is involved, border management is dealt by the European Union Common Security and Defense Policy through military means and justified by the war on crime, where the (supposed) presence of smugglers justifies the victimization of other individuals attempting to achieve the European Union borders by the same methods of transportation (Kalkman, 2020). Through patrols and intelligence gathering, this supposition takes precedence, often without considering the presence of other groups of people, including the climate-displaced individuals. Additionally, Frontex employs what has been referred to as ‘remote

control' (apud SAMERS, Michael – An emerging geopolitics of 'illegal' immigration in the European Union), even prior to these individuals arriving at the borders of the European Union (Kalkman, 2020). This results in the expansion of the European Union's borders and by extending these borders, Frontex gains the authority to introduce an additional layer of pretexts for not providing legal protection to these individuals (Kalkman, 2020).

The gap between the European Union citizens and the climate-displaced, whose home country expected to be outside the European Union borders, is emphasized through technological tools such as the software programmes Eurosur and Jora. These programmes enable the examination of movements in real time and from a distance (Kalkman, 2020). With the information acquired, Frontex takes measures to restrict access to the routes available to the displaced people, rather than provide the means for such movements (Kalkman, 2020). Over time, "even though people find such new routes, their itineraries become more difficult and deadly" (Kalkman, 2020, p. 172). In a scenario where the closure of established routes renders movements increasingly unsafe, those displaced by climate factors are left with no viable alternatives, especially in cases of permanent climate displacement. Essentially, they face the dilemma of either remaining in their home country, exposing themselves to the risk of death; or choosing to depart, where they are likely to encounter a similar fate.

The establishment of an agency like Frontex served the materialization of the state security approach of the European Union framework, as well as the harmonization of the perception of the climate-displaced as potential threats (Kalkman, 2020). Frontex is an agency primarily concerned with external borders and "state security ultimately takes precedence" (apud KALKMAN, Jori Pascal – Frontex: a literature review, p. 173). In the end, the European Union remains complicit with the practices of Frontex and its "organized hypocrisy" (Kalkman, 2020, p. 173) by increasing political support, allocating further resources and expanding the staff (Franko, 2021), and the lives of the climate-displaced are often disregarded because these individuals are considered as threats to the security of the European Union.

In conclusion, the climate displacement and security nexus in European Union law and policies elucidates the legal challenges that the climate-displaced would encounter if they reached the stage of being legally acknowledged with the overcoming

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of the state security approach. The state security base that supports the framework of the European Union is deemed as acceptable due to the shared competence of the European Union and its Member States regarding migration and asylum law. The European Union, based on the cooperation and harmonization amongst its Member States, uses these achievements to protect its citizens, in the same proportion that excludes the so-called ‘third-country nationals’ and consequently the climate-displaced individuals.

6. The Climate Displacement and Security Nexus in International Law and Policies

6.1. The Role of the United Nations Security Council and the United Nations Framework Convention on Climate Change

In the realm of the climate displacement and security nexus in international law and policies, it is crucial to analyze the practices of the United Nations, more specifically both the United Nations Security Council and the United Nations Framework Convention on Climate Change.

The United Nations Security Council, the organ of the United Nations whose mandate consists in the “(...) *maintenance of international peace and security* (...)” (article 24 (1) of the United Nations Charter) through military actions, was initially founded on a traditional security basis (Scartozzi, 2022). Consequently, “issues of human security (...) were not a primary concern” (Scartozzi, 2022, p. 293). In 1992, this organ adopted a non-traditional security approach, recognizing the ecological field as a threat to peace and security (Scartozzi, 2022). Subsequently, it also acknowledged climate change as security threat, aligning it with its mandate of “*maintenance of international peace and security*” (Scartozzi, 2022). The discussion surrounding whether the United Nations Security Council is the competent body to address climate change predominantly gathers unfavorable perspectives (Scartozzi, 2022). This skepticism is attributed to the inherent difficulties of the Council, including its lack of representation of affected countries, as well as the lack of tools, knowledge, expertise and legitimacy (Vivekananda *et al.*, 2020). In our view, this critical perspective extends to the issue of climate displacement.

Although this organization does not explicitly address climate displacement in its reports, it remains imperative to examine its statements concerning climate change. Climate displacement is a consequence of climate change, and potential security implications of climate change encompass the issue of climate displacement. Upon initial analysis, the (apparent) distancing from the state security approach could seem an advantage for the climate-displaced individuals since this shift would suggest a progression towards prioritizing the well-being of these individuals over the national security of States. Nonetheless, “despite a broad conceptualization of security, the [United Nations Security Council] has remained a conservative institution that only sporadically

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delves into issues of (...) human security” (Scartozzi, 2022, p. 293) such as terrorism, weapons of mass destruction, natural resources, HIV/AIDS, Ebola, and most recently COVID-19 (Scartozzi, 2022). To this day, its reports do not explicitly center on climate displacement. The most explicit mention to this problematic was made on a 2017 report, which specifically focused on the West and sub-Saharan Africa case (UNSC, 2017c). Within the chapter entitled “*Humanitarian Trends*” of the report, it was recognized that “across the region, almost 5 million people are suffering from the consequences of forced displacement” (UNSC, 2017c, p. 6) and that “funding shortfalls continued to limit the scope of the humanitarian response” (UNSC, 2017c, p. 6). In the absence of concrete statements addressing climate displacement, Conca *et al.* (2017) conducted interviews within the United Nations to investigate “what it would mean and require for the Council to act” (Conca *et al.*, 2017, p. 1) in the subject of climate displacement. The authors were able to gather a statement on the subject, and the feedback they received indicated that “there would be a strong preference to “duck the issue” by leaving matters to the humanitarian side of [United Nations] operations or the [United Nations Framework Convention on Climate Change]” (Conca *et al.*, 2017, p. 13).

To this day, the United Nations Security Council has not formally addressed the issue of climate displacement. This entity has yet to explicitly issue reports on this matter, thus rendering its security approach evolution as superficial. It is crucial to distinguish between mentioning the existence of forced population movements due to climate change in reports where climate displacement is not the central subject, and effectively recognizing it as a distinct issue. The United Nations Security Council not only overlooks the issue, but also, when questioned, contends that climate displacement falls outside the scope of its competence, proceeding to assign responsibility to the United Nations Framework Convention on Climate Change. While this transfer of competence may appear appropriate, the United Nations Framework Convention on Climate Change has not sufficiently addressed the issue of climate displacement.

Continuing this line of thought, it is important to analyze the strategies employed by the United Nations Framework Convention on Climate Change in response to the issue of climate displacement. While the United Nations Framework Convention on Climate Change does not specifically address the issue of climate displacement, it underscores the importance of supporting developing countries and the most vulnerable communities to

the effects of climate change, encompassing climate displacement within this scope. Examples of this affirmation are articles 3(2), 4(4) and 4(10) of the United Nations Framework Convention on Climate Change.

In this international treaty, there is no mention of the security concept or the security approach. Nevertheless, the implementation of measures and practices aimed at achieving the established goals relies on each “(...) *specific national and regional development priorities (...)*”, as outlined in article 4(1) of the United Nations Framework Convention on Climate Change. This, in turn, depends on the willingness each of the State to address the subject of climate change, including the management of climate displacement. Indeed, as contracting parties to the United Nations Framework Convention on Climate Change, countries reserve the autonomy to implement their own measures and practices, often rooted in state security concerns. Additionally, the United Nations Framework Convention on Climate Change, as articulated in article 3(1), enshrines the principle of common but differentiated responsibilities, which conveys that the developed countries bear the greatest responsibility for the effects of climate change. Thereby, this principle establishes that developed countries must assume a proactive position in combatting the effects of climate change, placing responsibility in the hands of those who have often been historically unwilling to protect the individuals displaced by climate disasters.

The 2015 Paris Agreement adheres to a similar approach by not explicitly addressing the issue of climate displacement. Nevertheless, it emphasizes the importance of recognizing the impacts of climate disasters on vulnerable communities, thereby encompassing the issue of climate displacement. In this sense, this international treaty underscores, as articulated in its article 7(5), the following: “*Parties acknowledge that adaptation action should follow a country-driven (...) approach, taking into consideration vulnerable groups, communities and ecosystems (...)*”. Article 13 of the 2015 Paris Agreement places significant importance on transparency, a crucial aspect that is, however, accompanied by the safeguard of national sovereignty, as outlined in article 13(3): “*The transparency framework shall build on and enhance the transparency arrangements under the Convention, recognizing the special circumstances of the least developed countries and small island developing States, and be implemented in a*

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facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties”.

Lastly, a brief mention will be made to the legal case of *Teitiota v New Zealand*. In this context, the United Nations Human Rights Committee recognized the possibility to address climate displacement through the lens of the right to life (article 3 of the 1948 Universal Declaration of Human Rights) (Laki, 2022). Arguably it could be also addressed through the prohibition of inhuman and degrading treatment in a similar way (article 5 of the 1948 Universal Declaration of Human Rights) (Laki, 2022). However, the decision had two important limits worth noting. Firstly, a very high threshold is required for the recognition of a violation of the right to life (as well as the prohibition of inhuman and degrading treatment) in case of sending someone back to their country of origin (Laki, 2022). In fact, in this decision, the United Nations Human Rights Committee did not consider that there was a violation of the right to life. Secondly, this approach does not entail the recognition of a legal status in the ‘host’ country (Laki, 2022). So, even if a violation of the right to life is recognized - which would mean that applicants cannot be sent back to their country of origin – there is no guarantee that applicants will be able to stay *legally* in the ‘host’ country. Their only option might be to stay illegally in the ‘host’ country. Examining climate displacement through the lens of the right to life (and possibly also the prohibition of inhuman and degrading treatment) aligns with the humanitarian approach. Hence, it is important to discuss this decision in the context of the humanitarian possibilities within international human rights law. In the realm of the humanitarian approach, the following chapter will be dedicated to the examination of the 1951 Geneva Convention.

6.2. The 1951 Geneva Convention

When the potential legal solution to protect the climate-displaced involves combatting the legal gaps in existing legal instruments, there is an ongoing debate regarding whether the 1951 Geneva Convention would adequately safeguard these individuals. Despite this legal framework holding a crucial role in determining the legal status and protection regime of individuals seeking refuge due to political reasons, the 1951 Geneva Convention, which has been ratified by 145 States, holds a broader significant importance as an international treaty addressing the movement of people

across borders, since article 1(A) states the condition of the individual being “(...) *outside the country of his nationality* (...)”. Hence, it holds significance in discussions concerning the effects of climate degradation on human mobility. Moreover, the examination of the 1951 Geneva Convention remains pertinent due to its influence not solely within the scope of international law, but also within European Union law and national legal systems.

The initial focus of the discussion pertains to whether the legal status of the climate-displaced can be adequately incorporated into the provisions outlined in the 1951 Geneva Convention. The United Nations Refugee Agency and the International Organization for Migration do not agree with the usage of the term ‘refugee’ to describe those affected by climate displacement, because the official recognition as a ‘refugee’ is contingent upon meeting the criteria of article 1(A) of the 1951 Geneva Convention (UNHCR, 2009). In this context, both institutions maintain that the status of the climate-displaced individuals “remains unclear” (UNHCR, 2009, p. 5). Therefore, the institutional perspective suggests that such individuals fall outside the scope of the 1951 Geneva Convention, based on theoretical incompatibilities with the established article 1(A). More concretely, article 1(A) stipulates that the refugee status is contingent upon certain conditions that are incompatible with the phenomenon of climate displacement: “(...) *any person who has: (...) well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or (...) unwilling to avail himself of the protection of that country* (...)”. Firstly, climate displacement includes internal movements, where the climate-displaced do not have to leave its home State (C. Gomes, 2018). Secondly, climate displacement encompasses permanent movements, where individuals are unable to return to its State of origin due to its irreversible degradation or disappearance caused by climate-related factors (C. Gomes, 2018). Thirdly, individuals who are climate-displaced do not experience persecution as defined under the 1951 Geneva Convention (C. Gomes, 2018). The criteria of a “*well-founded fear of being persecuted*”, characterized by both subjective (the individual fear of the applicant) and objective (the objective circumstances which substantiate the case) elements, is a criterion with indeterminate concepts, open to interpretation and dependent on the understanding of the interpreter. Efforts to include ‘climate refugees’ within these terms range from considering the destructive actions of large companies in developing

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countries (C. Gomes, 2018), to assigning accountability to the polluting countries responsible for climate change as the agents of persecution (R. Gomes, 2020). However, the predominant opinion is that climate change-related disasters are unlikely to be regarded as acts of persecution, because the concept of persecution requires a “human agency”, that is, “a government or a group who acts as a persecutor in the petitioner’s country of origin” (Francis, 2019, p. 125).

While institutions such as the United Nations Refugee Agency and the International Organization for Migration do not endorse the classification of these individuals as ‘climate refugees’, scholars like Suhrke (1994), Myers (2002), Biermann *et al.* (2011) and Docherty *et al.* (2009) concur on the term ‘refugee’, notwithstanding each presenting their distinct definition of the term ‘refugee’ in the context of climate displacement. In this sense, academic scholars consider the possibility to amend the 1951 Geneva Convention to include the climate-displaced within its protective framework. The proposal to amend the 1951 Geneva Convention to broaden the concept of ‘refugees’ to include ‘climate refugees’ (here climate-displaced individuals) was presented to the United Nations by the Maldives in 2016 as a potential course of action (C. Gomes, 2018). However, this proposition was subsequently rejected (C. Gomes, 2018). Given the aforementioned factors, particularly during a period marked by the rise of far-right political parties, the possibility to bring all signatory States to amend the 1951 Geneva Convention would likely result in the reduction of the scope of its protection regime, rather than an expansion (Myrstad *et al.*, 2009). “In the current political situation, opening up discussion of amendments carries the risk of a total renegotiation of the Convention and lowering of protection” (Myrstad *et al.*, 2009, p. 314). Political commitments lead to legal and legislative decisions, but the subject of climate displacement and its consequences on human mobility lack political will, and the reforming route is not considered achievable.

Moreover, the reluctance to amend this Convention introduces an additional layer to the traditional security approach. Extending existing legal regimes to include the climate-displaced is an alternative that appears advantageous, as it would combat the difficulties of creating a new legal instrument. Nevertheless, this possibility does not erase the existence of various challenges, such as the perpetual presence of state security provisions and the potential for diverse interpretations by each contracting State. These

challenges are associated with the difficulties in holding States accountable for the consequences they pose upon the conditions of the climate-displaced. In cases where the decision to grant protection to certain individuals rests upon the interpretations and justifications of the contracting States, legal justifications are not required and do not entail consequences for the decider (Davitti, 2019). The United Nations High Commissioner for Refugees aims at ensuring that the rights of refugees are safeguarded, but has no power to issue a binding decision against a State that failed to comply with its obligations (articles 8 of the United Nations High Commissioner for Refugees). International law, with its distinct legal order, lacks a central enforcement authority, and in the event of a negative decision, avenues for subsequent actions or appeals are not truly possible. The absence of an effective protection regime towards the climate-displaced is evident and, regardless of the arguments presented, the outcome remains unchanged: the lack of protection for these individuals due to the prioritization of the state security approach.

This international treaty holds relevance for the scope of this thesis, as it serves as the relevant legal instrument of the humanitarian approach while also addressing the state security aspects inherent in the issue of climate displacement. More generally, the 1951 Geneva Convention contains provisions aligned with the state security approach due to its definition of the status of irregular migrants. This status is where the climate-displaced individuals will most likely find themselves, as they lack legal means to reach the 'Global North'.

The 1951 Geneva Convention was established on humanitarian grounds and based on these grounds, Gonzalez (2019) affirms that some States have conceded protection to the climate-displaced who were forced to flee, despite not facing persecution. Nonetheless, the state security approach in climate displacement can also manifest in the humanitarian approach, including in its pivotal legal instrument, the 1951 Geneva Convention. The primary objective of the 1951 Geneva Convention does not revolve around state security concerns, but the interpretability of its provisions is contingent upon the legal frameworks, perspectives and choices made by individual contracting States. This protection regime establishes the rights refugees are entitled to and this entitlement depends on the contracting State with the competence to decide for a positive or negative conclusion. Regarding concrete provisions, it is crucial to focus our analysis on specific

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articles. This is especially important because, in our perspective, it is highly probable that the interpretation of these provisions will be misused to deny legal protection to the climate-displaced if they were to be included within this protection regime.

Article 1(f) establishes an exclusion clause from the scope of 1951 Geneva Convention, stating that this legal instrument does “*not apply to any person with respect to whom there are serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity (...); (b) he has committed a serious non-political crime (...)*”. As previously mentioned, the security arguments evoked, along with the indeterminate concepts of “*serious reasons*” tied to the commission of specific crimes, allows for varying interpretations. These interpretations can be employed to solidify the viewpoint that the climate-displaced may pose a threat to the national security of the States.

Article 2 of the 1951 Geneva Convention consecrates general obligations and enunciates that: “*Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order*”. In this context, if a contracting State willingly opts to disclose that an individual did not act accordingly to its duties of maintaining public order, it will, based on this argument, impose movement restrictions. Additionally, it is relevant to mention that the idea of protecting the concept of “*public order*” is used in the 1951 Geneva Convention to deny the legal protection that this Convention entails, not only in article 2, but also in articles 28 and 32, where expulsion is prohibited, unless “*national security and public order*” are at stake.

Article 9 is the article on provisional measures that as the following text: “*Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person (...)*”. The article begins with “*nothing shall prevent*”, which conveys an idea of priority. This idea of priority is then associated with an undetermined concept of “*or other serious and exceptional circumstances*”, which might be mobilized by States to maintain their “*national security*”, instead of protecting the climate-displaced. Additionally, this article proceeds by enunciating that this decision is pended on the “*(...) determination by the Contracting State that (...) the continuance of such measures is necessary in his case in*

the interests of national security”. Therefore, the sole entity capable of verifying if this situation is confirmed are the States that have chosen to invoke this article. This allows the possible reinforcement of the idea of an unshakable and unquestionable authority against the concrete situations of the individuals displaced due to climate disasters.

Article 26 on the freedom of movement within the borders of a contracting State explains the following: “*Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances*”. In this context, the ‘*lawfully*’ necessity poses an impediment of application of the freedom of movement. The permission to enter the territory of a contracting State depends on the specificities approached and given that the climate-displaced most likely do not get to enter the territory, they consequently do not have the opportunity to move freely within that same territory.

Moreover, the grating of certain rights, such as the right of association (article 15), wage-earning employment (article 17), self-employment (article 18), liberal professions (article 19), housing (article 21), public relief (article 23), labor legislation and social security (article 24) and travel documents (article 28, also explicitly associated with national security), depend on the condition that “*the Contracting States shall accord to refugees lawfully staying in their territory*”. Indeed, this condition excludes the climate-displaced individuals from the protection framework of the 1951 Geneva Convention, as they most likely do not meet the “*lawfully*” requirement, which entails the acceptance from those who could protect them.

Article 32(1) establishes that “The Contracting States shall not expel a refugee lawfully in their territory save on *grounds of national security or public order (...)*”. Upon initial examination, this seems the necessary step in the right direction to explicitly refuse national security arguments and, consequently, safeguard the climate-displaced individuals. However, article 32(2) enunciates that “*The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority (...)*”, which automatically contradicts the general impression of

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article 32(1), further reinforcing the state security approach within a humanitarian legal instrument.

Furthermore, article 32 is succeeded by article 33, which establishes the core principle of non-refoulement, articulating the following: “1. *No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion;* 2. *The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country*”. Even in the pivotal principle of the humanitarian approach, it is explicitly established that the contracting States may refrain from applying this provision if “(...) there are reasonable grounds for regarding as a danger to the security of the country (...)” are to be considered in the equation.

In conclusion, Ghezelbash *et al.* (2018) construction of their argument is here applicable to climate displacement, with adaptations. Existing legal instruments (possibly) applicable to protect the climate-displaced are considered, but state security provisions are present, even if these initiatives have a humanitarian base. The 1951 Geneva Convention is the principal legal instrument analyzed, due to two reasons: this legal instrument stands on humanitarian grounds but has state security provisions; and the fact that the 1951 Geneva Convention problematics later translate to the application of other existing legal instruments. What is crucial to realize is that one thing are the international obligations States choose to assume, other is how they interpretate them. At stake is not only the duty of States to ensure their asylum policies are in line with both the letter and the spirit of their international obligations, but also the protection of asylum seekers worldwide. However, while there is room for interpretations, States will most likely use their power to assess non-responsibility in the obligations they sign. In the end, their left with the reputation for participating in the elaboration of such legal instruments and consequent signature, as well as the possibility to interpretate and apply them how it best provides them, without consequences.

7. Conclusion: Overcoming the Security Approach in Climate Displacement

The focus of this thesis was the phenomenon of climate displacement, more concretely the forced cross-border movements that occur due to climate disasters. The issue of climate displacement gathers differing perspectives whether the focus is the academic research on the subject, or the institutional practices to which the climate-displaced individuals are subjected to, both at the European Union and the international community level (both States and organizations, with emphasis on the practices of the United Nations).

Although the academic research on climate displacement, namely the approaches of Methmann *et al.* (2015), Ransan-Cooper *et al.* (2015), Gonzalez (2019) and Ferris (2020), have drawbacks when these authors associate the state security approach with timeframes or terminologies, academic investigation into climate displacement holds significant importance, as it unveils the state security framework governing the institutional and State practices imposed upon climate-displaced individuals.

We assert that the state security approach is not just one among several approaches to climate displacement, but rather constitutes the principal institutional framework selected for addressing climate displacement. Consequently, it leads the predominant argument that prevents the achievement of consensus regarding the legal status ascribed to climate-displaced individuals and the establishment of a corresponding legal protection regime. Both the state security approach of the European Union and human security approach of the international community (with emphasis on the work of the United Nations) have one practical commonality: while the state security approach prioritizes the defense of national security and the sovereignty of States; and the human security approach advocates for the prioritization of the protection of individuals merely in statements. As Floyd (2007) affirms, “nothing sets human security apart from other critical concepts of security” (Floyd, 2007, p. 40), and both support the inertia that is the lack of initiative to properly address the situations of the individuals forced to cross-borders due to the temporary or permanent destruction of their homes. With especial emphasis on the state security paradigm, utilizing this approach in the context of climate displacement implies that climate-displaced individuals pose a potential challenge to the

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national independence and sovereignty of States, thus rendering the use of force as a legitimate response to these challenges.

We defend that the state security approach is not merely one of several approaches to climate displacement. Instead, it represents the primary institutional approach chosen to address climate displacement. Consequently, it serves as the prevailing argument that prevents the attainment of consensus regarding the legal status to be attributed to the climate-displaced individuals and the establishment of an accompanying protection regime. Indeed, the presence of security considerations, whether in the form of state security or human security, will most likely be used to support arguments to not protect the climate-displaced individuals, whether it is because the climate-displaced supposedly pose a threat to the national security of States, or because the human security approach lacks concordance on what constitutes human rights, and the individual is in theory prioritized but left to deal with its own circumstances without a responsive legal system to assist him/her.

In this conclusive chapter, we contend as essential to highlight the work of the Copenhagen School and its theory of securitization (Buzan *et al.*, 1998), because this approach exposes how the process of securitizing climate displacement begins when political actors contend that this matter constitutes an existential threat to national security; consequently warranting the implementation of exceptional measures beyond the boundaries of conventional politics and legitimizing infringements upon the human rights of climate-displaced individuals. For instance, if States posit that climate displacement will originate conflicts and resource scarcity, that justifies the strengthening of border control and the deployment of militarized responses, resulting in the rejection of climate-displaced individuals.

As Floyd (2007) describes, it will be a difficult task to surpass the inherently interdisciplinary nature of climate displacement. Although we partially agree, we affirm that the first step would be for the responsible institutional entities to recognize the state security base that supports the lack of protection of the climate-displaced individuals. After this step, effective solutions can start to be problematized and applied. If equal effort that is devoted to expelling these individuals was directed towards safeguarding them, the securitization of climate displacement would gradually diminish. While the state security argument is not recognized and surpassed, the climate-displaced will encounter the

potential of “being politically visible but legally useless” (Piguet *et al.*, 2011, p. 20). Overcoming the security approach in climate displacement is the solution that will lead to actual changes. If humanity is ever capable of reaching such a level of empathy.

We are aware the argument transmitted in this thesis may seem hopeless regarding the protection of the climate-displaced individuals. However, the purpose is to raise awareness to the practices that, to this day, persist and the ray of different arguments to achieve this unfortunate result. The overcoming of the security approach, especially the state security approach, encompasses the involvement of humanity in the acceptance and protection of “the other”, and if this is not achieved, possible solutions are deemed as ineffective, as they are merely written words on paper.

Bibliography

BALDWIN, Andrew ; METHMANN, Chris ; ROTHE, Delf - Securitizing ‘climate refugees’: the futurology of climate-induced migration. **Critical Studies on Security** [Em linha]. 2:2 (Ag. 2014) 121-130. [Consult. 15 Fev. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1080/21624887.2014.943570>>.

BIERMANN, Frank ; BOAS, Ingrid - Protecting climate refugees: the case for a global protocol. **Environment: Science and Policy for Sustainable Development** [Em linha]. 50:6 (28 Jul. 2011) 8-17. [Consult. 4 Mar. 2023]. Disponível em WWW: <URL:https://www.tandfonline.com/doi/pdf/10.3200/ENVT.50.6.8-17?casa_token=ZzTKgZqRk3UAAAAA:4MYXUWFNo_P4BgmbWi91cSCa4Z6wbS0x-d6-syyUXIIArqllJb0Q_rI2AlODzPUeRdq4Re72_fSBf8TQ>.

BUTROS, Deniz ; GYBERG, Veronica Brodén ; KAIJSER, Anna - Solidarity versus security: exploring perspectives on climate induced migration in UN and EU policy. **Environmental Communication** [Em linha]. 15:6 (1 Jun. 2021) 842-856. [Consult. 24 Nov. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1080/17524032.2021.1920446>>.

BUZAN, Barry ; WAEVER, Ole ; WILDE, Jaap De - **Security: a new frame for analysis**. [S.l.] : Lynne Rienner Publishers, 1998.

COLOMBEAU, Sara Casella - Crisis of Schengen? The effect of two ‘migrant crises’ (2011 and 2015) on the free movement of people at an internal Schengen border. **Journal of Ethnic and Migration Studies** [Em linha]. 46:11 (30 Mar. 2019) 2258-2274. [Consult. 12 Mar. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1080/1369183X.2019.1596787>>.

CONCA, Ken ; THWAITES, Joe ; LEE, Goueun - Climate change and the UN security council: bully pulpit or bull in a china shop? **Global Environmental Politics** [Em linha]. 17:2 (1 Maio 2017) 1-20. [Consult. 14 Mar. 2023]. Disponível em WWW: <URL:https://doi.org/10.1162/GLEP_a_00398>.

DAVITTI, Daria - Biopolitical borders and the state of exception in the european migration 'crisis'. **The European Journal of International Law** [Em linha]. 29:4 (14 Fev. 2019) 1173-1196. [Consult. 27 Abr. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1093/ejil/chy065>>.

DOCHERTY, Bonnie ; GIANNINI, Tyler - Confronting a rising tide: a proposal for a convention on climate change refugees. **The Harvard Environmental Law Review** [Em linha]. 33 (2009) 349-403. [Consult. 28 Abr. 2023]. Disponível em WWW: <URL:<https://heinonline.org/HOL/LandingPage?handle=hein.journals/helr33&div=15&id=&page=>>.

EUROPEAN COMMISSION - **Addressing Displacement and migration related to disasters, climate change and environmental degradation** [Em linha]. Luxembourg : Publications Office of the European Union, 2022. 22 p. [Consult. 1 Set. 2023]. Disponível em WWW: <URL:<https://doi.org/10.2795/302703>>.

EUROPEAN PARLIAMENT - **The future of climate migration** [Em linha]. [S.l. : s.n.], 2022. 2 p. [Consult. 1 Set. 2023]. Disponível em WWW: <URL:[https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729334/EPRS_AT_A\(2022\)729334_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729334/EPRS_AT_A(2022)729334_EN.pdf)>.

FERRIS, Elizabeth - Research on climate change and migration where are we and where are we going? **Migration Studies** [Em linha]. 8:4 (14 Dez. 2020) 612-625. [Consult. 7 Maio 2023]. Disponível em WWW: <URL:<https://doi.org/10.1093/migration/mnaa028>>.

FLOYD, Rita - Human security and the copenhagen school's securitization approach: conceptualizing human security as a securitizing move. **Human Security Journal** [Em linha]. 5 (2007). [Consult. 14 Fev. 2023]. Disponível em WWW: <URL:https://www.academia.edu/7501047/Human_Security_and_the_Copenhagen_Schools_Securitization_Approach>.

FRANCIS, Ama - Climate-induced migration & free movement agreements. **Journal of International Affairs** [Em linha]. 73:1 (2019) 123-134. [Consult. 16 Fev. 2023]. Disponível em WWW: <URL:<https://www.jstor.org/stable/26872782>>.

FRANKO, Katja - The two-sided spectacle at the border: Frontex, NGOs and the theatres of sovereignty. **Theoretical Criminology** [Em linha]. 25:3 (16 Abr. 2021) 379-399. [Consult. 12 Maio 2023]. Disponível em WWW: <URL:<https://doi.org/10.1177/13624806211007858>>.

GHEZELBASH, Daniel [et al.] - Securitization of search and rescue to boat migration in the mediterranean and offshore australia. **International and Comparative Law Quarterly** [Em linha]. 67 (16 Jan. 2018) 315-351. [Consult. 1 Set. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1017/S0020589317000562>>.

GOMES, Carla Amado - **Direito internacional do ambiente: uma abordagem temática**. Lisboa : AAFDL Editora, 2018.

GOMES, Renata Jorge - **O conceito de “refugiado climático” à luz do direito internacional – NOVA Refugee and Migration Clinic** [Em linha]. 23 Set. 2020. [Consult. 28 Abr. 2023]. Disponível em WWW: <URL:https://novarefugeelegalclinic.novalaw.unl.pt/?blog_post=o-conceito-de-refugiado-climatico-a-luz-do-direito-internacional>.

GÓMEZ, Oscar - Climate change and migration. ISS working paper series / general series. **International Institute of Social Studies of Erasmus University (ISS)** [Em linha]. 572 (30 Nov. 2013) 1-48. [Consult. 28 Ag. 2023]. Disponível em WWW: <URL:<https://repub.eur.nl/pub/50161/>>.

GONZALEZ, Carmen G. - Climate justice and climate displacement: evaluating the emerging legal and policy responses. **in Wisconsin International Law Journal** [Em linha]. 36:2 (15 Jun. 2019) 366-396. [Consult. 10 Jun. 2023]. Disponível em WWW: <URL:https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3398442>.

GUILD, Elspeth - Promoting the european way of life: migration and asylum in the EU. **European Law Journal** [Em linha]. 26:5-6 (16 Dez. 2021) 355-370. [Consult. 3 Out. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1111/eulj.12410>>.

HAMA, Hawre Hasan - State security, societal security, and human security. **Jadavpur Journal of International Relations** [Em linha]. 21:1 (20 Jun. 2017) 1-19. [Consult. 17 Out. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1177/0973598417706591>>.

HELD, David - Climate change, migration and the cosmopolitan dilemma. **Global Policy** [Em linha]. 7:2 (9 Fev. 2016) 237-246. [Consult. 1 Set. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1111/1758-5899.12309>>.

KALKMAN, Jori Pascal - Frontex: a literature review. **International Migration** [Em linha]. 59:1 (17 Jun. 2020) 165-181. [Consult. 11 Dez. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1111/imig.12729>>.

KERNBERG, Otto F. - Projection and projective identification: developmental and clinical aspects. **Journal of the American Psychoanalytic Association** [Em linha]. 35:4 (Ag. 1987) 795-819. [Consult. 13 Set. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1177/000306518703500401>>.

LAKI, Duncan Muhumuza - The case of ioane teitiota v. new zealand at the human rights committee: a common sense approach. **Cambridge University Press** [Em linha]. 115 (3 Mar. 2022) 161-163. [Consult. 5 Maio 2023]. Disponível em WWW: <URL:<https://doi.org/10.1017/amp.2021.148>>.

METHMANN, Chris ; OELS, Angela - From 'fearing' to 'empowering' climate refugees. **Security Dialogue** [Em linha]. 46:1 (2015) 51-68. [Consult. 14 Maio 2023]. Disponível em WWW: <URL:<https://doi.org/10.1177/0967010614552548>>.

MYERS, Norman - Environmental refugees: a growing phenomenon of the 21st century. **The Royal Society** [Em linha]. 357 (29 Abr. 2002) 609-613. [Consult. 18 Jul. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1098/rstb.2001.0953>>.

MYRSTAD, Finn ; KOLMANNSSKOG, Vikram - Environmental displacement in european asylum law. **European Journal of Migration and Law** [Em linha]. 11:4 (1 Jan. 2009) 313-326. [Consult. 2 Dez. 2022]. Disponível em WWW: <URL:<https://doi.org/10.1163/157181609789804321>>.

ÖZCAN, Sezer - Securitization of energy through the lenses of Copenhagen School. **West East Journal of Social Sciences** [Em linha]. 2:2 (Ag. 2013) 57-72. [Consult. 20 Mar. 2023]. Disponível em WWW: <URL:https://westeastinstitute.com/journals/wp-content/uploads/2013/10/Sezer_Ozcan.pdf>.

PIGUET, Etienne ; PÉCOUD, Antoine ; GUCHTENEIRE, Paul De - Migration and climate change: an overview. **Refugee Survey Quarterly** [Em linha]. 30:3 (8 Jun. 2011) 1-23. [Consult. 18 Mar. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1093/rsq/hdr006>>.

RANSAN-COOPER, Hedda [et al.] - Being(s) framed: the means and ends of framing environmental migrants. **Global Environmental Change** [Em linha]. 35 (Nov. 2015) 106-115. [Consult. 7 Nov. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1016/j.gloenvcha.2015.07.013>>.

SAMERS, Michael - An emerging geopolitics of 'illegal' immigration in the European Union. **European Journal of Migration and Law** [Em linha]. 6 (1 Jan. 2004) 27-45. [Consult. 20 Mar. 2023]. Disponível em WWW: <URL:https://brill.com/view/journals/emil/6/1/article-p27_4.xml>.

SCARTOZZI, Cesare - Climate change in the UN Security Council: an analysis of discourses and organizational trends. **International Studies Perspectives** [Em linha]. 23:3 (2 Jun. 2022) 290-312. [Consult. 13 Jun. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1093/isp/ekac003>>.

SKILLINGTON, Tracey - Climate justice without freedom: assessing legal and political responses to climate change and forced migration. **European Journal of Social**

Theory [Em linha]. 18:3 (22 Abr. 2015) 288-307. [Consult. 19 Jul. 2023]. Disponível em WWW: <URL:<https://doi.org/10.1177/1368431015579967>>.

SUHRKE, Astri - Environmental degradation and population flows. **Journal of International Affairs** [Em linha]. 47:2 (1994) 473-496. [Consult. 20 Out. 2023]. Disponível em WWW: <URL:https://www.jstor.org/stable/24357292?seq=1#metadata_info_tab_contents>.

UNHCR - **Climate change, natural disasters and human displacement: a UNHCR perspective** [Em linha]. [S.l. : s.n.]. 14 p. [Consult. 20 Out. 2022]. Disponível em WWW: <URL:<https://www.unhcr.org/media/unhcr-policy-paper-climate-change-natural-disasters-and-human-displacement-unhcr-0>>.

VIVEKANANDA, Janani ; DAY, Adam ; WOLFMAIER, Susanne - What can the UN Security Council do on climate and security. **adelphi research gGmbH** [Em linha]. (Jul. 2020) 1-20. Disponível em WWW: <URL:https://climate-diplomacy.org/sites/default/files/2021-02/What%20can%20the%20UN%20Security%20Council%20do%20on%20Climate%20and%20Security_.pdf>.

Legislation

Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 - Available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1896>;

The Amsterdam Treaty - Available in: <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>;

The German Residence Act - Available in: https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.pdf;

The Qualification Directive - Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. Available in: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF>;

The Schengen Borders Code – Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016. Available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0399>;

The Temporary Protection Directive - 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 on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055>;

The United Nations Framework on Climate Change - Available in: <https://unfccc.int/resource/docs/convkp/conveng.pdf>;

The Universal Declaration of Human Rights - Available in:

https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf;

Treaties

The Charter of the United Nations - Available in:

<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>;

The Geneva Convention, 1951 - Available in: <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>;

The Maastricht Treaty - Available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT>;

The Paris Agreement - Available in:

https://unfccc.int/sites/default/files/english_paris_agreement.pdf;

The Treaty on the European Economic Community - Available in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11997E/TXT>;

The Treaty on the Functioning of the European Union – Available in: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

The United Nations Framework on Climate Change - Available in:

<https://unfccc.int/resource/docs/convkp/conveng.pdf>;

Reports

The Human Development Report by the United Nations Development Programme - Available in:

<https://hdr.undp.org/system/files/documents/hdr1994encompletenostatspdf.pdf>;

UNSC, 2017c - Available in: <https://digitallibrary.un.org/record/1290886>;

Jurisprudence

Case *Teitiota v New Zealand*, 23 September 2020 - Available in:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F127%2FD%2F2728%2F2016&Lang=en;

Other Relevant Documents

The Cartagena Declaration on Refugees - Available in:

https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf;

The European Union Common Security and Defence Policy - Available in:

https://www.europarl.europa.eu/ftu/pdf/en/FTU_5.1.2.pdf;

The Foresight Project, 2011 - Available in:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287717/11-1116-migration-and-global-environmental-change.pdf;

The Global Pact on Migration, 2018 - Available in:

https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf;

The International Strategy for Disaster Reduction - Available in:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUK_Ewjg0Kuk3ayBAxWqYKQEhdbjDdYQFnoECA4QAw&url=https%3A%2F%2Fwww.ipcc.ch%2Fapps%2Fnlite%2Fsrex%2Fnlite_download.php%3Fid%3D6184&usg=AOvVaw2QQ8nF4Q-P6154phvDARfq&opi=89978449;

The Nansen Initiative - Available in: <https://www.unhcr.org/media/nansen-initiative-leaflet>;

The Strategic Compass for Security and Defence - Available in:

https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf;

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