

**JUSTICE, GENDER AND CLIMATE MIGRATION IN THE EU
PERSPECTIVE. EXPLORING DIFFERENT ROLES OF THE EU
COMMISSION, EU PARLIAMENT, AND THE COUNCIL**

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RESUMEN: La migración climática es un área emergente en la formulación de políticas que aún no está regulada por el Derecho Europeo. Dada la ausencia de un tratado legalmente vinculante que regule este fenómeno, el alcance de este estudio se centra en los documentos de política emitidos por las instituciones europeas más relevantes: la Comisión de la UE, el Parlamento de la UE y el Consejo. Gracias a este análisis basado en documentos, la presente contribución mostrará los diferentes roles que desempeñaron las instituciones seleccionadas de la UE y si tienen un denominador común. Los principales hallazgos muestran que, a pesar de las diferentes ontologías y enfoques, las instituciones seleccionadas de la UE parecen converger en una significativa securitización de la migración climática, prestando escasa atención al género y a la justicia ambiental en los documentos de la UE más relevantes sobre migración y asilo. De hecho, dichas perspectivas son más propensas a ser mencionadas en los documentos de política de la UE dedicados al género, pero no se integran en las políticas de migración donde serían relevantes. Un análisis detallado del Nuevo Pacto sobre Migración y Asilo revela un enfoque sustancialmente ciego al género y a la justicia ambiental, a pesar de la ontología de la transversalidad de género que se ha invocado en numerosos documentos de política centrados en el género.

RESUM: La migració climàtica és un àmbit emergent en la formulació de polítiques que encara no està regulat pel Dret Europeu. Donada l'absència d'un tractat legalment vinculant que reguli aquest fenomen, l'abast d'aquest estudi es centra en els documents de política emesos per les institucions europees més rellevants: la Comissió de la UE, el Parlament de la UE i el Consell. Gràcies a aquest anàlisi basat en documents, la present contribució mostrarà els diferents rols que van tenir les institucions seleccionades de la UE i si tenen un denominador comú. Els principals resultats mostren que, malgrat les diferents ontologies i enfocaments, les institucions seleccionades de la UE semblen convergir en una significativa securització de la migració climàtica, prestant escassa atenció al gènere i a la justícia ambiental en els documents de la UE més rellevants sobre migració i asil. De fet, aquestes perspectives tenen més probabilitats de ser mencionades en els documents de política de la UE dedicats al gènere, però no s'integren en les polítiques de migració on serien rellevants. Un anàlisi detallat del Nou Pacte sobre Migració i Asil revela un enfocament substancialment cec al gènere i a la justícia ambiental, malgrat l'ontologia de la transversalitat de gènere que s'ha invocat en nombrosos documents de política centrats en el gènere.

ABSTRACT: Climate migration is an emerging policymaking area not yet regulated by European Law. Given the absence of a legally-binding treaty governing this phenomenon, the scope of this study focuses on policy documents issued by the most relevant European Institutions: the EU Commission, EU Parliament, and the Council. Thanks to this document-based analysis, the present contribution will show the different roles the selected EU institutions played and whether they have a common denominator. The main findings show that despite the different ontologies and approaches, the selected EU institutions seem to converge into a significant securitization of climate migration, with scant attention to gender and environmental justice within the most relevant EU documents concerning migration and asylum. Indeed, such perspectives are more likely to be mentioned in EU policy documents dedicated to gender but are not integrated into the migration policies where they would matter. A detailed analysis of the New Pact on Migration and Asylum reveals its

substantially gender and environmental justice-blind approach despite the gender mainstreaming ontology that has been invoked in numerous policy documents largely focused on gender.

PALABRAS CLAVE: Migración climática - Unión Europea - Documentos de política - Género - Justicia

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KEYWORDS: Climate migration – European Union – Policy documents – Gender – Justice

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I. INTRODUCTION

According to the Internal Displacement Monitoring Centre (IDMC), more than 60% of the internal displacements were caused by weather-extreme events such as storms and floods in 2021¹. This data shows that environmental disruptions increasingly drive the human mobility trend. Although most people on the move in the context of climate change and disasters do not cross the border, future estimates warn that those people will probably cross it as their home countries are turning uninhabitable. In this regard, sea level rise is already posing severe threats to more than 600 million people living in low-lying coastal areas worldwide. In particular, Pacific Small Island Developing States (PSIDS) and megacities in Southeast Asia are the most at risk. While PSIDS have already experienced planned relocations and forced migration due to their

¹ IDMC. 2022. "Global Report on Internal Displacement 2022." Geneva.

geographical circumstances and level of development² among megacities in Southeast Asia, it is worth mentioning the case of Indonesia. Indeed, the Indonesian government is moving its capital Jakarta to a new capital city more than 1,000 kilometers away as almost half of Jakarta's territory is already under sea level and keeps sinking up to 25 centimeters annually.

Similarly, prolonged droughts also trigger food shortages, thus jeopardizing the lives of millions of people living in the most impacted areas. In this context, Somalia is a case in point. Affected by unprecedented series of droughts since 2008, Somalia recorded 43,000 excess deaths in 2022. Tragically, half of the victims were children under five years old. And this data confirms the alarming figure warning that poor women and children are up to 14 times more likely to be killed than men by climate-fueled disasters³.

As climate crisis is already threatening many regions worldwide through slow and rapid-onset events, with most of the harms affecting populations by gender, what is the position of the EU in addressing this issue? Does the EU have gender-sensitive policies to tackle climate migration to Europe? The present contribution will answer these questions by analyzing the EU legal framework in the first place and then examining policy documents issued by the most relevant EU institutions: the EU Commission, EU Parliament, and the Council.

II. EU LEGAL FRAMEWORK ON MIGRATION

Although disasters and extreme weather events increasingly trigger human mobility, climate-induced migration is not regulated by any legally-binding treaty in the EU. However, migration as such has received significant attention from the EU over the last decades and has been recently reformed through the Communication from the Commission to the European Parliament, the Council,

² See among others, the voluntary relocation of indigenous communities based in the Carteret Islands to Bougainville (Papua New Guinea) started in 2009. Cf. Campbell, John. 2012. "Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land." In *Climate Change and Displacement: Multidisciplinary Perspectives*, edited by Jane McAdam, 57–79. Oxford: Hart Publishing. <https://doi.org/10.5040/9781472565211.ch-004>; and Kupferberg, Jakob Schou. 2021. "Migration and Dignity – Relocation and Adaptation in the Face of Climate Change Displacement in the Pacific – a Human Rights Perspective." *The International Journal of Human Rights The International Journal of Human Rights*, 1–26.

³ See the Joint Communication to the European Parliament and the Council, EU Gender Action Plan (Gap) III – An Ambitious Agenda For Gender Equality And Women's Empowerment In EU External Action, JOIN(2020) 17 final.

the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration And Asylum (COM/2020/609 final).

This soft law instrument is the result of a package of reforms for the common European asylum system (CEAS) started in 2016 to contrast irregular migration in the EU. The 2015 refugee crisis revealed CEAS's significant shortcomings in ensuring the uniform treatment of asylum seekers across the EU on the one hand and the principle of solidarity and fair sharing of responsibility among Member States⁴ on the other.

To address these pitfalls, the EU Commission presented a reform package to improve the CEAS in 2016. A provisional agreement was then reached between the EU Parliament and the presidency of the Council of the EU in June 2018. This provisional agreement included proposals to reform the Dublin and the Asylum Procedures Regulations, Reception Conditions Directive (Directive 2013/33/EU), Eurodac asylum fingerprint database, EU Agency for Asylum (EUAA) Regulation (EU) No 439/2010, and the Resettlement regulation.

Unfortunately, such an agreement did not lead to a comprehensive, legally binding reform due to Member States' disagreement on an equitable sharing of the burden and responsibility for hosting and supporting migrants and refugees within the EU. The principle of solidarity was also not successfully implemented in this policymaking area, so the Member States only agreed on some reforms concerning the border control and screening of migrants arriving in the EU. So far, the only reforms converted into law were the revision of the European Union Agency for Asylum (EUAA)⁵ and the Blue Card Directive⁶.

⁴ The principle of solidarity and fair sharing of responsibility between Member States is established by Articles 67(2) and 80 TFEU. See European Union, *Consolidated version of the Treaty on the Functioning of the European Union*, 26 October 2012, OJ L. 326/47-326/390; 26.10.2012, available at: <https://www.refworld.org/docid/52303e8d4.html> [accessed 17 May 2023].

⁵ The Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 repealed the Regulation (EU) No 439/2010, thus replacing the former European Asylum Support Office (EASO) with the new EU Agency for Asylum (EUAA). The EUAA aims to ensure the uniform application of Union law on asylum in the Member States by enabling convergence in the assessment of applications for international protection across the Union and by coordinating and strengthening practical cooperation and information exchange. Further, it is worth mentioning the establishment of the Asylum, Migration and Integration Fund by the Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021. The Fund provides adequate resources to Member States in order to pursue a comprehensive, pragmatic and resolute approach to migration management. Cf. also

As a result, the New Pact on Migration and Asylum is mainly focused on managing external borders and establishing pre-entry screening, asylum, force majeure regulation, a revised version of the Schengen Borders Code⁷, and return procedures targeting all non-EU citizens crossing without authorization through a gradual approach based on a joint roadmap⁸.

Although the New Pact has the merit of providing a comprehensive framework including migration, asylum, integration, and border management policies, it is far from being an innovative instrument with respect to the purpose of this research. Indeed, references to climate-induced migration and gender are significantly scant.

Adopted in September 2020, the New Pact merely acknowledges climate change among the drivers of migration, but it fails to recognize a new legal subjectivity for those fleeing environmental disruptions. Similarly, gender considerations are limited to the need for early identification of potential non-EU victims in light of the higher risk for women and girls of becoming victims of trafficking for sexual exploitation or other gender-based violence throughout the migration process.

Although the New Pact recognizes the need for the EU asylum and migration management system to provide for the special needs of vulnerable groups,

Dumbrava, C., Luyten, K., & Orav, A. (2022). *EU pact on migration and asylum: State of play*. European Parliamentary Research Service. Retrieved from [https://www.europarl.europa.eu/thinktank/it/document/EPRS_BRI\(2022\)739247](https://www.europarl.europa.eu/thinktank/it/document/EPRS_BRI(2022)739247).

⁶ See Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC. By this reform, the EU established new rules for attracting non-EU highly-skilled workers. Not only this instrument seems to discriminate non-EU low-skilled workers, but also non-EU highly-skilled workers compared to EU or national workers. Indeed, this Directive enshrines that “a Member State should be able to check whether a vacancy which an applicant for an EU Blue Card intends to fill could instead be filled from the national or Union workforce, or by third-country nationals who are already lawfully resident in that Member State and who already form part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly qualified employment in accordance with Chapter III of Council Directive 2003/109/EC.” As a result, the Blue Card could be also seen as an instrument to pursue border control and, ultimately, to prevent and curb migration flows.

⁷ See also the 2021 EU Commission’s proposal to revise Regulation (EU) 2016/399 on the Schengen Borders Code. It includes new provisions enabling the Council to impose travel restrictions at the EU external borders motivated by threats to public health.

⁸ Cf. Dumbrava, C., Luyten, K., & Orav, A. (2022). *EU pact on migration and asylum: State of play*. European Parliamentary Research Service. Retrieved from [https://www.europarl.europa.eu/thinktank/it/document/EPRS_BRI\(2022\)739247](https://www.europarl.europa.eu/thinktank/it/document/EPRS_BRI(2022)739247).

particularly migrant children, it remains silent on concrete actions and measures eventually included in the new rules that should ensure child and gender-sensitive policies to migration.

At first glance, the only promising instrument that might eventually address climate-induced migration is the force majeure regulation envisioned by the New Pact. This new legislative instrument would establish temporary measures to grant immediate protection status in crisis situations characterized by a large number of irregular arrivals. Thus, this instrument would seem suitable to deal with a large-scale influx of displaced persons in the aftermath of disasters.

As better specified by the EU Commission's proposal advanced in 2020 for addressing situations of crisis and force majeure in the field of migration and asylum⁹, this crisis instrument targets third-country nationals or stateless persons arriving irregularly in a Member State during exceptional situations of mass influx. It aims to prevent the risk of Member States being unable to provide for asylum, reception, or return due to the scale and nature of arrivals. To this end, simplified procedures, solidarity mechanisms, and shortened timeframes are advanced to address situations of crisis when a Member State's asylum or reception systems are subject to disproportionate pressure.

However, solidarity mechanisms mean that Member States should support the Member State under pressure by helping it to return irregular migrants. The so-called return sponsorship implies that if a Member State cannot return people without the right to stay within eight months, those will be transferred to the sponsoring Member State, which will finalize the enforcement of the return. The proposal also includes mechanisms to derogate from ordinary procedures on registering applications for international protection to get a longer deadline of four weeks and extending the duration for the examination of applications by an additional eight weeks. A timeframe extension is also envisioned for implementing the obligation to relocate or undertake return sponsorship when a Member State cannot fulfill these obligations due to *force majeure* situations.

Therefore, on closer inspection, this proposal for force majeure regulation would seem more focused on facilitating repatriations than protecting people classified

⁹ See the EU Commission's Proposal for a Regulation addressing situations of crisis and force majeure in the field of migration and asylum, COM(2020) 613 of 23 September 2020.

as irregular migrants. According to Article 10 of the EU Commission's Proposal, in a situation of crisis, Member States shall grant immediate protection status to third countries-displaced persons "who are facing a high degree of risk of being subject to indiscriminate violence, in exceptional situations of armed conflicts, and who are unable to return to their country of origin." In practice, those people will receive immediate protection for up to one year until the Member State responsible for examining the application has been determined. While the last criterium of Article 10 might seem compatible with climate-displaced persons unable to return to their country of origin turning uninhabitable, the need to apply it and the precise group of people concerned is still to be determined by the Commission by an implementing act.

Thus, pending this act and the proposal, it is difficult to find direct or indirect forms of protection specifically targeting climate-induced migrants within the EU legal framework.

Accordingly, this contribution will proceed by examining policy documents issued by the EU Commission, EU Parliament, and the Council.

III. EU COMMISSION

Taking a gender lens to EU Commission policy documents linking climate change and migration reveals that this combination is quite rare. Since the early 2000s, the EU Commission has produced documents on mainstreaming gender¹⁰ equality in the EU, but its link to climate migration has been developed only over the last few years.

¹⁰ The concept of gender mainstreaming was introduced at the 1985 Nairobi World Conference on Women through the 1995 Beijing Declaration and Platform for Action. And in particular by the critical area of concern "K: Women and the Environment" and its objective "K.1: Involve women actively in environmental decision-making at all levels." The idea of gender mainstreaming as a tool to achieve gender equality was also included in the Millennium Development Goals (MDGs) 2000-2015, which the EU Commission was committed to pursuing. The principle of gender mainstreaming is included within the EU legal framework by Article 8 of the Treaty on the Functioning of the European Union adopted in 2009, establishing that: "In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women." For a comprehensive overview of gender mainstreaming in international conventions, cf. Castaneda, Itzd, Cintia Aguilar, and Allison Rand. 2013. "Measurement and Reporting: Important Elements of Gender Mainstreaming in Environmental Policies." *Cornell Journal of Law and Public Policy* 22 (3): 667–83.

As recalled in COM (2007)100 final¹¹, gender is not only crucial *per se* but mostly as a topic at the intersection of different policies, such as the implementation of environment protection, food security, and poverty reduction. In compliance with a gender mainstreaming approach, this document promotes women's empowerment in all future EU development cooperation efforts.

Most cooperation efforts focus on the role of women in economic sectors related to agriculture and food production as underestimated regardless of its centrality, especially in the Global South and Africa in particular. The marginalization of women in the decision-making process also affects governance's effectiveness, so strengthening women's empowerment is mostly addressed as a developmental issue. In this view, gender equality is conceived as strategic to improve environmental policies, especially food security-related ones, and reduce conflict situations. Combating gender-based violence is also essential to achieve gender equality, development and peace in compliance with the Women, Peace and Security Agenda (WPS) advanced by the UN Security Council Resolution 1325 (2000).

Although migration, and more specifically climate migration, is not included among the key intersectional areas of gender concern, this document is built upon a security-gender equality nexus that also emerges in other documents issued by the EU Commission.

The 2010-2015 EU Plan of Action on Gender Equality and Women's Empowerment¹² in Development is also based on such a security agenda¹³, reaffirming the close link between peace, security, development, and gender equality. According to this framework, women's participation in peace-building,

¹¹ European Commission (2007). Communication from the Commission to the European Parliament and the Council of 8 March 2007 on Gender Equality and Women Empowerment in Development Cooperation, COM(2007) 100 final.

¹²European Commission, Commission Staff Working Document of 8 March 2010 on an EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015. SEC(2010)265 Final.

¹³ This EU Commission policy document complies with the 2008 Council Comprehensive Approach to the EU Implementation of the United Nations Security Council Resolutions (UNSCRs) 1325 and 1820 on Women, Peace and Security. It is also worth noting that this document was written soon after the entry into force of the Treaty of Lisbon in 2009. The Treaty of Lisbon also pursues a security agenda by strengthening the EU's external action by combining the position of High Representative for Foreign Affairs and Security Policy with that of Vice-President of the EU Commission and the European External Action Service.

post-conflict reconstruction, and the political arena is crucial to ensure their economic security and access to economic opportunities and essential services. Further, strengthening the leading role of the EU in promoting gender equality issues in development is still one of the primary aims of this document. In this view, gender mainstreaming is still considered one of the most relevant strategies of the EU Commission and Member States to boost their development cooperation policy. To this end, as also mentioned in the 2007 EU Commission document, essential actions are obtaining gender-disaggregated data to conduct gender analysis for documenting differences between women, men, girls, and boys concerning access to resources and opportunities and establishing a gender-sensitive monitoring and evaluating system. Ensuring a gender mainstreaming approach in EU-funded projects while promoting capacity building of Non-State Actors on gender issues are also confirmed activities already envisioned in the 2007 document.

In this context, migration is mentioned only once throughout the document, as it is merely part of a broader developmental agenda. More traces of this term slightly appeared in the next 2016-2020 EU Plan of Action on Gender Equality and Women's Empowerment (SWD)¹⁴, where migration is mentioned among those critical issues for implementing gender equality to EU internal policies in addition to EU external actions. Indeed, the support for legal migration is instrumental in ensuring access to decent work for women of all ages while reducing the risk of being exposed to gender-based violence and exploitation¹⁵.

As previous EU Commission documents discussed above, a major emphasis is posed on promoting girls' and women's empowerment and gender equality. In this regard, 2015 is a pivotal year for gender equality because it has been framed by a renovated development framework at the global level: The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015. The so-called Agenda 2030 with its 17 Sustainable

¹⁴ EU Commission, Joint Staff Working Document of 21 September 2015 on Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020. SWD(2015) 182 final.

¹⁵ *Ibid.*, p., 14. See also p.32, Objective 14 in Annex I.

Development Goals (SDGs) ¹⁶ provides a new context where the EU Commission emphasizes the need to break the vicious cycle of gender discrimination while providing a more enabling environment to fulfil girls' and women's rights. In compliance with previous documents, girls' and women's economic empowerment is key for improving development outcomes by contrasting poverty and reducing inequalities. Thus, EU external actions will take into greater consideration four pivotal areas:

ensuring girls' and women's physical and psychological integrity¹⁷;

promoting economic and social rights and empowerment of girls and women;

strengthening girls' and women's voices and participation;

shifting the EU Commission services, including the European External Action Services (EEAS), towards a gender-sensitive institutional culture.

To achieve such a cultural shift, a detailed list of specific objectives, activities, indicators, and actors is provided in Annex 1 to translate gender equality into tangible and assessable outcomes.

In this regard, a remarkable novelty compared to the previous document relies on Objective 20, clearly recognizing the unequal impact of climate and environmental changes by gender. According to Objective 20, women should enjoy equal rights to meaningful participation in decision-making processes concerning climate and environmental issues. In this view, actions are needed to increase the resilience of girls and women in the face of climate-related and natural disasters and their initiatives as active agents of environmental protection. More specifically, SDW recommends collecting disaggregated data by sex to investigate the gendered impact of climate change to design gender-sensitive public policy to better meet the real needs of men and women.

Similarly, the 2020 EU Commission Gender Equality Strategy 2020-2025¹⁸ recalls the gendered impacts of climate change and the urgency to support the

¹⁶ In this regard, see the Gender Equality Sustainable Development Goal (SDG 5): Achieve gender equality and empower all women and girls.

¹⁷ This first area of concern about the fight against gender-based violence (e.g., rape, sexual torture, trafficking of girls and women, etc.) is conceived as a precondition for sustainable development and a value in itself.

specific needs of women in the asylum and migration procedure and protect them from gender-based violence.

More specifically, this document recognizes the unequal impact of green policies tackling climate change on women and men by underlining that:

Women and men are not equally affected by green policies tackling climate change (there are less possibilities for women as climate refugees), or the clean transition (there are more women in energy poverty), emission-free transport (more women use public transport). Addressing the gender dimension can therefore have a key role in leveraging the full potential of these policies¹⁹.

The use of terms like “climate refugees²⁰” and “energy poverty” represents one of the few examples where the combination of climate and migration policies is made explicit by the EU Commission. A further example can be found among the funding actions listed to promote gender equality in the EU. As pointed out in section 5:

Particular attention needs to be paid to women and girls in the asylum and migration area. Through the Asylum and Migration Fund, the Commission will encourage Member States to target actions that support the specific needs of women in the asylum procedure, as well as actions that support the integration of women in the new society. Furthermore, the fund will enable the stepping up

¹⁸ EU Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 5 March 2020 on A Union of Equality: Gender Equality Strategy 2020-2025. COM(2020) 152 Final.

¹⁹ Ibid. p.15.

²⁰ Notably, the expression “climate refugees” has been opposed by numerous legal scholars and practitioners, having no legal basis at the International and European levels. Among others, see Kälín, Walter, and Nina Schrepfer. 2012. “Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches.” [Geneva]: UNHCR; McAdam, Jane. 2009. “From Economic Refugees to Climate Refugees? Review of International Refugee Law and Socio-Economic Rights: Refuge from Deprivation by Michelle Foster.” *Melbourne Journal of International Law* 10 (2): 579–95; Mayer, B. 2018. “Who Are ‘Climate Refugees’?: Academic Engagement in the Post-Truth Era.” In *Climate Refugees: Beyond the Legal Impasse?*, edited by Simon; Behrman and Avidan Kent, 89–100. Faculty of Law, Chinese University of Hong Kong: Taylor and Francis. <https://doi.org/10.4324/9781315109619>.

of protection of vulnerable groups, including women victims of gender-based violence in asylum and migration contexts²¹.

Notably, the EU Commission recognizes the importance of meeting women's and girls' needs in the context of asylum and migration areas as a case in point for combating intersectional discrimination based on several personal characteristics. As recalled in this document, a migrant woman with a disability is more likely to be discriminated against on numerous grounds, so it is extremely important to add an intersectional perspective to inform gender equality policies better. To achieve this end, the Asylum and Migration Fund will be established as well as the following plans and actions will be linked to this strategy and to each other: Action Plan on Integration and Inclusion and the EU strategic frameworks on disability, LGBTI+, Roma inclusion, and children's rights.

Such a direct engagement with gender, climate change, and migration should not come as a surprise. Policy objectives and key actions set out for the 2020-2025 period are to be read in the context of the then-upcoming European Green New Deal (launched by the EU Commission in December 2019) and EU Strategy on Climate Adaptation, the gender equality Sustainable Development Goal (SDG 5), and the EU's commitment to the UN Convention on the Rights of Persons with Disabilities.

Compared to former EU Commission documents, the 2020 EU Commission Gender Equality Strategy 2020-2025 has the merit of introducing the following novelties.

First, the dual approach composed of gender equality and gender mainstreaming targets explicitly all EU policies, i.e., internal and external. In this regard, the creation of a Task Force for Equality composed of representatives of all Commission services and of the European External Action Service points in

²¹ EU Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 5 March 2020 on A Union of Equality: Gender Equality Strategy 2020-2025. COM(2020) 152 Final, pp. 16-17.

that direction, as it aims to implement this dual approach at operational and technical levels.

Second, it uses the concept of intersectionality to address different and, more often, overlapping forms of discrimination as a cross-cutting principle. As clarified by the European Institute for Gender Equality (EIGE), intersectionality is conceived as an “analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination”²². Introduced in the feminist legal theory by Kimberlé Crenshaw (1998)²³, this concept first percolated UN Human Rights treaty bodies by the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women²⁴, until being more visible also in the EU practice since the mid-2000s²⁵, and, in particular, in this EU Commission document. Above all, it provides an enriched understanding of women, who are slightly acknowledged as a heterogeneous group.

Finally, it introduces the need for dismantling gender stereotypes, which limit the aspirations, choices, and freedom of women, men, girls, and boys while contributing to the gender pay gap. In this regard, concrete measures advanced by the EU Commission are the Work-Life-Balance Directive, which aims at

²² See EIGE. 2016. “Intersectionality.” 2016. Available at <<https://eige.europa.eu/thesaurus/terms/1263>> [Retrieved on 10 May 2023].

²³ Crenshaw, Kimberlé Williams (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." University of Chicago Legal Forum 1989:139–67. For a critical examination of the emergence of intersectionality in the UN Human Rights Treaty Body Practice, see also Chow, Pok Yin S. 2016. “Has Intersectionality Reached Its Limits? Intersectionality in the UN Human Rights Treaty Body Practice and the Issue of Ambivalence.” *Human Rights Law Review* 16 (3): 453–81. <https://doi.org/10.1093/hrlr/ngw016>.

²⁴ See UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, 5 November 2014, CEDAW/C/GC/32, available at: <https://www.refworld.org/docid/54620fb54.html> [accessed 15 June 2023], where states are invited to address migration through gender-sensitive policies, including the adoption of temporary special measures.

²⁵ CEDAW is also mentioned in the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, but the concept of intersectionality has been effectively used only later on in the EU Commission strategy, *A Union of Equality: Gender Equality Strategy 2020-2025*.

addressing gender gaps in the labor market by providing necessary conditions for equally sharing caring responsibilities between parents²⁶, and actions to promote women's entrepreneurship and access to higher-paid professions. Indeed, major contributing factors of limited access to higher paid jobs and sectors for women are linked to gender stereotypes about women's and men's skills and the undervaluation of women's work.

As for the elements of continuity, it is worth mentioning the centrality of the fight against gender-based violence,²⁷ enriched by financial measures to tackle abuses like forced sterilization and forced abortion, education programs targeting boys and girls to promote non-violent relationships and specific measures to combat harassment in work contexts, online violence targeting women, human trafficking in human beings, and child sexual abuse²⁸. A further element of continuity relies on a persistent development agenda in the background. Women's empowerment, including their meaningful representation in the decision-making process, corporate boards, and governance, ultimately aims to boost economic growth.

Drawing from this document, the 2020 EU Gender Action Plan (Gap) III – An Ambitious Agenda For Gender Equality And Women's Empowerment in EU External Action²⁹ adds more emphasis on the role of the EU as a global front-runner in promoting gender equality in common foreign and security policy. This agenda results then in a comprehensive EU policy framework based on five pillars:

gender equality as a cross-cutting priority of EU external action;

²⁶ See Directive (EU) 2019/1158 on work-life balance for parents and carers.

²⁷ This centrality is reaffirmed as part of the broader agenda on preventing and contrasting violence against women and domestic violence advanced by the Council of Europe through the "Istanbul Convention:" the Council of Europe Convention on preventing and combating violence against women and domestic violence. The EU signed this Convention in 2017. In this regard, see also the Victims Rights Directive: Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

²⁸ Cf. Directive 2011/93/EU Combating the sexual abuse and sexual exploitation of children and child pornography. A case in point in this regard is the disappearance of more than 10,000 children and adolescents fleeing their home countries who arrived in Europe in 2016. As reported by Europol, it was not possible to determine where they were and whom they were with.

²⁹EU Commission, Joint Communication to the European Parliament and the Council of the 25 November 2020 on The 2020 EU Gender Action Plan (Gap) III – An Ambitious Agenda For Gender Equality And Women's Empowerment In EU External Action. JOIN (2020) 17 final.

EU engagement at multilateral, regional, and country levels;

empowerment of girls and women in the context of women peace and security agenda; establishment of gender-responsive and gender-balanced leadership at EU political and management levels;

improvement of the monitoring system to increase public accountability, transparency and access to information.

Further, such an ambitious plan for a gender-equal world takes into greater consideration the root causes of gender inequality, such as instability, fragility, conflict, climate change, environmental degradation, migration, forced displacement, and the COVID-19 pandemic. In this view, the gender-climate change-migration nexus is recognized as an important motor of inequality. More specifically, this agenda clarifies the need to design gender-responsive policies targeting migrant women and girls in the context of climate displacement. As pointed out in the document,

The EU should ensure that the human rights of migrant women and girls are fully realised through gender-responsive migration policies, programmes and laws, and gender-responsive migration governance at global, regional and national levels reinforced. The EU will build on lessons learnt, including under the EU Emergency Trust Fund for Africa (EUTF)³⁰.

As mentioned above, this plan also focuses on the external action of the EU and its leading role in promoting gender equality at multilateral, regional, and country levels. In this context, a further mention of the gender-climate change-migration nexus emerges in the EU's external action in Africa. As recalled in the plan,

EU regional action should address gender-related challenges with a cross-border dimension, such as climate change, migration and forced displacement, including trafficking in human beings and security. A new programme of

³⁰ *Ibid.*, p.6.

capacity-building for military personnel supporting development and security (CBSD)³³ will be implemented in African countries and will incorporate the women, peace and security (WPS) agenda³¹.

The role of the EU in African countries, and more broadly its external action, is dictated by the UN Security Council Resolution 1325 on Women, Peace and Security agenda. Climate change, migration, and forced displacement, especially in its cross-border dimension, are conceived as security and development issues.

The emerging securitization³² and developmentalization³³ of climate change migration should not come as a surprise. Scholars have conducted studies to examine the link between environmental factors, migration, and conflict since the 1980s. Particularly relevant is the work of Homer-Dixon³⁴, which showed causal links between resource scarcity, conflict, and migration. Such a security narrative has been further developed by the UN Security Council and the so-called maximalists³⁵ using the rhetoric of floods of “climate refugees” and their

³¹ Ibid., p.8.

³² The term “securitization” has its roots in international relations and in particular in the work of Barry Buzan. The author defined the term in Buzan, Barry, Ole Wæver, and Jaap De Wilde. 1998. *Security: A New Framework for Analysis*. Boulder, Colorado: Lynne Rienner Publishers, p.25: “The exact definition and criteria of securitization is constituted by the intersubjective establishment of an existential threat with a saliency sufficient to have substantial political effects”.

³³ The term “developmentalization” has been used by Bettini and Gioli to argue that the climate-migration nexus cannot be fully understood in isolation from the lively debate in the fields of development and migration. Cf. Bettini, Giovanni, and Giovanna Gioli. 2015. “Waltz with Development: Insights on the Developmentalization of Climate-Induced Migration.” *Migration and Development* 5 (2): 171–89.

³⁴ Homer-Dixon, Thomas F. 1991. “On the Threshold: Environmental Changes as Causes of Acute Conflict.” *International Security* 16 (2): 76–116.

³⁵ This expression has been coined by Suhrke, who stressed the polarization of the debate around climate migration between maximalists (such as, El-Hinnawi, Essam. 1985. *Environmental Refugees*. Nairobi: United Nations Environment Programme; Jacobson, J. L. 1988. “Environmental Refugees: A Yardstick of Habitability.” *Worldwatch Paper* 86; Myers, Norman., and Jennifer Kent. 1995. *Environmental Exodus: An Emergent Crisis in the Global Arena*. Washington, D.C.: Climate Institute) and minimalists (such as, Black, Richard. 1998. *Refugees, Environment and Development*. Longman Development Studies, 99-0541222-0. London: Longman; Kibreab, Gaim. 1997. “Environmental Causes and Impact of Refugee Movements: A Critique of the Current Debate.” *Disasters* 21 (1): 20–38. <https://doi.org/10.1111/1467-7717.00042>). She raised this point in Suhrke, Astri. 1994. “Environmental Degradation and Population Flows.” *Journal of International Affairs* 47 (2): 473–96.

imminent invasion of the First World³⁶. While such a securitization might have the positive aspect of pushing this topic to the top of the EU political agenda, it resulted in the dismissal of the term “climate refugees” and their rights. Even if the opposition of numerous scholars and pivotal reports dismantled this security narrative by providing evidence that climate migration is a multi-causal and heterogenous phenomenon³⁷, not only is the topic not completely de-securitized³⁸, but it resulted in the replacement of the migration as adaptation narrative used to developmentalize this topic, thus depoliticizing this issue³⁹.

Finally, the ultimate goal of the EU’s external action is to contribute to the humanitarian-development-peace triple nexus and encourage collaboration between actors. As data shows that humanitarian crises, conflict, disasters, and pandemics are more likely to exacerbate conflict-related and gender-based violence⁴⁰, the EU action should promote the protection of victims and survivors, prevention of violence, prosecution of perpetrators, access to psycho-social support services and participation in the economic and social life of victims, strengthening economic and social rights of girls and women. Expanding upon its former agenda, the EU also sets up closing the global

³⁶ For a critical stand against this narrative, see Bettini, Giovanni. 2013. “Climate Barbarians at the Gate? A Critique of Apocalyptic Narratives on ‘Climate Refugees.’” *Geoforum* 45: 63–72.

³⁷ Among the most relevant reports, see Foresight. 2011. “Final Project Report.” *The Government Office for Science, London*. Among the numerous scholars opposing climate-induced migration’s securitization, see Baldwin, Andrew, Chris Methmann, and Delf Rothe. 2014. “Securitizing ‘Climate Refugees’: The Futurology of Climate-Induced Migration.” *Critical Studies on Security* 2 (2): 121–30.

³⁸ Cf. Fröhlich, Christiane. 2017. “A Critical View on Human Mobility in Times of Crisis.” *Global Policy* 8: 5–11; Park, Lisa Sun-Hee, and David Pellow. 2019. “Forum 4: The Environmental Privilege of Borders in the Anthropocene.” *Mobilities* 14 (3): 395–400; Parenti, Christian. 2011. *Tropic of Chaos: Climate Change and the New Geography of Violence*. New York: Nation Books;

Trombetta, Maria Julia. 2014. “Linking Climate-Induced Migration and Security within the EU: Insights from the Securitization Debate.” *Critical Studies on Security* 2 (2): 131–47.

³⁹ Cf. Bettini, Giovanni, and Giovanna Gioli. 2015. “Waltz with Development: Insights on the Developmentalization of Climate-Induced Migration.” *Migration and Development* 5 (2): 171–89. The migration as adaptation narrative was promoted by the International Organization for Migration (IOM) under the banner of resilience. As Bettini argues, resilience is, however, the new lexicon of security as its ultimate goal is to reinforce the system to maintain it, as it is despite shocks and disasters.

⁴⁰ Combating violence against women and domestic violence is still a priority of the EU. In this realm, the EU Commission co-leads the Generation Equality Action Coalition on countering gender-based violence. Furthermore, it also recognizes that women and girls with disabilities, minority groups, migrant women and girls, and LGBTIQ are among the groups particularly at risk. According to an intersectional perspective, the EU Commission clarifies that this plan has to be complemented by the LGBTIQ equality strategy for 2020-2025.

gender gap in labor force participation as key to promoting girls' and women's empowerment. In this view, an additional action includes support for women's employment in recovery contexts and forced displacement. In compliance with the Agenda 2030 and its SDGs, empowering migrant women is considered crucial for contributing to the sustainable development of countries of origin, transit, and destination through remittances and acquired knowledge and skills.

By emphasizing the gendered impacts of climate change and environmental degradation⁴¹, the EU Commission also reaffirms the urgency to act to empower women's participation in governance processes. Although women are primary users and managers of natural resources operating at the front line of climate change mitigation and adaptation and environmental protection, gender inequalities still prevent them from participating equally in decision-making processes and governance. Accordingly, addressing women's challenges and meeting their specific needs in the face of climate change impacts and environmental degradation⁴² are core elements for promoting a fair and inclusive green transition in the EU and especially in developing countries most affected by climate change. To conclude, the 2020 EU Gender Action Plan (Gap) III establishes an EU policy framework based on gender mainstreaming in all external policies and sectors and a gender-transformative, rights-based, and intersectional approach that explicitly includes climate change migration and displacement.

IV. EU PARLIAMENT

Having regard to the gender-climate change migration nexus, the EU Parliament's approach is characterized by its critical stand against some positions expressed by the EU Commission.

⁴¹ In particular, the EU Commission dwells upon three points: 80% of people displaced by the impacts of climate change are women; poor women and children are up to 14 times more likely to be killed by disasters, although 43% of the agricultural labor in developing countries is made by women, less than 15% of them are agricultural landholders.

⁴² It is worth noting that this document particularly emphasizes the specific needs and roles of indigenous women as directly involved in managing natural resources.

In particular, by the 2008 EU Parliament Resolution on Gender Equality and Women's Empowerment in Development Cooperation⁴³, the EU Parliament expresses criticisms over the following aspects included in the EU COM (2007)100 final document.

First, it criticizes the lack of gender-specific targets, specific activities to be included in future strategies, and financial details to avoid gender equality is just mentioned as a cross-cutting issue. Second, it criticizes the scarce engagement of the EU Commission on gender relations. More specifically, too much emphasis has been devoted to women and too little to the social relations between men and women, which is ultimately responsible for generating and maintaining gender inequalities. Finally, it also questions the image of women as vulnerable victims and claims for a more coherent representation of women as active subjects, possessing resources and capacities, and advancing their goals.

As for its own agenda, the EU Parliament proposes to promote the participation of women in trade union movements, also considering the increasing number of migrant women and their vulnerability in the face of the labor market, and to promote gender-sensitive programs of education targeting both women and men. Such educational programs might be useful to contrast women's scarce involvement and participation in governance processes and gender-based violence. Indeed, women are more often excluded by these processes as they lack the required education. Further, violence against women is not only a women's issue but needs an approach focusing on both men and women. Suggested actions to raise awareness of violence against women include increased media coverage of this issue and improved law enforcement and military and judicial personnel training. The use of micro-credit is also proposed to empower women and to the benefit of local communities development.

However, like the EU COM (2007)100, the 2008 EU Parliament Resolution lacks a direct link connecting climate change migration to gender. Such a link slightly appears in a subsequent 2011 Resolution adopted on 29 September

⁴³ European Parliament, European Parliament resolution of 13 March 2008 on Gender Equality and Women's Empowerment in Development Cooperation (2007/2182(INI)).

2011⁴⁴ on the eve of the Rio+20 earth summit, then held in June 2012. This 2011 EU Parliament Resolution explicitly acknowledges the gendered impacts of climate change by underlining that women and children are among the most vulnerable groups, especially in developing and least developed countries. In this view, climate change is described as a serious threat to poverty reduction, human rights, peace and security, and, above all, the achievement of the Millennium Development Goals (MDGs), which then dictated the development agenda. Like previously observed in the EU Commission agenda, climate migration is both securitized and developmentalized, but here the Parliament seems to use this strategy to raise awareness of the protection gap of people on the move. Indeed, given the existential threat posed by climate change and its major impact on women and children, the EU Parliament claims to establish an international status for climate and environmental refugees while taking into greater account the needs and knowledge of women and the most vulnerable populations.

Similarly, the European Parliament resolution of 20 April 2012 on women and climate change⁴⁵ also reaffirms that climate change is not gender-neutral and more often has gender-differentiated effects. Although women consume more sustainably than men and make more sustainable consumption choices, they suffer many forms of discrimination in terms of access to resources, income, political power, education, and household responsibility. As a result, notwithstanding 70% of all employed women working in agriculture produce 90% of some crops, they are substantially excluded by policy-making circles and governance. In particular, they are absent from budget deliberations and climate change policies. In this view, this resolution warns that not only is climate change more likely to exacerbate and amplify pre-existing gender inequalities, but climate change policies might also contribute to increasing, maintaining, and producing even new forms of gender inequalities if the fight against gender discrimination is not taken into due account. Caused and exacerbated by climate change, environmental disruptions are responsible for

⁴⁴ European Parliament, European Parliament resolution of 29 September 2011 on developing a common EU position ahead of the United Nations Conference on Sustainable Development (Rio+20). P7_TA(2011)0430.

⁴⁵ European Parliament, European Parliament resolution of 20 April 2012 on women and climate change. (2011/2197(INI)).

the increased number of forced migrations and displacements, which disproportionately affect the most vulnerable groups of societies: women and children. For example, natural disasters have negative impacts on education, health, poverty, and displacement. Above all, they are more likely to exacerbate the gender gap at school and produce greater school dropouts.

By recalling a typical slogan of climate activists, the EU Parliament clarifies that “there will be any climate justice without true gender equality.” Climate justice is a subcategory of environmental justice that began to gain traction in the late 1990s following social mobilizations against the fossil fuel industry and extractivism⁴⁶. Notwithstanding the numerous definitions and articulations emerging from social movements, the Glasgow Caledonian University’s Centre for Climate Justice has come to define climate justice as a concept that “recognises humanity’s responsibility for the impacts of greenhouse gas emissions on the poorest and most vulnerable people in society by critically addressing inequality and promoting transformative approaches to address the root causes of climate change”⁴⁷.

In light of this, the EU Parliament acknowledges that environmental inequalities can be reduced by recognizing women as the most vulnerable group in society and simultaneously the most suitable agents of transformative change. It does so by first recalling the importance of incorporating women’s full participation in design processes, decision-making, implementation and all relevant bodies for climate financing. Second, a further EU Parliament’s proposal is to integrate gender issues into all strategies for preventing and managing disaster risks while promoting women’s empowerment and awareness through capacity-building throughout climate-related disasters.

⁴⁶ On environmental and climate justice differences, see Schlosberg, David, and Lisette B Collins. 2014. “From Environmental to Climate Justice: Climate Change and the Discourse of Environmental Justice.” *Wiley Interdisciplinary Reviews: Climate Change* 5 (3): 359–74. On the rise of climate justice in the policy spheres, see also Tahseen, Jafry, ed. 2019. *Routledge Handbook of Climate Justice*. Abingdon, Oxon; New York, NY: Routledge.

⁴⁷ Meikle, Mandy, Jake Wilson, and Tahseen Jafry. 2016. “Climate Justice: Between Mammon and Mother Earth.” *International Journal of Climate Change Strategies and Management* 8 (4): 497.

The 2017 EU Parliament report on women, gender equality and climate justice⁴⁸ reaffirms this position by emphasizing how the gendered impacts of climate change increase women's vulnerability⁴⁹. In the aftermath of disasters, women face higher risks due to unequal access to resources, education, job opportunities, and land rights, to social and cultural norms and their diverse intersectional experiences. In this document, the link between climate justice and gender equality is further underlined, along with a critical stand against women's representation as victims. The EU Parliament reaffirms the need to rethink women not only as victims but as effective agents of change in implementing mitigation and adaptation strategies. In particular, the report points out the need to benefit from women's knowledge, including indigenous knowledge, to better manage disasters, promote biodiversity, prevent desertification, improve water management, and support public health. In this view, the empowerment of women in rural areas is crucial to foster sustainable development and climate resilience.

For this reason, the EU Parliament criticizes the EU Commission for having not included gender equality and climate change among the priority areas for promoting women's empowerment and claims for additional more gender-responsive climate investment policy. Against this background, the EU Parliament calls on the EU Commission to prioritize gender equality in the context of climate justice as an instrumental concept linking human rights, social justice, gender equality, and the right to development. The issue of climate migration is key here and should be placed on the international agenda while strengthening international cooperation to ensure climate resilience.

V. COUNCIL

An important pillar in the EU's commitment to gender equality relies on the concept of gender mainstreaming, i.e., promoting equality between women and

⁴⁸ European Parliament, Report of 18 December 2017 on women, gender equality and climate justice. (2017/2086(INI)).

⁴⁹ At the international level, cf. UNFCCC, Report of 22 June 2019 on gender and climate change. (FCCC/SBI/2019/L.4), presented in Bonn, where the UNFCCC also recognized the gendered impacts of climate change. In particular, it acknowledged that women are among the most hit by climate change and, at the same time, the most relevant active agents in the fight against the impacts of climate change.

men in all activities and policies at all levels. Following the UN World Conference on Women (Beijing, 1995) and the Beijing Declaration and Platform for Action, the EU has expressed its aim to establish a general framework to deal with this issue by the Council Regulation (EC) No 2836/98 of 22 December 1998 on integrating of gender issues in development cooperation⁵⁰. This Council Regulation is the result of various documents issued by EU institutions in the aftermath of the Conference⁵¹ and has the merit of officially introducing gender mainstreaming as a key perspective for designing development cooperation policies. A gender lens to the issue of climate change and migration is not yet included here, as it percolated Council's documents only in the early 2000s.

A first trace of this issue can be found in Council's conclusions on climate change and development adopted in 2009⁵², where the Council introduces a gender perspective on climate change in its development agenda. Within the framework provided by the Millennium Development Goals (MDG)s, the Council acknowledges the adverse impacts of climate change on sustainable development, poverty, migration, and security, especially in developing countries, least developed countries (LDCs), the Small Island Developing States (SIDS) and African countries most affected by drought, desertification, and floods. Thus, it calls on the EU Member States, the EU Commission, and donors to support low-carbon and climate-resilient development strategies to adapt to the impacts of climate change. In providing such support, the Council explicitly recommends to devote a special emphasis to gender equality and women's empowerment in the face of climate change.

⁵⁰ Council, Council Regulation (EC) No 2836/98 of 22 December 1998 on integrating gender issues in development cooperation. Official Journal L 354 of 30.12.1998.

⁵¹See among others, the European Parliament Resolutions of 14 May 1992 on the situation of women in developing countries and of 15 June 1995 on the fourth World Conference on Women in Beijing, and the EU Commission's Communication of 21 February 1996 on incorporating equal opportunities for women and men into all community policies and activities, (COM (96) 67). Following this Communication, the Council and Representatives of the Governments of the Member States adopted the Resolution of 20 December 1995, requiring the full integration of gender issues in development cooperation and coordination between the Commission and Member States in this field. By this document, guidelines have been translated into the field of development cooperation and the political commitments undertaken in Beijing.

⁵² Council, Council conclusions of 17 November 2009 on climate change and development, 16071/09.

Further, development cooperation through bilateral and multilateral channels and disaster risk management are also considered key actions to promote climate change adaptation and minimize the impacts on social and economic welfare. As for mitigation-related development cooperation, the Council points out that the contribution to international public financing should reflect the responsibilities for global emissions and the ability to pay. Therefore, the EU and the Member States will directly contribute to international public finance to support mitigation actions and sustainable development in the least developed and developing countries.

Council Conclusions of 25 June 2012 on gender equality and the environment⁵³ better develop the centrality of women in promoting sustainable development by emphasizing their potential as agents of change. Ensuring their full participation in the field of climate change mitigation and scientific research is key to achieving more effective policies, especially in the transport and energy sectors. The main idea is that women have more sustainable consumption patterns than men and are, in general, more concerned and more motivated to fight against climate change. To facilitate their equal access and participation in climate change decision-making bodies, the Council stresses the importance of eliminating gender stereotypes and barriers at all levels of education, training, and working life. Monitoring gender equality in decision-making processes is another crucial point the Council addresses by providing a list of indicators. These assess women's participation in decision-making concerning climate change at national, EU, and international levels and the segmentation of education by gender in climate change-related fields.

The following inclusion of climate change migration into such a development agenda showed its first traces in the 2014 Council Conclusions on Migration in EU Development Cooperation⁵⁴, where the Council recognized that "migration is a multi-faceted phenomenon with numerous inter-linkages with other areas of

⁵³ Council, Council conclusions of 25 June 2012 on gender equality and the environment: enhanced decision-making, qualifications and competitiveness in the field of climate change mitigation policy in the EU. 11638/12.

⁵⁴ Council, Council Conclusions of 12 December 2014 on Migration in EU Development Cooperation. 16901/14; the Council had also advanced this position in Council conclusions of 19 July 2013 on the 2013 High level Dialogue on Migration and Development and on broadening the development-migration nexus.

intervention - such as employment, health, education, social protection, climate change.”⁵⁵ More specifically, the Council shows the potential of development cooperation with partner countries and regions to respond to political and economic instability, to address human rights violations, environmental vulnerability, poverty, and other root causes of irregular migration and forced displacement. Thus, incorporating migration in the context of development cooperation means, on the one hand, addressing its root causes and, on the other hand, making use of well-managed migration and human mobility as development enablers: circular migration and skills circulation also contribute to economic development⁵⁶. Like other EU institutions analyzed above, the Council also advances such a twofold securitization and developmentalization of climate migration, although the aim seems to favor the development agenda used to absorb other competing agendas, including migration, security, humanitarian aid, environmental protection, gender equality, and human rights protection.

In light of this, cooperation with partner countries is key because effective migration governance and respect for the human rights of migrants require the active involvement and collaboration of countries of origin, transit, and destination. A case in point concerning the advantage of such collaboration is the humanitarian assistance of refugees, internally displaced persons, and migrants in vulnerable situations. As those people are most at risk of being subjected to gender-based violence, human rights violations, and abuses throughout the migration process, long-term development planning from the

⁵⁵ Ibid. p.4.

⁵⁶ The link between migration and development has been extensively explored by the literature, revealing a divide between optimistic and pessimistic views largely varying upon the historical phases: a post-war optimism in development during the 1960s, a Marxist pessimism from the 1970s to the 1980s, and a new wave of optimism in the 1990s and 2000s, based mainly on a positive evaluation of the key role of remittances (See among the others, Haas, Hein De. 2010. “Migration and Development: A Theoretical Perspective.” *International Migration Review* 44 (1): 227–64; Haas, Hein De. 2012. “The Migration and Development Pendulum: A Critical View on Research and Policy.” *International Migration* 50 (3): 8–25; Gamlen, Alan. 2014. “The New Migration-and-Development Pessimism.” *Progress in Human Geography* 38 (4): 581–97). This link has been then enriched by adding climate change on this chain, with a particular emphasis on the migration as adaptation thesis advanced by the IOM as a matter of resilience in the face of environmental disruptions. For a critical examination of the literature on the climate change, migration and development nexus, see Bettini, Giovanni, and Giovanna Gioli. 2015. “Waltz with Development: Insights on the Developmentalization of Climate-Induced Migration.” *Migration and Development* 5 (2): 171–89. <https://doi.org/10.1080/21632324.2015.1096143>.

early stage of a crisis can help complement the humanitarian approach by preventing and reducing these forms of violence.

Similarly, Council Conclusions of 12 May 2016 on the EU approach to forced displacement and development⁵⁷ reaffirms and better details the climate change migration-development nexus by recognizing that the lack of development possibilities and/or human security, climate change, natural and man-made disasters pose additional challenges to governing the global refugee and migration crisis also affecting Europe. As already mentioned in the 2014 Council Conclusions on Migration in EU Development Cooperation, a key solution to address this issue is to strengthen a strategic and operational link between development and humanitarian approaches. More specifically, the Council proposes establishing a framework for ensuring protection by creating durable social and economic opportunities, including education at all levels, for forcibly displaced persons and their host communities. In compliance with the 2030 Agenda for Sustainable Development, the Council is committed to leaving no one behind and, for this reason, highlights that special attention should be paid to the most vulnerable, including refugees, internally displaced persons and, above all to women, youth and children, and persons with disabilities. Education targeting the most vulnerable is therefore crucial for building long-term durable solutions.

Among these solutions, it is also worth mentioning the effort to maximize the impact of EU in supporting refugees and internally displaced persons, especially those experiencing protracted displacement. To this end, the Council suggests combatting violence against women in the first place and secondly offering an integrated package of measures such as “education, basic services, livelihoods, decent work opportunities, private sector instruments, trade and specific attention for the protection, in particular of children, and full participation of the displaced with particular attention for the most vulnerable groups”⁵⁸.

⁵⁷ Council. Council Conclusions of 12 May 2016 on the EU approach to forced displacement and development. 8832/16.

⁵⁸ *Ibid.*, p.6.

Council conclusions on climate diplomacy⁵⁹ of 26 February 2018 enrich Council's development agenda through the lens of climate diplomacy⁶⁰. The Paris Agreement, the 2030 Agenda, and its Sustainable Development Goals (SDGs) provide the renovated development context where the EU is called to lead the global pursuit of climate action through external action policies. Preventive diplomacy and improved climate risk assessment through early warning and action are essential strategies for translating climate and security analysis into possible action.

Main goals are protecting human rights in the context of climate change and climate diplomacy, promoting gender equality, women's empowerment and full participation and leadership for achieving sustainable development, and promoting climate change adaptation. The mobilization of international climate finance is an essential tool to achieve these goals and assist developing countries in implementing climate change adaptation and mitigation plans. The emphasis here is on the EU leadership in pursuing sustainable development through climate and energy diplomacies up to the highest official levels. Like the EU Commission, the Council conceives here climate change as a security issue increasing disaster risks, forcing the displacement of people and exacerbating the threat of social and political unrest.

Council conclusions of 18 February 2019 on climate diplomacy⁶¹ reaffirm this position, recalling since the outset that climate change is a direct and existential threat causing devastating impacts. On this ground, a global response to climate change has to be envisioned through the lens of sustainable development. In this context, the EU is determined to have a leading role in

⁵⁹ Council, Council conclusions of 26 February 2018 on climate diplomacy. 6125/18.

⁶⁰ Cf. Citizenship, Commission, and External Affairs. 2022. "Boosting International Subnational Climate Diplomacy Ahead of COP27 and COP28.", p.1: "At the EU level, the EU Council defines climate diplomacy as "EU's work in both multilateral fora and at a bilateral level on promoting ambitious global climate goals and actions in pursuit of a planetary transition towards climate neutrality." The 2018 EU Parliament resolution on climate diplomacy¹ defines it as "a form of targeted foreign policy to promote climate action through reaching out to other actors, cooperating on specific climate-related issues, building strategic partnerships and strengthening relations between state and non-state actors, including major contributors to global pollution, thereby contributing to mitigating the effects of climate change, as well as to enhancing climate action and strengthening Union's diplomatic relationships."

⁶¹ Council, Council conclusions on climate diplomacy of 18 February 2019. 6153/19.

fostering climate action on all fronts for confronting climate change impacts on international security and stability.

The Council sets up a long-term strategy of the EU based on environmental protection and economic transition towards climate neutrality in accordance with the Paris Agreement. Council's climate action consists of cooperating with third countries, fostering political dialogues, and building climate and energy diplomacy to accelerate the global transition to a climate-neutral, circular and climate-resilient economy. Key measures to pursue Council's agenda are enhancing EU international climate cooperation and financial mobilization, strengthening resilience, and reducing vulnerability.

The Council Conclusions of 21 February 2022 on "EU Climate Diplomacy: accelerating the implementation of Glasgow outcomes⁶²" also point to the urgent need to achieve climate neutrality through the leading role of EU's climate diplomacy fostering concrete actions for a just worldwide transformation. Climate change is still conceived as a threat to peace, security, and development, so the Council makes clear that it "welcomes the EU Concept for an Integrated Approach on Climate Change and Security, establishing a framework to address the climate, peace and security nexus in EU external action and calls for its robust implementation.⁶³" Gender equality and women's and girls' empowerment are still in its agenda, along with initiatives explicitly targeting young people, such as the Youth4Climate: an initiative to support meaningful youth engagement and involvement in decision-making on processes concerning climate change.

The Council also reaffirms its commitment to support the most vulnerable groups and countries by scaling up climate financing for funding activities to avert, minimize and address loss and damage associated with the adverse effects of climate change. This confirms the link between the sustainable development agenda and humanitarian assistance already expressed in the documents discussed above.

⁶² Council. Council conclusions of 21 February 2022 on EU Climate Diplomacy: accelerating the implementation of Glasgow outcomes. 6120/22.

⁶³ *Ibid.*, p.5.

VI. CONCLUSION

This analysis reveals that the climate change migration-gender nexus is not yet sufficiently explored at the EU level. First of all, there are no legally binding treaties governing climate migration as such. The New Pact on Migration and Asylum is the most recent instrument reforming migration law. However, this soft law instrument merely lists climate change among the many drivers of migration without recognizing any legal status for people on the move in the context of climate change and disasters. The gender perspective is also scant, with a few mentions of the importance of contrasting gender-based violence but little engagement in detailed gender-sensitive policies and actions⁶⁴. A step back has been necessary to look at traces of this issue within documents issued by the most relevant EU institutions. A document-based analysis has shown that the EU Commission, EU Parliament, and the Council have addressed this topic since the early 2000s by adopting different stands and ontologies while sharing gender mainstreaming principle as a common denominator of their agendas. Officially introduced by the Council Regulation (EC) No 2836/98, the concept of gender mainstreaming is definitely the keyword linking the different EU institutions' agendas over the years.

As for the EU Commission, this concept has been included in a broader security agenda largely dictated by the UN Security Council Resolution 1325 on Women, Peace and Security. Gender equality is instrumental in keeping peace and making development possible. Gender still erroneously coincides with women and their empowerment, thus disregarding the complexity of this term including men, boys, girls, and the LGBTQIA+ community. Only recently, the EU Commission has partially revised its stand also in response to the EU Parliament's criticism. Women are slightly ceasing to be represented as a homogenous group, and a promising engagement with the concept of intersectionality since its introduction by the 2020 EU Commission Gender Equality Strategy 2020-2025 can also be observed. Climate change migration and forced displacement are now acknowledged as important factors of

⁶⁴ Cf. para 2.4 of the New Pact on Migration and Asylum, where gender issues are described in terms of risks of trafficking along migration routes. Notably, the risk of women and girls becoming victims of trafficking for sexual exploitation or other forms of gender-based violence is higher.

inequality and instability so that the fight against climate change is instrumental to achieving the, however predominant, security and development agendas.

Compared to the EU Commission and the Council, the EU Parliament is the EU institution more engaged with the climate change migration- gender nexus. Since 2008⁶⁵, its agenda has questioned the understanding of women as victims of climate change and calls for recognizing their role as active agents to promote sustainable development and climate resilience. The EU Parliament also questions the initial EU Commission's portrait of women as a homogenous group and calls for focusing on multiple forms of discrimination (e.g., poor, migrant women in the context of displacement). Further, it criticizes the predominant focus on women as such and suggests replacing it with a broader focus on the relationship between men and women. Dedicated activities such as education programs on non-violent relationships targeting boys and girls, measures to combat harassment in work contexts, human trafficking in human beings, and child sexual abuse are among the initiatives proposed by the EU Parliament to achieve this goal.

What also distinguishes the EU Parliament's stand from other institutions is its explicit call for having climate justice and gender equality as guiding principles to address socio-economic inequalities in the aftermath of disasters. Indeed, it acknowledges that environmental disruptions are responsible for the increased number of forced migrations and displacements, which disproportionately affect the most vulnerable groups, such as women and children. To protect their rights, it claims to establish an international status for climate and environmental refugees. In fact, the 1951 Geneva Convention does not provide any legal protection for people displaced and forced to move in the context of climate change and environmental degradation, as climate and environmental refugees are not mentioned in the current legal definition of a refugee.

In this view, the EU Parliament seems the most responsive and sensitive institution to the claims of civil society and social movements that have shown a greater convergence on climate justice over the last decades. This principle also entered the 2015 Paris Agreement's preamble that officially recognized

⁶⁵ Cf. the 2008 EU Parliament Resolution on Gender Equality and Women's Empowerment in Development Cooperation.

“the importance for some of the concept of climate justice, when taking action to address climate change”⁶⁶. However, the EU Parliament conceives climate justice as an instrumental concept to link gender equality, social justice, human rights, and the right to development. Following this chain of equivalence, with such terms often used interchangeably and the utmost importance given to sustainable development and climate resilience, the EU Parliament ultimately conforms to a development agenda like other EU institutions.

As for the Council, the climate change migration-gender nexus explicitly enters the agenda by the 2014 Council Conclusions on Migration in EU Development Cooperation. Before this document, gender mainstreaming was evoked as a guiding principle, and women were well considered active agents of change. Still, there was little engagement with the topic of migration and displacement. Climate change was mentioned but mainly included in a predominant development and security agenda, being conceived as a threat multiplier potentially disruptive to international security and development. The Council has expressed this stand in several documents by reaffirming the importance of promoting the EU leadership in external actions and development cooperation with third countries in order to advance climate and energy diplomacy for accelerating the global transition to a climate neutral, circular and climate-resilient economy. However, while women are considered active actors in promoting sustainable development, men and boys, including their relations with women and girls, appear relatively underexplored in Council’s documents. An increased openness for understanding the broader spectrum of vulnerabilities can be found in the Council Conclusions of 12 May 2016 on the EU approach to forced displacement and development, where the Council acknowledges the importance of considering women, youth and children, and persons with disabilities. However, there is still little engagement in the relationship between men and women.

In conclusion, although the gender mainstreaming principle is a common ground for all the selected EU institutions as a cross-cutting topic to be integrated into all EU policies, the references to gender perspective seem still “stored” in silos with scant inclusion in the specific policy documents where a

⁶⁶ United Nations, Paris Agreement, Preamble, 2015, p.2.

gender perspective would matter⁶⁷. Gender issues are meaningfully addressed in documents specifically addressing this topic but are more likely to disappear in policy documents concerning specific matters. In other words, notwithstanding the growing attention to the climate change migration-gender nexus, including an increased interest in the topic of intersectionality and a more comprehensive understanding of women as a heterogeneous group, these advancements rarely permeate sector-specific policies where they would make a difference. The New Pact on Migration and Asylum is a case point, as being substantially gender and environmental justice blind regardless of the growing attention the selected EU institutions devoted to these principles.

VII. BIBLIOGRAPHY

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⁶⁷ Cf. the lively academic debate on why gender mainstreaming has failed to achieve its potential: Allwood, Gill. 2020. "Mainstreaming Gender and Climate Change to Achieve a Just Transition to a Climate-Neutral Europe." *Journal of Common Market Studies* 58: 173–86; Allwood, Gill. 2013. "Gender Mainstreaming and Policy Coherence for Development: Unintended Gender Consequences and EU Policy." *Women's Studies International Forum* 39: 42–52. <https://doi.org/10.1016/j.wsif.2013.01.008>; Guerrina, Roberta, and Katharine A.M. Wright. 2016. "Gendering Normative Power Europe: Lessons of the Women, Peace and Security Agenda." *International Affairs* 92 (2): 293–312. <https://doi.org/10.1111/1468-2346.12555>; Rao, Aruna, Joanne Sandler, David Kelleher, and Carol Miller. 2016. *Gender at Work: Theory and Practice for 21st Century Organizations*. Abingdon: Routledge. For a critical stand on gender mainstreaming and development agenda, see also Harcourt, Wendy, ed. 2016. *The Palgrave Handbook of Gender and Development*. London: Palgrave MacMillan.

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