

POLICY BRIEF

Moving Beyond the Refugee Convention Impasse on Climate Displacement: Skills Mobility Partnerships

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Introduction

Efforts to reopen the 1951 Convention Relating to the Status of Refugees to enshrine protections for climate refugees face several complications: The current political climate toward refugees — particularly in the Global North, where fear dominates much of the rhetoric around migration — makes expanding the convention a nearly impossible task. Opening the Refugee Convention up to renegotiation could also undermine existing refugee protections. Meanwhile, some of those severely affected and displaced by climate change are rejecting the “refugee” label.

This brief explores these complications and proposes that skills mobility partnerships (SMPs) form a key part of climate and migration policy. “Skills mobility partnerships” are defined by the International Organization for Migration (IOM) as bilateral or multilateral agreements between states that, “although they may vary in form, modality, and level of stakeholder involvement ... all place skills development at the heart of their efforts.” SMPs must possess the following five components: “formalized State cooperation; multi-stakeholder involvement; training; skills recognition; and migration/mobility.”¹

These partnerships can allow for the expansion of labor migration pathways in an equitable manner and act as a climate change adaptation strategy.² They can support the introduction and expansion of climate resilience measures and potentially prevent mass displacement.³ They can also prevent countries of origin from suffering huge, one-way workforce losses to destination countries that are often wealthier.⁴ As such, SMPs could prove to be an essential tool in the development of green skills, or the “technical knowledge, expertise and abilities that enable the effective use of green technologies and processes in professional settings,” globally.⁵

The 1951 Refugee Convention and Barriers to Its Expansion

Although certain states and intergovernmental bodies, such as the United Nations (UN) and European Union (EU), have expressed great concern over the role of climate change in the forced displacement of people, there is still no internationally binding legal definition of “climate refugee.” As a result, there remains a void within the international legal system regarding the protection of said people.⁶ The 1951 Refugee Convention and the related 1967 Protocol Relating to the Status of Refugees underpin international refugee law, but most people displaced by the impacts of climate change are not protected under the convention.⁷

Instead, the Refugee Convention has to date been used in all climate displacement-related litigation to deny or reduce the provision of legal protection for migrants. For example, it was used to reject Ioane Teitiota’s request for refugee status in New Zealand, which was made on the grounds that rising sea levels and environmental degradation will force the residents of Kiribati to leave their island.⁸

To provide international legal protection for climate refugees, the Refugee Convention would have to be reinterpreted or expanded. But this would pose many issues. First, differentiating between climate and other factors as the cause of displacement can be extremely difficult. There is also no real political appetite at the state level for the expansion of the convention. Individual EU member states have resisted the idea of creating a new “climate refugee” category.⁹ As a body, the EU prefers to address the root causes of migration through strategies like its Green Deal.¹⁰

Another major obstacle is the lack of a clear and internationally agreed upon definition of “climate refugee.” Negotiations over how to define the term will likely be highly contentious and difficult.¹¹ There is also the risk that opening up the convention — especially amid the current wave of highly negative political rhetoric around refugees and migrants around the world — could result in a narrower definition of “refugee” and exclude migrants who may have been displaced as a result of climate change but cannot prove it.¹²

Furthermore, the impetus for opening the convention would have to come from states. This appears unlikely, considering the current discourse around refugees.¹³ The “refugee” label has even been resisted by the governments of some affected countries. These governments have argued that it suggests they have produced refugees and obfuscates the responsibility of the world’s largest climate polluters, of whom their states are often victims.¹⁴

In 2017, New Zealand piloted an “experimental humanitarian visa” for Pacific Islanders displaced because of climate change, but the trial was canceled after six months because Pacific Islanders did not want it.¹⁵ This is because they saw refugee status as a last resort. Instead, they implored the New Zealand government to focus on supporting adaptation methods, providing legal migration pathways, and reducing emissions.¹⁶ Similarly, former I-Kiribati President Anote Tong resisted the “climate refugee” label. Kiribati followed a “migration with dignity” policy until recently, when it abandoned the policy in favor of an approach centered on adaptation and mitigation.¹⁷

For all these reasons, it is highly unlikely that any attempts to expand the Refugee Convention to include “climate refugees” will be feasible. Even if it could happen, it would be a very slow process. With climate change already driving displacement, we should instead focus our efforts on developing rapid solutions to build climate resilience. This will help prevent forced displacement and expand existing labor pathways for those who do wish to move.

Global Skills Mobility Partnerships

By expanding existing labor pathways, we can also create migration pathways for those affected by climate change. In fact, this can be an essential mechanism for doing so.

There is a growing conversation around the importance of migration for supporting Europe’s green transition. Migration would help destination countries build their green workforce and close gaps in green skills.¹⁸ However, these policies would need to be very carefully designed so that they are not extractive in nature and do not expose migrant workers to underpayment and exploitative work conditions. For example, if all the green-skilled residents of states negatively affected by climate change leave for Europe or the United States, then origin countries will be left without workers capable of building climate resilience in place. This dynamic is highly exploitative and often benefits wealthier Global North countries to the detriment of the Global South. This is where global skills partnerships come in.

Global skills partnerships are grounded in Sustainable Development Goals 4, 8, and 10 and Objective 18 of the 2018 Global Compact on Migration, which calls for states to invest in skills development and facilitate the mutual recognition of skills, qualifications, and competencies.¹⁹ Under a global SMP, a destination and origin country agree on 1) the portion of training in the origin country, 2) how the benefits of skilled migration will support training for nonmigrants, 3) who will offer employment in the destination country, and 4) the standards of employment.²⁰ The agreement ensures that financing for the partnership creates human capital in the origin country. Global SMPs can only function if the origin and destination countries mutually recognize the skills that are proactively needed in both countries.²¹ A mechanism must also be created to ensure training costs are distributed fairly.²²

IOM has developed its own category of global skills partnerships. Introduced in 2019, these partnerships have eight identified prerequisites:²³

1. Long- and mid-term planning.
2. Skills classification and recognition at the national level and beyond.
3. A multistakeholder approach and policy coherence.
4. A mechanism for addressing the social aspects of employment and mobility.
5. Data for evidence-based policy.
6. An incorporation of migration considerations.
7. Local development and job creation.
8. Cost reduction and sharing.

Global SMPs provide a model through which skilled migration can take place, benefits are ensured for the origin country, and migrant workers are protected. The origin country:

- Receives subsidized training for “home track” professionals.
- Builds up its training institutions.
- Grows its domestic workforce. (Some trainees either return or never migrate.)
- Receives remittances from “away track” graduates.
- Does not face a fiscal drain from graduates’ migration.²⁴

For their part, migrant workers receive professional employment, significantly increased earnings, and internationally recognized training.²⁵

A partnership between the Italian and Egyptian governments offers one example of a successful SMP. These countries signed an agreement in 2009 to provide solutions for Egyptian youth in areas suffering from high unemployment and irregular migration. As part of the agreement, IOM launched the Education and Training for Egyptian Youth program in 2010.²⁶ Multiple partners, including Italian and Egyptian employers, the Egyptian Ministry of Education, and Italian training authorities, collaborated to develop training at the Fayoum Advanced Technical School for Hotel Management and Tourism Services in the Fayoum governorate of Egypt. The project supported the renovation of the school and the creation of a database for international job matching.

Through the project, 60 teachers were trained in Egypt and abroad. In 2013, 115 students were provided with internships and traineeships in tourist destinations in the Red Sea area.²⁷ The aim of the project was to improve local education and training opportunities while facilitating regular labor migration to Italy. This project is a good example of how the development of training institutions and education in the country of origin forms an essential part of a mutually beneficial SMP.

However, a major obstacle to the utility of SMPs is their current inability to work at scale, or to scale up significantly. These programs can be expensive. They are also difficult and time-consuming to design, as there are many different national contexts and sector requirements to account for.²⁸ Further, high operating costs and poor management have often resulted in projects ending after the completion of their pilot phase.²⁹ Each partnership requires its own curriculum and set of partners, and the cost of training and skills validation is relatively fixed, meaning that scaling up the project does not make it more cost-effective.³⁰ Of more than 50 transnational vocational education and training projects and SMPs carried out in Germany, only three followed through with the global SMP framework or intended to do so.³¹

Given the high demands of the SMP model, some might argue that it should be discarded in favor of a more cost-effective strategy. But we must weigh the high costs of these programs with the economic risks presented by leaving unmet the demand for skilled workers, as well as the disproportionate burden currently placed on origin countries to finance the education and training of workers.³² Programs can scale up if they are able to meet employers’ needs and utilize appropriate legal migration channels and if the political will exists in receiving countries.³³ This political will can pose a major barrier to the success and implementation of these programs on a larger scale.

Skills Mobility Partnerships in the Context of Climate Change

As a concept, SMPs are still in their infancy. They are not yet widely utilized as a policy tool.³⁴ Their application for green-skilled mobility is an even more recent concept, meaning we do not have a strong base for evaluating the model’s potential for tackling climate change.³⁵ The nascent nature of these schemes and the issues with scale mean that the global SMP model should be seen as just one complementary policy strategy in our attempts to address the impact of climate change on migration. For example, SMPs centered around climate mitigation and adaptation programs in North Africa, which is severely affected by climate change, could prove highly impactful.³⁶

IOM is currently advocating for SMPs to support the green transition in North Africa.³⁷ Its goal is to convince the EU that the green transition needs to happen on both sides of the Mediterranean Sea.³⁸ The development of green skills globally is essential for effective climate policy. For example, a centerpiece of the EU's Green Deal is the "Farm to Fork" strategy. It will require certain countries, including those in North Africa, to demonstrate that they fulfill certain requirements, such as reduced water consumption, if they wish to export products to the EU. For North African countries to accomplish this, the region must develop green farming skills. This will require investment and skills development and showcases the ability of a SMP to serve as an effective, sustainable, and equitable policy tool.

Controlled environment agriculture (agricultural practices that create fully controlled environments for growing plants through techniques such as "vertical farming") is another key area where SMPs could be implemented. Programs that employ these practices are very much in their infancy in Egypt, which is becoming one of the countries most severely affected by extreme weather patterns, and investment has been difficult to attract.³⁹

Hydroponics, or the use of a water-based nutrient solution rather than soil to grow plants, is the most popular form of controlled environment agriculture in Egypt.⁴⁰ In order to promote this form of farming, which could prove essential for the country's climate change adaptation and mitigation strategies to flourish, increased investment and skills development are critical. A SMP would provide this opportunity while bolstering the workforce of a partner country.

Policy Recommendations

Many countries are already undergoing severe climate change impacts, with many people displaced as a result. To expand migration pathways and enable people to migrate safely and with dignity, we must rapidly implement innovative policy solutions. But policies to develop in-place climate adaptation and mitigation, so that people who wish to remain (a desire evidenced by the demands of Pacific Islanders in response to New Zealand's experimental humanitarian visa) can do so, are essential.

SMPs can be applied as an innovative and equitable policy tool for promoting green skills development. In turn, this can both expand existing labor migration pathways for populations affected by climate change and build in-place climate resilience in destination countries. However, it is important to note that given the small scale of these programs, they are just one of multiple policy tools that can be deployed to address the effects of climate change on migration.

Below are several policy recommendations for the effective use of SMPs in tackling climate-induced displacement:

1. Invest in and implement the global skills partnerships model to promote green skills development, support migrants displaced by climate change, and strengthen adaptation strategies.
2. Ensure that these schemes meet labor demands in countries of origin as well as destination countries.
3. Ensure that the private sector is involved in these schemes.
4. Encourage countries to align or mutually recognize qualifications and skills to facilitate the scale-up of these programs.
5. Apply best practices from previous SMPs based in the Middle East and North Africa (MENA) region, such as the Egypt-Italy partnership, which successfully involved multiple stakeholders and developed training institutions and education in the country of origin.

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