

UNIVERSITY OF TWENTE.



## **Bachelor Thesis (B.Sc.)**

### **Fragmentation of climate change-induced migration and its consequences**

A case study of the African governance architecture

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## **Abstract**

International law currently faces challenges of fragmentation, as regulations are adopted at varying levels parallelly. This has ambivalent consequences, like jurisdiction conflicts or niche regulations. Understanding the extent and consequences of fragmentation in a certain policy domain, such as the African climate migration governance, is therefore essential.

Internal movements caused by climate change are predicted to reach up to 216 million people by 2050. Especially in Africa, geographical particularities increase the region's vulnerability to climate change impacts and enforce climate migration. This thesis examines the current fragmentation of climate migration governance architecture in continental Africa, regarding differing understandings of migration and consequences, in a qualitative, exploratory case study. A structuring content analysis of five institutional agreements, classifies the governance architecture into a threefold typology of fragmentation by means of criteria established by Biermann et al. Subsequently, the consequences of fragmentation are explored through a qualitative assessment of advantages and disadvantages and three examples. While the African climate migration governance is still developing, to date it is composed cooperatively fragmented with diverging comprehensions of migration between the agreements and ambiguous consequences for migrants. From an institutional perspective, cooperative fragmentation can address specific needs individually while integrating institutions into a larger architecture.

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## **I. Abbreviations**

AU	African Union
AUC	African Union Commission
AU EC	African Union Executive Council
EAC	East African Community
ECOWAS	Economic Community of West African States
HR	Human Rights
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IOM	International Organization for Migration
MPFA	Migration Policy Framework for Africa
MS	Member States
RCP	Regional Consultative Process
REC	Regional Economic Community
SDG(s)	Sustainable Development Goal(s)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly

## 1. Introduction

One great current challenge of international law is the growing phenomenon of fragmentation of governance architecture: continuous and parallel adoption of legislation at different levels has led to fragmented pictures in certain policy areas. As a result, institutions may be interlinked, overlap, complement or contradict each other (Zelli and van Asselt 2013). Currently, the scientific literature is in disagreement about the possible consequences and advantages a certain degree of fragmentation can offer to a policy domain. It may for example, contribute to unregulated jurisdiction, conflicts of authority or even pose benefits by addressing customized needs and different circumstances in legislation (Biermann et al 2009: 24, 32).

Fragmentation often occurs in governance architectures, a conceptual type of governance arrangements. Governance Architectures identify strategic, long-term and cross-cutting problems, set output-oriented targets and combine new and old organizational arrangements to implement their goals (Borrás and Radaelli 2011). This set of institutions runs the risk of fragmentation, where a policy domain is characterized by a patchwork of institutions that differ in their character, constituencies, spatial scope and subject matter. Institutional fragmentation can take form of different types, which in turn have different consequences for governance performance. In order to determine these characteristics, Biermann et al have established a framework of fragmentation of governance architecture, which classifies architectures into a threefold typology based on three criteria, and conducted a qualitative assessment that inspects claims about advantages and disadvantages of fragmentation (2009). To foster the discussion, this thesis explores the issue of fragmentation and uses a concrete example to examine how a certain type may affect a policy's performance.

For this, climate change-induced migration governance offers a fitting example, because the issue has only recently received the attention commensurate with its impacts and is therefore currently partially and fragmentarily regulated. Climate change-induced migration refers to movements that are caused by “sudden or progressive change in the environment due to climate change”, according to the International Organization for Migration (IOM 2022 a). Climate migration is presented as a subcategory of environmental migration, whereby both definitions are working definitions of the IOM which do not have any legal value (IOM 2022 a). The scientific community uses different terms for people moving due to environmental or climate changes, such as climate or environmental refugees, migrants or internally displaced persons (IDPs). For the sake of clarity, this paper will adopt the term climate migrants or climate migration in the following.

The time span from 2010 – 2020 has been the warmest decade in history where rising temperatures more frequently have caused extreme weather events. These events do not only include sudden and disruptive events such as storms or wildfires but also gradual impacts like the rise of sea level, or longer lasting heat periods. People affected by these environmental and climate changes may choose between staying

and adapting or moving to different regions which are not as affected. Even though some people try to adapt to the changes or prevent extreme impacts, most people are forced to give up their places of residence altogether due to unavoidable and life impossible conditions (Clement et al 2021: 1).

As the impacts of climate change increase, so do the global movements: up to 216 million people in six different regions are at risk of being forced to migrate within their countries by 2050 due to climate changes, as the IPCC's (Intergovernmental Panel on Climate Change) Groundswell Report has found (Clement et al 2021: xxii). The Sub-Saharan region leads the projection list of six regions by a wide margin: its predictions between 71.1 million and 53.4 million internally displaced climate migrants by 2050 are about twice as high as those of the runner-up, East-Asia and the Pacific. In North African the largest share of internal climate migrants related to the population of the region is expected (Clement et al 2021: 83). On the one hand, this demonstrates the urgent need to develop a strategy to regulate climate migration based on empirical evidence, while on the other hand it shows a strong rationale to take a closer look at the African climate migration governance.

Understanding the extent and consequences of fragmentation in a policy domain is of great importance to future law-/ policy-making and scientific research, because it affects the enforcement, implementation or legal outcome. This in turn, determines to what extent climate migration is legitimate, regulated and migrants' rights are protected – questions that remain a gray area until now. People, already suffering from the effects of climate change are further burdened by this grey area.

The thesis therefore examines the current institutional governance architecture of climate migration in continental Africa, regarding its fragmentation, differing understandings of migration and its consequences, in a qualitative, exploratory case study. The conceptual framework of fragmentation of governance architecture by Biermann et al will facilitate determining the type of fragmentation of governance architecture. As each type has different advantages and disadvantages, the consequences of fragmentation are subsequently explored through a qualitative assessment, based on Zelli and Biermann (2010). Thus, this thesis poses as a central research question:

**How is climate change-induced migration currently composed in African governance architecture?**

To satisfactorily meet the objective of understanding the extent and consequences of fragmentation, the following sub-questions help provide a comprehensive answer to the overall research question:

- 1) What type of fragmentation does the regulation of climate migration in Africa currently face?  
This question will additionally include an analysis of the concept of (climate) migration of each agreement, as the comprehension of the issue may differ from institution to institution.
- 2) What are the consequences of this type of fragmentation?

## **Outline of the thesis:**

After this introduction, the case of African (climate) migration governance is shortly introduced in its core elements and institutions. Following, the *theory* chapter presents the theoretical concept of fragmentation of governance architectures by Biermann et al. In order to apply the concept to empirical reality, in the subsequent chapter *methodology* it is operationalized and codes for a content analysis are developed. The research design and the method of analysis will also be presented and reflected upon. The case study of the African climate migration governance architecture examines relevant documents through a content analysis, which will allow to explore the type of fragmentation as well as the different understandings of (climate) migration. Subsequently, the consequences of that type of fragmentation are explored through a qualitative assessment of advantages and disadvantages and three examples. The conclusion summarizes the main findings and provides an answer to the research question.

## **2. Case Description: African Climate Migration Governance**

This case study investigates the current situation of fragmentation of climate change-induced migration regulation in Africa. While sea level rise and its threats to low-lying coastal areas are a prominent example of climate change impacts, rising temperatures, droughts and related disasters pose just as a great a threat to the quality of life and living space of residents. Projections for internal climate migration of Sub-Saharan Africa predict up to 71.1 million internal climate migrants by 2050 in a pessimistic scenario and 53.4 million internal climate migrants in a more inclusive development scenario. The Sub-Saharan region leads the projection list of six focus regions by a wide margin: its predictions are about twice as high as those of the runner-up East-Asia and the Pacific. In the North African region (comprising of Algeria, Egypt, Libya, Morocco and Tunisia) 13 million internal climate migrants are to be expected by 2050 in a pessimistic scenario and 9.9 million in a more inclusive development scenario. This is worldwide the largest share of internal climate migrants in relation to the population of the region (Clement 2021: xxii, 83). Africa's exceptionally high numbers in predictions of internal climate migrants and the urgent need for regulation justify why this region is specifically regarded in the case study. Additionally, the academic debate on climate migrants and its jurisdictional requirements within the African context has to date not received the attention it deserves, given the number of affected people. One statement that runs throughout the academic literature on climate migration (in Africa) is the call for "new governance modes" (Warner 2010), "a policy response" (Freeman 2017; Naser 2019), "new legal instrument" (Biermann and Boas 2009) or "more comprehensive and cohesive international legal frameworks" (Clement 2021). This unanimity again highlights the urgency and importance of an immediate and comprehensive regulation of climate migration. However, there clearly are reasons for the lack of such a policy response.

A central governance challenge in the context of climate migration is the absence of a common terminology. According to Warner, this is due to the difficulty of demarking the range of environmental drivers of migration and isolating environmental factors from other push factors. Definitions would facilitate to assign responsibility to an authority. Though without a definition responsibility is unregulated, which is why this governance challenge is in serious need to be addressed comprehensively (Warner 2010).

Furthermore, governance approaches may have different viewpoints on migration and mobility. Zanker for example makes apparent that views on migration as well as the rhetoric and practice of policy instruments by the EU and African partners are diverging (Zanker 2019: 15). These empirical findings and the possibility of divergence between rhetoric and practice are generally important to keep in mind, when analyzing policy documents. Thus, the analysis regards the understandings and notions of climate migration in each agreement.

Analyzing the African continent as a case poses some limits to the derivation of statements or assessments to other cases. First, the African Union, which drafted four out of the five documents examined, is a continental institution and an intergovernmental organization that has different regulatory limitations compared to other organizations. Depending on the areas of competences that the organization obtains, regulation of migration will vary between organizations.

Second, each region is affected by different climate and environmental changes. Depending on their natural resources and economic situation each region thus requires a different governance approach. North Africa is mainly affected by limited water availability. Rising temperatures, fragile drylands and agriculture as the main employment sector increase the region's vulnerability to water scarcity strongly. Not only do these impacts force people to move but also attract migrants to regions with higher water availability, which in turn could lead to humanitarian crises in these places due to limited capacities of resources and accommodation (Clement 2021: xxii ff). Predictions of higher temperatures and longer heat waves will further lead to land and soil degradation, deforestation and desertification, which reinforces mobility. Moreover, limited resources and declining livelihood zones can cause or foster instability or conflict (Clement 2021: 29).

Sub-Saharan Africa is exposed to similar conditions and climate risks as North Africa: rise in temperature, increase in extreme weather events and coastal sea level rise pose a major threat to the quality of livelihood in this sub-region (Clement 2021: xxvii). Empirical studies in Africa have found that environmental factors alone do not lead to migration, but that it is due to a complex combination of social, political, demographic and economic factors, in which the environmental impacts act as a catalyst (Freeman 2017: 355).

While these climate changes are to be expected in many regions around the world the changes can have different impacts for migration and mobility, depending on the socio-economic and political situation of each region. Each region is additionally affected by a unique combination of changes due to its different geographic location, which should also be considered when generalizing.



Third, Dick and Schraven highlight a different challenge that may constraint transferability of results: the growing regionalism and pluralism in migration regimes. In a multiple case study of IGAD (Intergovernmental Authority on Development), a Regional Economic Community (REC) in the Horn of Africa, and ECOWAS (Economic Community of West African States), the scholars analyze both organizations for their strengths and weaknesses in migration governance to identify challenges for decision-making and implementation. Due to different organizational structures between RECs, migration regimes in Africa are fragmented and diverging, requiring increased financial and technical support (Dick and Schraven 2018). In regards to the AU's objective of free movement for citizens, there are also differences in implementation between RECs: while ECOWAS and EAC (East African Community) have taken the necessary steps to pursue said goal, the South African Development Community lags behind to ratify such facilitation of movement (Vincent 2020). Thus, Africa's unique organizational structures also limit transferability to other regions and continents.

These challenges do however not signify that the African continent is unsuitable for a case study. It is generally questionable whether the *perfect* or a representative case for such a case study can be found. Because each region faces different external and internal challenges and dependencies, no case will provide perfectly generalizable results. In any case, it is of great importance that constraints to transferability or generalizability are considered in the analysis. The African continent is not necessarily chosen for its representativeness but because of the high projected number of migrants, its vulnerability to climate change and its comparative lack of attention within the scientific literature.

### **3. Theoretical Framework: Fragmentation of Governance Architecture**

As has been established so far, the international and the African policy domain of climate migration is in serious need of a coherent regulation. While some states are already directly affected and face the consequences of climate change, others have only faced marginal impacts until now. In part due to this circumstance, there is currently a patchwork of bi-, multi- and international institutional frameworks that aim to govern the issue of climate change migration. Though this patchwork does not come without problems, as the previous chapters have exemplified.

Due to the growing complexity of the international community and intersecting policy issues, emerging and existing institutions increasingly face overlapping responsibilities and policies. Some international policy areas are not yet regulated, while others face conflictive regulation on different levels. This phenomenon is understood as fragmentation of governance architecture. Other scholars use terms like multi-dimensionality, division of labor or treaty congestion to describe the phenomenon (Biermann et al 2009: 17). It refers to situations in which a policy domain in international relations "is marked by a patchwork of international institutions that are different in their character (organizations, regimes, and

implicit norms), their constituencies (public and private), their spatial scope (from bilateral to global), and their subject matter (from specific policy fields to universal concerns)” (Biermann et al 2009). The absence of a globally binding regime and the existence of many small varying regimes on climate migration classifies as such a situation and will therefore be analyzed by this framework of fragmentation. The choice of the framework is driven by the research objective of examining the extent and impact of fragmentation on regulating climate migration.

The concept of fragmentation builds on current research on governance architecture, which is defined as “overarching system of public and private institutions that are valid or active in a given issue area of world politics” (Biermann et al 2009: 15). This issue area could draw on extensive fields like trade or environmental policy or on concrete themes like climate migration. Global governance architecture has become an important topic in the field of international organizations, a subfield of international relations. As the meta-level of governance arrangements, it includes organizations, regimes, norms, regulations, and decision-making procedures. It is therefore less specific than policy programs or regimes, which entail often concrete and distinct goals for a specific policy area. At the same time, governance architecture is more specific than multi-level governance, which includes broad and implicit goals, associated to the core value of the institution (Biermann et al 2009; Borrás and Radaelli 2011). Climate migration governance architecture to date entails neither solely concrete and distinct goals nor broad and implicit goals, but rather output-oriented goals that are approached by new and old governance arrangements. It is thus classified as governance architecture.

The fragmentation concept is relative. It is measured and indicated in relation to other units of analysis in an issue area, as it is difficult to measure it empirically absolute or indicate a value to it. Biermann et al add that the concept is also free of normative value. There is neither a pre-existing condition that is aspired to nor a necessary benefit from too much or too small fragmentation (Biermann et al 2009: 17f).

The scholars distinguish three ideal types of fragmentation, synergistic, cooperative, and conflictive, by applying three criteria to the governance architecture: “the degree of institutional integration and overlaps between decision-making systems; existence and degree of norm conflicts; and type of actor constellations” (Biermann et al 2009: 19f). These criteria are derived from the previous definition of governance architecture, which is based on Krasner’s definition of international regimes: “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations”. Accordingly, norms for institutions are “standards of behavior defined in terms of rights and obligations” (Krasner 1983: 2). Depending on the characteristics of the criteria, the different types can be assigned:

Governance architectures are *synergistic* when there is one central institution that integrates all other institutions on the same or a related topic. The central norms of these institutions must overlap or regulate a distinct but integrated issue. Further, synergistic fragmentation occurs when the core institution unites (almost) all affected countries.

The scholars define the relationship between governance architectures as *cooperative* when a central institution only loosely integrates other institutions and is not able to unite all actors under itself. Though, the actors remaining outside the institutions are cooperative towards the central institution and core norms are ambiguous, not conflicting.

Architectures are said to be *conflictive* when unrelated and unintegrated institutions take on the same issue area, whose central norms are in conflict to each other and may provoke a conflict of objectives. Additionally, the core actors of the policy domain are members of different institutions and are supporting different policy objectives which will further cause conflicts in the field.

	<b>synergistic</b>	<b>cooperative</b>	<b>conflictive</b>
Institutional integration	One core institution, with other institutions being closely integrated	Core institutions with other institutions that are loosely integrated	Different, largely unrelated institutions
Norm conflicts	Core norms of institutions are integrated	Core norms are not conflicting	Core norms conflict
Actor constellations	All relevant actors support the same institutions	Some actors remain out-side main institutions, but maintain cooperation	Major actors support different institutions

Typology of Fragmentation of Governance Architecture (Biermann et al 2009: 19)

It is important to remark, that these three types are solely ideal theoretical types which are not necessarily clearly to demarcate in empirical reality. It is thus possible that the three types coexist in the same architecture, as the scholars note (Biermann et al 2009).

The main driver for Biermann's investigation is the scientific controversy about the consequences of fragmentation, as explained in the introduction. Following the analysis of fragmentation, they discuss arguments for and against low and high levels of fragmentation as part of a qualitative assessment. Their discussion will be operationalized in the following and presented in a separate chapter.

This chapter has provided a theoretical framework which facilitates identifying types of fragmentation in governance architectures by applying operational criteria. International migration institutions face increasing fragmentation and overlapping responsibilities. This conceptual framework allows for a concrete assessment of fragmentation in African climate migration governance architectures in the following chapters.

## 4. Methodology

The epistemological interest of the research is to determine the type of fragmentation of climate migration in African governance architecture and to identify its consequences. To achieve this objective, the theoretical framework is operationalized and conceptualized. After that, a methodological reflection of the research design and the applied method will discuss benefits and application gaps.

### 4.1. Operationalization:

The fragmentation types are determined based on three criteria:

1. Institutional integration and degree of overlaps between decision-making systems
2. Norm conflicts
3. Actor constellations.

For a comprehensive analysis these criteria need to be conceptualized and operationalized first. The meaning of each criterion can be concluded from the typology and application of fragmentation by Biermann et al. Each criterion is associated with a set of themes, also referred to as categories (Mayring 1991), which determine the particular type of fragmentation, i.e., synergistic, cooperative and conflictive.

The first criterion *institutional integration* refers to the structure and hierarchy of institutions and decision-making processes in a policy area.

If only one core institution exists in a policy domain that unites similar institutions under it, the type of fragmentation can be called *synergistic*. A *cooperative* fragmentation of institutions is expected when institutions are loosely integrated under one central institution. In contrast, many diverging and unconnected institutions regulating the same issue will lead to a *conflictive* type of fragmentation (Biermann et al 2009).

Therefore, the criterion will be examined by analyzing which institutions exist, that regulate the same topic and how these institutions relate to each other, e.g., refer to each other, build upon, complement or contradict each other. It is important to analyze the extent to which they are connected and if open conflicts between them are possible.

Methodically, this criterion will be measured by looking for references to other institutions, statements about guidelines or drawings from other agreements and coded [reference to other institution]. Following, each agreement is regarded in terms of its core addressees, such as migrants or IDPs, to examine whether their policies are regulating the same type of movement [addressee]. Lastly, to do justice to the topic of climate migration, the agreements are searched by “climate (change)”, “environment(al)” or “natural (disaster)” to determine the extent to which the institutions acknowledge climate or environmental changes as drivers for migration and how protection or mitigation is arranged. They will be coded as either [environmentally induced migration] or [climate change induced migration]

depending on whether the text passage mentions climate or environment as an indicator of migration. The code [reference to environment] will be used in cases where the policies refer to measures concerning the environment. Thus, the group of categories for the criterion *institutional integration* constitutes of the following codes: [reference to other institution], [addressee], [environmentally induced migration], [climate change induced migration] and [reference to environment]. These codes summarize the central expressions that indicate how the agreements are integrated in the African institutional landscape. However, if the analysis reveals additional terms that also suggest this criterion, the search will be expanded and repeated.

Second, the criterion *norm conflicts* identifies whether the central norms of the institutions complement each other or are in conflict with each other.

A *synergistically* fragmented governance architecture includes institutions that offer guidelines and policies, regulating a clearly defined but integrated issue. In *cooperative* fragmentation, the principles of different institutions are “ambiguous” (Biermann et al 2009: 20). This means that different institutions provide different policies for the same area. Though, open conflict can be avoided due to a certain level of norm integration, as opposed to *conflictive* fragmentation, where diverging and conflicting principles, norms or guidelines are established for the same policy area (Biermann et al 2009).

Thus, norm conflicts will be analyzed by identifying and comparing each institutions’ central principle, guideline or goal to determine whether they are overlapping or compatible. This is done by searching for the terms “guiding”, “principle”, “norm”, “core”, “common” or “fundamental” and coding the results [principle]. Subsequently, the agreements are searched for “goal(s)”, “aim(s)”, “objectives” or “intent(ions)” to understand their core objectives in regards to migration and to compare whether they share similar views and values [objective]. Again, if additional terms will be found that also indicate an underlying guiding principle, the search will be expanded. Ultimately it should be observable how likely a conflict of objectives is to arise between these central norms.

In terms of climate migration, the positions and norms of institutions concerning climate impacts on migration and movements or recommendations for measures are also analyzed and compared. Depending on whether the text passage mentions climate or environment as indicators for migration, they are either coded [environmentally-induced migration] or [climate change-induce migration], or [reference to environment], if the documents only refer to environmental aspects. The text passages that show a reference to climate migration are then re-examined and their context as well as their underlying understanding of the issue are analyzed further and coded [notion of migration], to see whether there are differences in views of climate migration.

The third criterion *actor constellations* examines to what extent the institution is supported and acted upon accordingly by relevant actors in the domain.

In cases where a central institution unites almost all countries Biermann et al speak of a *synergistic* fragmentation. If not all relevant states are part of the central institution, *cooperative* fragmentation

occurs. Lastly, where relevant actors are separated and belong to different institutions that advance norm conflicts, *conflictive* fragmentation is said to result. Therefore, the number and distribution of members of an institution are important for determining which actor constellations and types of fragmentation can be found in the institutions.

At first, the documents are reviewed for their authors and their place of origin, i.e., the institution or forum responsible for its adoption and the corresponding passages are coded [adoption]. Second, the institutions' members are regarded: more specifically, how many African states are represented by these institutions. If information on that issue is found in the documents it will also be coded [adoption], though it is expected that most information on this issue will be found in other sources.

Following, the character of the agreement, such as conditions for implementation, legal status or the aim of realization, will be determined with the code [implementation]. This is important for *actor constellations* because it explores how and by whom implementation is envisaged.

Finally, to analyze the true support of African states on the agreements, voting, signature and ratification lists are approached as well as provisions on when and how the agreement is to enter into force. Relevant text passages will be coded [ratification]. It is expected that additional data will be required for this category. As the agreements differ in terms of binding nature, the process of analysis deviates. Where data on voting, signature or ratification is available and accessible, it will be consulted and reviewed how the African states position and act on the provisions of the agreements, to get a picture of the actual support of the agreement.

To anticipate governance performance and demonstrate the social relevance, the discussion of arguments about high and low levels of fragmentation by Biermann et al will be reproduced (2009). It is structured along the aspects of speed of reaching agreements, level of regulatory ambition, level of potential participation and equity concerns. These are interrelated and will impact governance performance. Each aspect is subsequently defined, its features and advantages are discussed based on the assessment by Biermann and analyzed using the example of African climate migration in chapter six. Furthermore, consequences of fragmentation in climate migration governance will be demonstrated through three examples: human rights, gender and conflict, which facilitate illustrating the consequences in different policy areas.

#### **4.2. Methodological reflection**

Following the operationalization of the theoretical framework, this section reflects on the research design and method that will be applied to answer the research question. The study conducts a qualitative, exploratory case study of the African (climate) migration governance architecture. Although the research design offers some advantages to the research, there are also some application gaps that it cannot cover. The following section will address these advantages and disadvantages of the research design. A methodological reflection will additionally show how to ensure the quality of social research and compliance with scientific requirements. Methodically, the documents will be analyzed with a

structuring content analysis, which makes it possible to identify the types of fragmentation in the documents.

#### **4.2.1. Research design of the qualitative case study**

First, the qualitative approach of the research will be reflected upon. While quantitative research aims to collect large amounts of often standardized data and is interested in frequency and distribution of a phenomenon, qualitative research's purpose is to gain detailed knowledge about one single phenomenon. It investigates the meaning or processes of a phenomenon. In qualitative research data collection is more open, non-standardized and aims to understand an issue by reconstruction. Therefore, it does not test hypotheses but investigates inductively an under-researched phenomenon to develop new hypotheses. (Flick 2014: 24f).

Due to a detailed focus on complex causal relations, the qualitative approach allows for a method better adapted to the specifics of a single case but is also constrained in generalizability: the analysis regards only one single phenomenon and cannot make statements about other cases (George and Bennett 2005: 17f, 22). However, qualitative research does not aim to transfer its results or information onto other cases but rather investigate details of certain cases and enhance theories (Creswell 2007: 75, 126). Since research in this field is currently in its early stages, qualitative enhancement and deeper investigation of the phenomenon is a suitable starting point while requirements for comparability may be premature at this point. Therefore, the qualitative research is inductively designed in this case.

Second, the thesis consists of a comparative case study. A case study approach is the “detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events [...]” (George and Bennett 2005: 374). Or as Yin put it: “a case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life contexts, especially when the boundaries between phenomenon and context are not clearly evident” (Yin 2003: 1). The term ‘case’ is defined as a phenomenon of scientific interest. The researcher analyzes it in an in-depth investigation aiming for a real-life generalization. Case studies are designed to test or develop theories, understand and define new phenomena or concepts. By regarding a small number of selected cases and units of analysis, case studies commonly seek to generalize their findings by referring to theories or models that are either tested or developed (George and Bennett 2005). The goal of case studies is “to expand and generalize theories” (Yin 2003: 10). Here, the jurisdictional and regulatory situation of climate change-induced migration in Africa is regarded where five cases of concerning regulations are investigated. A case study seems therefore appropriate because it contributes to gaining detailed knowledge and expanding theoretical constructs.

Third, the type of research conducted has an exploratory character. Exploratory research questions ask “what” questions, whereby their purpose is to “develop pertinent hypotheses and propositions for further

inquiry” (Yin 2018: 43). Good exploratory research stimulates “why” questions and ultimately leads to explanatory approaches. By answering what type of fragmentation, the African climate migration governance currently faces, the research examines the existence of a regulatory problem, its dimension and consequences, raising follow-up questions about the reason or emergence of the problem.

In terms of researcher bias, a qualitative research approach relies strongly on researcher’s interpretations which in turn are dependent on the background or prior understandings of the researcher. Thus, different researchers may come to different conclusions (Creswell 2007: 39). The interpretations can only be comprehended and reconstructed if other scientists are provided with the thought processes and procedures of interpretation. Similarly, the study’s methods can only be repeated and tested if performing scientists are able to understand the methodological approach (Flick 2014: 273). Therefore, to ensure this reliability and transparency, the operationalization provides a detailed insight into the methods, interpretations are derived in detail and the codes applied and a list of documents consulted can be found in the annex to this thesis.

Another risk of bias is that documents are oftentimes produced for a specific purpose and a specific audience. Thus, they represent facts of a case in a certain way, which influences its perception and impact (Flick 2014: 131). This is important to consider when analyzing the documents.

In order to ensure conformity with the quality criterion coherence, the theoretical framework and its operationalization must be followed consistently. This will be achieved by repeating the operationalizations in the analysis part and adhering to its measures and criteria.

Another bias could arise from the scientist’s proximity to the case or her preliminary attitude to the matter (Creswell 2007: 208). As it is difficult to take measures in advance to avoid this bias, this risk should be kept in mind when analyzing and evaluating the results.

#### **4.2.2. Method: a structuring content analysis**

The core instrument for gaining knowledge about each respective (climate) migration regulation is a qualitative document analysis, or more explicitly, a structuring content analysis. A structuring content analysis serves to identify types or structures of the material and to assess the documents in regards to certain criteria (Mayring 1991: 213). The material is structured based on cases, categories and types. Cases are the examined units of analysis, here the institutions and agreements, and categories are themes that are looked for in the analysis. In this study, the criteria of fragmentation, institutional integration, norm conflicts and actor constellations, determine these categories. Depending on the characteristics of the categories, the type of fragmentation is determined, as explained in the operationalization. Types are based on a set of categories and can clearly be distinguished from their surroundings and other types. (Kuckartz and Rädicker 2022).

According to Mayring, the first two steps in a structuring content analysis are to determine the “structuring dimension” and develop the set of categories based on the theory, as has been done in the



operationalization. After that, each category should be further defined by definitions and its central codes. Step four, five and six concern the application of codes to the material and their revision if necessary (Mayring 1991: 212). The use of a structuring content analysis will support the typification of fragmentation in African (climate) migration governance architecture.

In order to understand the context of the agreements, the situation of origin, e.g., the temporal context, the reason for emergence and the authors or responsible institution are considered first. Second, the categories for analysis are defined in the operationalization section, based on the typology of fragmentation by Biermann et al., and the documents are examined for relevant statements and wordings. Lastly, the results are interpreted with respect to the main question of fragmentation (Flick 2014: 151). This content analysis focuses on a synchronic approach capturing the wording of documents at one point in time rather than analyzing successive, evolving versions of the text (Yin 2018: 258ff).

For the analysis, the research tool Atlas.ti will be used to categorize and examine the wordings. As described in the operationalization, each set of categories is assigned a code which will structure and classify the material. Since in this case the analysis is based on a theory, a *priori coding* seems appropriate to establish the codes derived from the theory prior to the analysis. Naturally modifications can be made, if necessary, during the analysis (Stemler 2000: 2).

## **5. Analysis: Fragmentation of the African Climate Migration Governance Architecture**

This chapter applies the operationalized criteria of fragmentation of governance architecture to the African climate migration governance. Prior to the analysis, it is essential to address the difficulties and possible challenges that this might rise.

The phenomenon of climate change-induced migration is currently undefined and largely unregulated. Different termini such as climate migrants, climate refugees, environmental refugees or migrants or (internally) displaced persons all refer to different definitions with varying characteristics, which makes comparison and containment difficult. Therefore, this analysis cannot rely on regulations specifically targeted at climate migration but must extend its document review to general migration, internal displacement and other movement related topics. To illustrate this in the following, the word 'climate' is placed in brackets when referring not only to climate migration, but also to migration triggered by other factors.

Nevertheless, the documents are additionally specifically examined for regulations on climate- or environment-related causes of movement, to do justice to the issue of climate migration. The examined institutions regard legal or irregular migrants and forced or internally displaced persons (IDPs). The IOM understands IDPs as persons who are “forced or obliged to flee or to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflict, situation or

generalized violence, violations of human rights, or natural or human-made disasters, and who have not crossed internationally recognized state border” (IOM 2022). Because most movements due to environmental or climate changes remain within the borders of a state (Clement et al 2021: 2), IDPs are as relevant as migrants to the analysis.

Moreover, the analysis is limited to the African continental level and does not consider bilateral or regional institutions. For example, a small glimpse into the regional institutional landscape is provided by IGAD’s Regional Migration Policy Framework that aims to guide member states (MS) in formulating national policies. It is a non-binding framework and “borrow[s] largely from previous migration management initiatives” such as the AU’s Migration Policy Framework for Africa from 2006 (IGAD 2012). Following, the IGAD has also adopted a Migration Action Plan, which transposes and operationalizes this regional policy framework (IGAD 2014). It is thus based on both policy migration frameworks. The EAC has established a Regional Consultative Process on Migration, a forum for exchanging information and experiences of policy-making on migration between the EAC’s MS.

The main reason for this paper’s continental focus is saturation: because the agreements presented are based on one another and on the AU MPFA 2006, which was revised in 2018 and is examined in this study, there are no expectations of strong diverging results. However, it is important to consider this limited focus and the existence of regional institutions when interpreting the results.

Because the continental level is tied to international institutions to which African states have agreed, relevant international institutions are included in the analysis as well.

### **5.1. Institutional Integration**

The international (climate) migration governance architecture is at its core regulated by the *United Nations Global Compact for Safe, Orderly and Regular Migration* (Global Compact). It contains 23 objectives for cooperation on global migration as well as measures for implementation, follow-up and review (United Nations General Assembly (UNGA) 2018). It is non-binding and the only globally existing institution that regulates migration. It is therefore central to an analysis of the governance architecture of climate migration in Africa or any other region.

At the international level, there are several additionally agreements for investigating the situation of migration governance, such as the UN Declaration of Human Rights (UDHR) (1948), the Guiding Principles on Internal Displacement (1998) or the UN Convention relating to the Status of Refugees (1951). Since this thesis focuses on the current institutional setting of climate migrants in Africa which in turn draws on the international institutions, these agreements will not be consulted in the analysis.

The second central institution that should be considered, is the *Kampala Convention*, also known as the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa (2009). Besides the preamble which places the AU’s principles in the context of the situation of IDPs in Africa, the Kampala Convention includes 23 objectives for the distinct prevention of internal

displacement, the protection, and provision of assistance to IDPs. It is the first regionally binding agreement on migration that is specifically targeted at IDPs (AU 2009).

The third relevant institution, African Union's *Migration Policy Framework for Africa and Plan of Action* (MPFA), provides guidelines and assistance to AU member states and RECs for managing migration and policy-making. It revises an earlier MPFA and reflects on the current situation of migration dynamics in Africa by providing guidelines for national policies and strategies on migration and its "cross-cutting issues", which makes it very relevant for this case study (AU Commission (AUC) 2018)

Fourth, the AU adopted a *Protocol to the Treaty establishing the African Economic Community relating to free movement of persons, right of residence and right of establishment* (Free Movement Protocol) in 2018. It regulates the free movement across the AU as well as relating issues, such as the right of entry, African passport or travel documents (AU Assembly 2018). Because freedom of movement is seen as "a protection against forced displacement and unlawful eviction" (Maru 2011: 111) this protocol is an important document for the analysis of the African migration governance architecture even though it does not specifically target migrants or IDPs.

Another continental institution relevant for analysis is the *African Common Position on Migration and Development* (Common Position) which was adopted in 2006 in preparation of a conference on migration with the EU (Klavert 2011: 4). The document presents the African context of migration and development, highlights eleven priority policy issues and four more cross-cutting issues, including the environment, and proposes policy recommendations on the national, continental and international level (AU Executive Council (EC) 2006). Especially because of its context of origin and it portrays the AU's view of migration, the Common Position is a relevant document for analysis.

To determine the type of fragmentation, it will now be examined whether institutions regulate the same topic and how they relate to each other. The core institution, the Global Compact, rests on other international agreements, such as the UDHR, the Charter of the UN, as well as on different international conventions, i.e., the UN Framework Convention on Climate Change, the Paris Agreement, or the UN High Level Dialogue on International Migration and Development. However, it does not refer to continental or national institutions (UNGA 2018).

The Kampala Convention is well integrated in the institutional landscape of migration and internal displacement, because it refers to both international and African institutions, such as for example the UDHR, Guiding Principles on Internal Displacement and the African Charter on Human and People's Rights (AU 2009).

The MPFA is also well integrated within the continental and international institutions. As the only one it refers to the Global Compact, which was adopted the same year as the MPFA, as well as to the Sustainable Development Goals or International Migration Management and Policy Standards. Moreover, the MPFA is designed to support continental priorities, such as the Agenda 2063 or the AU Free Movement Protocol (AUC 2018).

Established in 2018, the Free Movement Protocol mentions the AU Charta and refers back to the MPFA from 2006, though does not reference any other migration framework. This can partly be explained by their different objectives, as the Free Movement Protocol does not address migration but movements in general (AU Assembly 2018).

The Common Position is integrated in the African governance landscape on migration, as it recalls decisions e.g., of the AU Executive Council and other AU Summits. It does not make reference to any international institution, except for the UN General Assembly's decision to hold a High-Level Dialogue on migration and development (AU EC 2006). Though this fact should not be interpreted as weakly integrated, because the document is Africa-related and does not necessarily require any international reference.

While the Global Compact exclusively addresses migration, the African institutions, except for the Protocol, additionally cover Internal Displacement. The MPFA and Common Position even broaden the scope to undocumented or internal migration, refugees and stateless persons. Thus, migration itself is covered by most examined institutions, but the regulations for IDPs or stateless persons tend to be fragmented and are only covered by some. Even though the institutions refer to international and continental institutions, they also largely lack reference to each other.

In terms of regulating climate migration, all institutions except for the Free Movement Protocol mention climate or environmental changes as causes for movements. The Kampala Convention, MPFA and Common Position all acknowledge environmental changes as the “central factor inducing migration” (AU EC 2006). Though only the Kampala Convention and MPFA explicitly highlight climate changes as “major push factors” (AUC 2018: 20) or “major cause of internal displacement” (AU 2009). The Common Position and Free Movement Protocol do not use the terminology of climate change at all in their wordings. The Global Compact only mentions climate change in reference to actions and recommendations for state parties, in cases of natural disasters or “the adverse effects of climate change” (UNGA 2018: 10).

### **Loosely integrated institutions**

Hence, while the issue of environmentally induced migration is recognized by four out of the five institutions and climate change-induced migration by three out of five, definitions or detailed provisions explicitly for climate or environmental migrants are missing.

Therefore, institutional integration in climate migration governance in Africa is cooperatively fragmented, because relevant institutions are loosely integrated and predominantly address the issue of migration, with some explicitly referring to climate change-induced migration.

## **5.2. Norm Conflicts**

There are only few norm conflicts observable between the examined institutions. Because they are mostly nonspecific, broad, and refer to the same frameworks, the institutional guidelines and principles

are generally not likely to conflict. Although there are many objectives in each agreement corresponding to different thematic areas, only those relevant for climate migration or general migration objectives are regarded in this analysis.

While all institutions contain their own specific norms and principles depending on their content, some common norms run through all five institutions, like national sovereignty, independence and territorial integrity, the principle of non-discrimination and human rights as well as the principle of cooperation and dialogue. The content analysis does not show any strongly diverging or contradicting principles in any of the agreements.

In terms of goals and objectives, the Global Compact and the MPFA both aim to “facilitate safe, orderly and [regular/dignified] migration” while mitigating the effects of climate and environmental changes on long-term settlements (UNGA 2018: 4; AUC 2018: 10). The MPFA for example, aims to promote regional integration and facilitate the free movement of persons to “enhance the development benefits of migration” (AUC 2018: 13). The Global Compact calls migration a “source of prosperity, innovation and sustainable development” and aims to improve migration governance to optimize these positive impacts and “empower migrants to become full members of society, highlight their positive contributions” (UNGA 2018: 4). Both agreements tend to emphasize the positive aspects of migration, like to “enable all migrants to enrich our society” (UNGA 2018: 4).

The African view on migration becomes clearer, when regarding the Common African Position on the Global Compact. The AU issued a position paper prior to the adoption of the Global Compact in which it voiced its concerns and wishes for the agreement. One often addressed concern is the globally negative perception of migration which criminalizes or leads to discriminatory treatment of migrants (AU 2017). The Global Compact has responded to that concern, by including the objective 17 which is titled “Eliminating all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration” (UNGA 2018). By this, the institution shows awareness of the negative perception of migration and aims to restore it through legislation, mechanisms and campaigns. It adopts and promotes a positive comprehension of migration.

The Kampala Convention contrarily calls to “promote [...] measures to prevent or mitigate, prohibit and eliminate root causes of Internal Displacement” (AU 2009: 8) in order to ultimately end internal displacement (Maru 2011: 97). One of the reasons for this explicitly stated prevention of internal displacement, is the “pressure from countries of destination and transit of refugees and asylum seekers” (Maru 2011: 100), which is due to their interest in reducing the number of asylum and refugee seekers. In general, the Convention aims to “ensure that migration remains only voluntary and legal act of a person” (Maru 2011: 127). Before this goal will be achieved, acceptable and “durable solutions” to the problem should be developed (AU 2009: 8). The Convention rather focuses on the prevention and containment of internal displacement than emphasizing positive aspects of migration and relocation.

The Common Position takes a similar position: while the economic, social and cultural rights of migrants should be ensured, the institution aims to create development or labor migration opportunities

that will mitigate the drivers for migration and thus prevent migration (AU EC 2006: 4, 6, 8). An important issue in the institution is security and stability, because it may be compromised by “large spontaneous and unregulated migrant flows”, which should therefore be combatted and managed (AU EC 2006: 6). Though, the Common Position also acknowledges the potential of well-managed migration for development (AU EC 2006: 2). In general, both the Kampala Convention and the Common Position pursue the goal of ending or mitigating the root causes of migration and creating opportunities for long-term settlement.

The Free Movement Protocol intends to facilitate establishing the African Economic Community by implementing the right of free movement, residence and establishment. Citizens of an African member state will be allowed to “enter, stay, move freely and exit the territory of another member state [...]” (Art. 6, I). This goal goes beyond those of the other institutions, as it does not require migrants to name reasons for movements or meet certain conditions for entry.

To do justice to the paper’s topic of climate migration, the norms concerning climate or environmental change-induced migration of each institution will be presented.

Except for the Free Movement Protocol, all four institutions mention climate change impacts, environmental or natural disasters as a cause of internal displacement or migration. While the Global Compact, the Kampala Convention and the MPFA explicitly refer to climate changes in this regard, the Common Position solely speaks of environmental events, such as degradation or disaster. Though, they all acknowledge the environment’s extraordinary impact on migration and movements and propose measures to prevent or mitigate the environmental impacts and to protect migrants.

Because the Free Movement Protocol pursues the goal of free movement for all African citizens, the reasons for movement, including climate or environmental changes, remain irrelevant to the protocol and its enforcement.

### **Ambiguous norm relations**

Even though the institutions’ core norms do not fully coincide, the norms are not likely to be conflictive or provoke a conflict of objectives. As the issue of climate migration is yet to be clearly and universally conceptualized, the institutions are not synergistically fragmented and do not “provide[s] for effective and detailed general principles that regulate the policies in distinct yet substantially integrated institutional arrangement” (Biermann et al 2009: 20). In spite of small incoherence, the overall notion of principles and objectives seems to be cooperative. The core norms are ambiguous and the issue is not defined in details as of to date. It remains to be seen whether the type of fragmentation will change with the adoption of further agreements.

Analyzing the comprehension of migration of each institution, it becomes apparent that the Global Compact and the MPFA both aim to promote a positive understanding of migration and to foster policies that enhance and generate benefits of migration. The Kampala Convention and the Common Position however focus on mitigating and ending migration activities altogether and rather portray migration as

a driver for instability and vulnerability. The Free Movement Protocol again sees free movement and mobility of persons as the ultimate goal of the African Economic Community. This shows that the comprehension of migration also amplifies the cooperative fragmentation of migration governance in Africa.

### **5.3. Actor Constellation**

The tendency to cooperative fragmentation continues when looking at actor constellations: all 55 African states are members in the AU and in the UN (UN 2022; AU 2022). Therefore, no institution examined in this study formally excludes any African country. As a second step it is necessary to investigate how many countries actually support the agreements by having voted for, signed or implemented them.

The Global Compact, adopted in 2018 by the UN General Assembly which represents all UN Member states, is a non-binding framework that depends on the willingness of states to implement it. 152 Member states voted in favor, 5 MS voted against the Global Compact and 12 MS abstained from voting (UN 2018). No African state is among those voting against it, but two African states abstained and five did not attend the conference (UN Digital Library 2018).

Adopted by the heads of state and governments of the AU, the Kampala Convention is a binding agreement between all AU MS, which entered into force in 2012. According to the status list the Convention has been signed by 40 members and ratified by 33 members to date (AU a 2022). Even though most states have already made a notable effort to commit to the Convention, more states needed to ratify and implement it to realize its full value (Abdiker and Cessouma 2020: 56).

The MPFA is a non-binding framework by the AU Commission which provides MS with recommendations and guidelines to implement national migration governance and legislation (Achieng and El Fadil 2020: 5) Implementation does therefore depend on each member state. The AU Commission consists of one chairperson, one deputy chairperson and eight commissioners who are elected by the Executive Council (AU b 2022). The Framework is thus only indirectly signed and supported by all African states.

Established in 2006, the Common Position is also a non-binding recommendation for MS of the AU as well as for the EU about managing migration (Klavert 2011: 5). It was adopted by the Executive Council, an AU institution that is composed of foreign AU MS ministers or other authorities designated by the governments (AU c 2022). Therefore, all MS are represented by the Council and by this Common Position.

The Free Movement Protocol was adopted by the General Assembly, which includes all 55 MS. So far, only 33 have signed the protocol and only 4 MS have ratified it, according to the most recent progress

report from 2019 (AU Specialized Technical Committee 2019). Due to increased securitization and concerns about loss of sovereignty (Abebe and Mugabo 2020: 148) the 15 ratifications which are needed for the protocol to enter into force are not yet in prospect.

### **Incomplete actor support**

All five agreements were adopted by institutions that represent all African states. With closer inspection however, this synergistic tendency seems to disappear. Even though all institutions are formally supported by the African community, not every state has taken measures to implement the policy agreements and put words into action. On the contrary, those institutions that are binding, the Kampala Convention and the Free Movement Protocol can record only 33 or 40 signatures and even less implementation records. Non-binding institutions like the Global Compact, the Common Position and the MPFA do not require signatures or implementation evidence and depend on the willingness of states to implement.

Formally, the institution does “include[...] (almost) all countries”, which would correspond to synergistic fragmentation, but realistically the “core institution does not comprise all countries that are important in the issue area”, which is the definition of actor constellation in a cooperative fragmented architecture (Biermann et al 2009: 20). The fragmentation of actor constellation thus tends to be cooperative but can exhibit synergistic features in some institutions or issues. This ambiguity also stems from missing or insufficient data on voting lists, implementation lists or statements of support by member states. A reassessment of updated data is therefore necessary and will shed light on the actual support from member states.

### **5.4. Cooperatively fragmented governance architecture**

As can be derived from the previous sections, climate migration governance architecture in Africa is cooperatively fragmented. Institutions are loosely integrated under the central institution, the Global Compact, the institutions’ principles are ambiguous as only some mention climate change in connection to migration and not all African states actively support the institutions’ objectives to the required extent of adoption or ratification.

Regarding the second sub-question, of what type of fragmentation the regulation of climate migration in Africa currently faces, it can be classified as cooperatively fragmented. This assessment is supported by the fact that the perception of (climate) migration varies lightly across the institutions, as the analysis has shown.



## **6. Consequences of fragmented climate migration governance**

Having established that climate migration in Africa is largely cooperatively fragmented, this section will now address the possible consequences of fragmentation.

Biermann and colleagues have, additional to the fragmentation framework, provided a qualitative assessment to investigate “how different degrees of fragmentation of governance architectures are likely to affect the environmental effectiveness of policies” (Zelli et al 2010). This discussion will be reproduced and summarized in the following. Fragmentation of (climate) migration governance architecture affects many key policy areas, such as border management, trade, labor or health. In order to outline the consequences exemplary in detail, they are presented on the basis of human rights, conflicts and gender. It highlights first how climate change-induced migration affects each example and subsequently, how cooperatively fragmented governance influences this interaction.

### **6.1. Advantages and disadvantages of different types of fragmentation**

Zelli et al base their discussion of consequences on four aspects, namely speed, ambition, participation and equity.

The characteristic of speed refers to how fast an agreement is negotiated and adopted. This correlates strongly with the number of countries that the agreement encompasses. The smaller the number of countries, usually the faster and easier it is to adopt an agreement, compared to a large number of negotiating countries. An agreement that only encompasses few countries may be limited in its global policy effectiveness, while a universal agreement is likely to be more far-reaching and may see broader impact.

In terms of ambition, agreements with only few supporters are likely to be more extensive and advanced than an all-inclusive one that agrees on a low common denominator. Yet, these agreements may discourage other actors to join or agree to package deals. Such fragmented governance architectures may be progressive on a small scale but tend to be less effective at addressing an issue globally. In contrast, low fragmented architectures often do not achieve comparable progressiveness in their policies but are able to attain broad global consensus for a lower common denominator.

The third aspect, participation, responds to the number of participating actors in an architecture. Highly fragmented architectures make it easier for actors to participate in policy-making because barriers to entry and implementation are low. This can further increase the number of covered policy areas and differing, flexible approaches to an issue, which contributes to the overall effectiveness of the agreement. Low fragmented governance contrarily, provides inter-institutional “systematic and stable agreements” that are based on compromises and therefore involve higher barriers for participation (Zelli et al 2010: 30).

Concerning equity and fairness, policies of a highly fragmented governance architecture can be designed specifically to the needs and demands of a region, an issue or an actor. Powerful countries are able to establish institutions that embody their specific interests, while less powerful countries are required to join together in order to assert their interest. In most areas, less powerful states are disproportionately more affected by a problem and therefore demand progressive approaches. Lower fragmented governance architecture enables such countries to partner and exert joint pressure, which enhances the fairness of governance architectures overall (Zelli et al 2010).

### **No evidence of superiority**

The scholars have found no evidence for the superiority of any of the three types of fragmentation. Depending on the issue and the policy area each type of fragmentation has different advantages and disadvantages. Apart from the fact that African climate migration is in need of serious enhancement and policy development, cooperatively fragmented governance poses an appropriate balance between the two polarizing types: a cooperative fragmentation with institutions that do not unite all actors may be fruitful for the speed of adoption and effectiveness, because negotiations will not take as long as in all-encompassing institutions and relative policy reach is ensured. In cooperative fragmentation, the central institution establishes the lowest common standards for all, but fragmented bilateral agreements are able to parallelly promote issues more progressively, embody the aspired goal and provide incentives to follow their lead. It allows to address the issue from different angles, each tailored to the needs of the respective region. Cooperative fragmentation often results in a mix of binding and non-binding agreements with varying degrees of rigor, providing opportunities for all countries to participate in at least one institution. In sum, depending on the number and ambition of countries, cooperative fragmentation can present a reasonable balance between both advantages and disadvantages of synergistic and conflictive fragmentation.

### **Cooperative fragmentation as a reasonable balance**

African institutions generally require less time to negotiate agreements because they include fewer participants and less diversity of interests than international institutions. Although ambitions for progressive policy-making within the AU are high, national implementation and execution are lacking, as the analysis showed. Additionally, there is still the need for policy interlinkages between environment, migration, conflict and other key policy areas (Freeman 2017: 352) as well as implementation mechanisms and monitoring (Cessouma and Abdiker 2020: 56).

Besides the continental institutions examined in this study, the African governance architecture further entails regional institutions that address the topic of climate migration. This increases the possibilities to further adjust agreements to regional demands. Such institutions may also function as role models or instruments to trial certain policies in a smaller dimension.

As almost all of the examined institutions have been negotiated between all African states, their

principles and norms are generally “broad-but-shallow” (Zelli et al 2010) and non-binding in order to establish a consensus. This limits the effectiveness of such institutions because compliance and legal obligations are low and motivational incentives are unlikely. Though in conclusion, cooperatively fragmented architecture offers a valid compromise because it facilitates stable, quickly responding, encompassing agreements that establish basic common norms while it also offers the opportunity for parallel institutions that are more progressive and far-reaching.

## **6.2. The consequences exemplified by human rights, gender and conflict**

The impacts of climate change threaten a range of different areas as they can destroy or damage the living environment of populations. This has negative impacts on health, access to water and food, employment, financial or physical security (Ionesco 2017: 102), all of which are human rights embodied in the UDHR (UNGA 1948). The failure to meet these needs is likely to increase a person’s vulnerability and decrease his/her response options. In order to avoid such chain of consequences, human rights, especially the right to life, liberty and security, the right to a standard of living in dignity must be protected (Ionesco 2017: 102f).

The common interpretation of HR obligations sees the limits of jurisdiction in the borders of national territories, leading to unregulated jurisdiction over human rights, especially those of cross-border migrants or stateless migrants (Ionesco 2017: 103). Ignorance of institutional developments in related sectors or of international law norms will further lead to fragmentation. This means that various legal domains, such as international environmental law, human rights law or employment law will engage in the topic and propose different provisions for the issue. The fact that the international legal system does not provide for a distinct regulation of the institutional structure or responsibility allocation also contributes to an increase in fragmentation (Savaresi 2019). Global protection of climate migrant’s human rights must play a central role in the development of an international strategy to address the impacts of climate change.

Climate changes also have fragmented consequences for genders. Depending on the socio-cultural and economic situations, impacts of climate change may create, highlight or amplify vulnerabilities – often to different degrees for men and women.

In societies that exhibit high levels of gender inequalities or differences, women as well as elderly and children are more vulnerable to environmental and climate changes than men. Where e.g., women or other socio-culturally disadvantaged groups have lower education levels, lower income levels or fewer legal rights, their vulnerability is higher and response options are limited. Undereducated persons might not be aware of symptoms of natural disasters, do not have access to warning systems or are not aware of what to do in a crisis situation, and are therefore more severely affected by climate change impacts. Similarly, low income and limited legal rights prevent adaptation or migration options, which again amplifies vulnerability (Ionesco 2017: 106).

Migration due to climate change impacts may contrarily also pose benefits to individuals or social groups. Remittances and diversification of income can improve financial stability and reduce vulnerability of the remaining family. Because in most cases men are migrating, women are offered the opportunity to take over the management of the household, thus improving their social status and gaining decision-making power. In cases in which women migrate, economic independence and access to higher education are potential benefits of mobility (Ionesco 2017: 107).

To date, the impacts of climate changes on migration differ strongly between women and men. This does not imply that men's vulnerability is not affected by climate changes. The effects are dependent on the socio-cultural, political and economic situation of each person and influence his/her decision to migrate. It is therefore of great importance that the roles and impacts on gender are understood and a gender-sensitive analysis of mobility is included in the development of policy strategies (Ionesco 2017: 106). Depending on their type of fragmentation, institutions may be able to specifically respond to the different impacts but bear the risk of non-regulation or contradictory approaches.

Third, the emergence of conflict or violence, migration, and the effects of climate change are interrelated. On the one hand, climate changes can exacerbate conflicts, e.g., about natural resources or territorial areas. Soil or land degradation, water scarcity, droughts and other extreme weather events reduce natural resources and force people to seek spatial or subsistence alternatives. This threatened position may cause conflicts or disputes between aspirants to land or water and result in movements. Such movements in turn can further contribute to conflicts between migrants and locals in areas of destination as resources in this area are also limited.

On the other hand, vulnerability to environmental and climate changes is exacerbated by conflicts and instability, forcing people to relocate or migrate. Especially in the North African region, water scarcity and droughts, increasing population and ongoing conflicts are contributing to a constant flow of migrants to neighboring countries (Clement 2021: 78f). Cooperation for a common and shared use of water resources is therefore the most important governance challenge in order to avoid (armed) conflict. This already uncertain and volatile situation is further aggravated by the fragmented and largely unregulated legal situation. Without any provisions for responsibility or jurisdiction, migration remains unprotected and mostly illegal which forces migrants to enter countries without permission and put pressure on local authorities. Thus, not only resource tensions but also economic, cultural, religious, or social conflicts can arise.

### **Lack of regulation as greatest threat**

In all cases the cooperatively fragmented governance architecture does not pose as great a threat as simply the lack of regulation of climate migration in Africa. Cooperative fragmentation allows policy makers to adjust agreements and policies to specialties of each region and address different pressing needs such as water scarcity. It is advisable though that negotiations for a common institution take place

in one inclusive forum (Biermann et al 2009: 31) while allowing subordinate institutions to emerge for specific needs of different regions or RECs.

## **7. Discussion and Conclusion**

This study has conducted a qualitative, exploratory, inductively-designed, case study that examines the composition and fragmentation of African climate migration governance through a structuring document analysis. While the study has followed the criteria of qualitative research and systematically applied the theoretical framework, there are some constraints and improvement opportunities.

First, even though the examined documents in the study represent the core African agreements, the absolute number is low and future approaches could expand the number of institutions to the regional, national and international level. This study argues that the Global Compact, the Kampala Convention, the MPFA, the Common Position on Migration and the Free Movement Protocol represent the core institutions for this analysis, and that additional institutions are likely to exhibit similar results. However, this second argument still has to be confirmed by an extended document analysis.

Second, regarding the application of theory, the research could partly be more detailed. For example, the analysis of actor constellation would profit from expanding the examination to the actor's position and role in the institution. It is critical to differentiate between the actors in a field, because depending on their power or position, the impact of their standpoint on an issue increases and their view is most likely to dominate. A background analysis would contribute to further understanding the influences on the agreements and to better classify them.

Third, to improve the consideration of consequences, it would be profitable to compare the aspired objectives of the agreements to their realization. It is not unusual that rhetoric and practice of institutional goals differ, though this possibility of divergence is important for understanding the actual characteristics of fragmentation.

However, this study's limitations and challenges pose a motivation and reasons for future empirical studies to enhance the theoretical framework, verify the cooperatively fragmented character of African climate migration governance architecture and generally build upon the current research.

The paper set out to explore and analyze how climate change-induced migration is composed in African agreements. Before turning to the results of the study, it is important to add that climate change-induced migration to date remains largely unaddressed in African and indeed international governance. Even though, migration induced by environmental and climate changes will become an "increasingly potent driver of migration, [...] could escalate in the next three decades" and will force "as many as 2016 million people" to become internal climate migrants (Clement 2021: xix, xxii), global and continental governance systems lack a unified definition and regulation of movements due to climate changes. The

African agreements examined in this study are therefore not specifically designed for climate migrants, but rather address various forms of movements due to different reasons, including climate change.

### **Cooperative fragmentation with ambiguous consequences**

Apart from the fact that the African governance architecture of climate migration is still in its developing phase, to date it is composed cooperatively fragmented with diverging comprehensions of migration between the agreements and ambiguous consequences for migrants.

Drawing on Biermann et al's concept of fragmentation of governance architecture, the analysis regards the three categories, institutional integration, norm conflicts and actor constellations, to classify the governance of climate migration in Africa into the threefold typology of fragmentation. As each category was assigned the type of cooperative fragmentation, the African climate migration governance architecture can naturally also be characterized as a case of cooperative fragmentation: the examined agreements are loosely integrated, as they refer and build upon international institutions but lack references among each other. While they all address some form of movement, the agreements differ whether they address climate change-induced migration or not. Due to that and the fact that perspectives on migration differ between the institutions, their norms and principles are ambiguous. Although the institutions include all African states, many members lack ratification and implementation measures, which is why cooperative fragmentation is assumed here as well.

Migrants that move due to climate changes are already in a precarious position, yet this is exacerbated by unregulated or insufficient management of migrant movements. Cooperative fragmentation may strike an appropriate balance between an all-encompassing approach, where all problems are addressed with the same measures, and a highly fragmented architecture, that sends confusing messages and potentially leads to conflicts of jurisdiction or authority. Cooperative fragmentation offers the possibility to address specific needs and demands individually while integrating institutions into a larger architecture. Given the increasing diversification and pluralism worldwide, this could represent an appropriate approach to further regulate climate migration (Zelli et al 2010: 32). Depending on the situation and the characteristics of the governance, all three types of fragmentation can pose advantages as well as disadvantages to the overall architecture of climate migration governance.

Given that Africa will experience the highest number of internal climate migrants in the next thirty years, it is strongly recommended that African policymakers develop continent-wide binding frameworks that address these dimensions and provide for a comprehensive, human rights-based and gender sensitive framework (Clement 2021). A framework that not only acknowledges climate changes as an influence on migration but considers them as the central driver and root cause of the multicausal phenomenon migration.

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## 10. Appendix

### A. Codebook

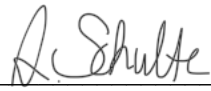
Code	Code Description	Code Group 1	Code Group 2
Adoption	The document names the authors or the forum responsible for the institution or the participating members of the institution.	Actor Constellation	
Addressee	The document refers to its core target persons.	Institutional Integration	
Climate change-induced migration	The text passage mentions climate changes as a driver for migration.	Institutional Integration	Norm Conflicts
Environmentally induced migration	The text passage mentions environmental changes as a driver for migration.	Institutional Integration	Norm Conflicts
Implementation	The document refers to the character of the agreement, such as the legal status, conditions for implementation or aim of realization.	Actor Constellation	
Notion of migration	The text passage shows a reference to climate migration and indicates the institution's view of climate migration.	Norm Conflicts	
Objective	The document names objectives, goals and intentions of the institution for general or climate migration.	Norm Conflicts	
Principle	The document refers to principles, guidelines or norms, that the institution is based on or refers to principles from other institutions that the document is founded on.	Norm Conflicts	
Ratification	The document mentions when and how the agreement enters into force or what countries have voted on, signed or ratified the institution.	Actor Constellation	
Reference to environment	The text passage refers to measures or events concerning the environment.	Institutional Integration	Norm Conflicts

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Reference to other institution	The document references other institutions, their guidelines, statements or objectives.	Institutional Integration
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## Declaration

I, Amelie Schulte hereby declare that this thesis entitled “ Fragmentation of climate change-induced migration and its consequences – A case study of the African governance architecture” is truly my own work and authentic to the best of my knowledge except where due acknowledgement is made in the text.

Signature: 

Name: Amelie Schulte

Date: 29.06.2022