Not Quite Migrant, Not Quite Refugee: Addressing the Protection Gap for Climate-Induced Movement; Conceptualisation, Governance, and the Case of Mr. Ioane Teitota

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Abstract

This article argues that climate-induced movement is neither strictly a refugee issue nor a migration issue; and that the current protection gap is linked to the fundamental mischaracterization of the movement under one of these pathways. Terminology plays a crucial role in the protections and pathways for movement that are made available for people. Not quite refugee, not quite migrant, persons undertaking climate-induced movement face a protection limbo; where the eventual need for movement is recognized yet, the movement itself is defined in such a way as to be deemed unnecessary, at least for now. The refugee status case of Mr. Ioane Teitiota, a Kiribati national, is a critical example of this protection limbo. Characterized as voluntary, courts successively held up rulings that the adverse impacts he had attempted to escape were not yet sufficiently dangerous to warrant protection. Was Mr. Teitiota supposed to simply come back later?

Keywords

Climate-induced Movement; Climate Justice; International Law; Migration; Refugee

Introduction

Every year, millions of persons undertake climate-induced movement whether it be in anticipation of or in response to environmental stressors (IOM 2020, 253). Movement as a response to environmental change is not a new phenomenon; however, climate change is accelerating the rate of movement at pace that has garnered widespread attention and shows no signs of slowing. While no one can know with certainty how climate change will affect human mobility (Brown 2008, 12), there is reliable scientific evidence indicating that the type of environmental events which pose threats to human environments and influence movement are increasing in frequency and intensity. In a special report, the Intergovernmental Panel on Climate Change (IPCC) noted with medium to high confidence that at present-day levels there has been a rise in the number of environmental events that threaten the human environment (IPCC 2018, 210-212). The IPCC noted with the same level of confidence that the number of events would be raised if the global temperature reaches the 1.5°C increase (IPCC 2018, 210-212). The increase in these events should be met with an expectation of an increase in the number of persons undertaking movement. In fact, in its most recent World Migration Report, the International Organisation for Migration affirmed that anthropogenic climate change is expected to progressively affect human movement as a management response to the risks posed by disrupted environmental events (IOM 2020, 253).

Climate change is now widely recognised as a significant driver of human mobility in both the political and academic spheres. Despite global engagement with the issue there remains no common definition of a person undertaking climate-induced movement (Klepp and Herbeck 2016, 58), no consensus on what factors constitute climate-related drivers of movement, and no internationally coordinated effort to provide pathways for movement or a legally binding instrument to provide protections for persons undertaking movement. In lieu of a globally coordinated effort, a fragmented system of regional agreements and soft-law approaches have emerged (Klepp 2017, 18). Whilst providing essential protections for many persons undertaking movement, these agreements too have no common definition of climate-induced movement. Often overlapping in their scope of protection, these agreements leave significant protection gaps in the overall system. This article begins from the position that the current system of international law, understood as the entire system of legal agreements between states, is not equipped to effectively manage and sufficiently protect all persons undertaking climate-induced movement (Podesta 2019, 4). This article also begins from the position that the protection gap is as much as result of definitional

issues as it is doctrinal issues; it is as much about how climate-induced movement and the persons undertaking it are conceptualised as it is about the existing legal system.

The purpose of this article is to examine the academic debate surrounding the conceptualisation of climate-induced movement. Specifically, it studies how conceptualisations have been operationalized as political and legal approaches to governing this movement. There are three distinctions this article makes with regard to how climate-induced movement is conceptualised: between temporary and permanent movement, within-state and cross-border movement, and voluntary and forced movement. These distinctions are derived from a review of the academic debate surrounding the conceptualising of climate-induced movement and are discussed further in relation to the definitional debate between the use of the terminology refugee or migrant for persons undertaking movement. Examining these conceptual distinctions in light of current governance mechanisms in place for climate-induced movement this article identifies three primary issues contributing to the protection gap: the emphasis on forced movement over voluntary movement by the primary legal and policy mechanisms for human mobility, the emphasis on within-state movement leading to a reliance on mechanisms concerning internally displaced persons (IDPs) over the recognition of cross-border movement, and the emphasis on movement due to rapid-onset events through disaster response mechanisms over the recognition of movement due to slow-onset events.

Whilst not being the only persons vulnerable to falling into the protection gap, this article focuses on persons from Small Island Developing States, specifically the Pacific Island States. Climate-induced movement occurring from these states poses a particular challenge to current conceptualisations in both the academic debate and the existing governance system. The Pacific Island States illustrate these issues in that movement from these states is in response to slow-onset events namely sea-level rise, is largely considered voluntary, and due to loss of territory will increasingly become cross-border. The difficulties faced by persons undertaking climate-induced movement from these states will be further illustrated in this article through an examination of the claim to refugee status of Mr. Ioane Teitiota in New Zealand. It is critical to address these issues as slow-onset events, such as the rate of sea-level rise experienced by the Pacific Island States, are largely considered irreversible (IDMC 2018, 2), thus, a degree movement from these areas should be considered inevitable and accounted for with an adequate governance mechanism.

This article is structured into a two-part literature review and a three-part analysis of the implications of the issues identified in the literature for the protections and pathways

extended to persons undertaking movement in response to slow-onset events. Following this introduction, the first part of the literature review addresses the current state of the international response to climate-induced movement. The second part addresses the specific issues facing movement in response to slow-onset events. In particular this article identifies three problematic distinctions from literature reviewed in this section. Using a socio-legal approach, outlined briefly after the literature review, the article then analyses the three distinctions in light of their implications for conceptualisation and operationalisation. This analysis, firstly, assesses the terminological refugee-migrant debate focusing on the conceptualisation of each term and the definitional issues each faces. Secondly, it addresses how the three problematic distinctions have led to the gaps in the scope of protection in the current government regime for slow-onset movement. Finally, it applies the issues identified in the preceding two sections to the case of Mr. Teitiota and finds that his appeal to refugee status was greatly impacted by the definitional issues identified in the article. In particular, the conceptualisation of forced movement poses a major barrier to accessing protections and pathways for persons such as Mr. Teitiota, undertaking movement in response to slow-onset events.

Setting the Scene: The International Response to Climate-Induced Movement

The relationship between climate change and human mobility is well-established and widely recognised across political spheres. Yet, there remains no internationally coordinated effort to manage climate-induced movement and to provide sufficient protections for persons undertaking movement. The impact of climate change on human mobility has been featured in the global political sphere as early as 1989 when the United Nations Environmental Programme (UNEP) attempted to predict the number of persons moving due the effects of climate change (Ionesco et al. 2017, 13). In 1990, the magnitude of the issue was emphasised by the IPCC which noted that the single greatest impact of climate change could be on human movement (Brown 2008, 11). While human mobility in response to environmental change did not disappear from the international agenda, it took until 2015 for the United Nations (UN) to commission a formal task force on displacement. The Task Force on Displacement (TFD) under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM), was approved at the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) and since has entered the second phase of its implementation due to run until 2021. The TFD has as part of its mandate the issuing of

recommendations on how to minimise but also manage human mobility related to climate change which have been presented and approved at COP24 and COP25. Despite this, there remains doubt that a genuine move towards an internationally coordinated effort to manage climate-induced movement will occur soon. This doubt is solidified by the failure of the 2019 UN Climate Action Summit to adequately address the need for climate-induced migration pathways and protections during the summit (UN 2019, 6-7) or integrate it into its priority areas for action in 2020 (UN 2019, 10).

Critiquing the International Response: The Role of Narratives and Discourses

The academic sphere has been highly critical of the international response to climate-induced movement. One of the dominant themes that emerged from the literature is the role that discourses, and narratives play in forming national and international responses to movement. Narratives around movement differ greatly between the Global North and Global South. For many states in the Global South, movement in response to environmental change is a normal human mobility behaviour whereas in the Global North it is often represented as a last resort measure (Farquhar 2015, 43). Although climate-induced movement occurs primarily within and between states in the Global South, the problematic narratives of the Global North which dominate international discourse (Farbotko and Lazrus 2012, 1).

The securitization discourse is among the more prominent ones in the Global North. Under this discourse, security concerns regarding impact of climate change on the adaptive capacity states have been extended to include persons undertaking movement. The effect of the securitization discourse on human mobility governance is two-fold; firstly, it allows for states to continue with development interventions which in many instances simply delay movement instead of preventing it. Secondly, it allows states to depoliticise the issue, thus distracting from their responsibilities. Oels (2012, 186), McAdam (2012a, 4), and McNamara and Gibson (2009, 478) have attributed the emergence of climate change and mobility as security issues to attempts by environmental organisations to spur apathetic polluting states to take mitigation action. In order to solicit a response from major polluting states, environmental organisations presented the issue of climate change in a way that would appeal to the interests of those states, the threat of human movement (McNamara and Gibson 2009, 478). The organisations' attempts to put a human face on climate change resulted in alarmist claims that millions of climate refugees will be produced in the future and that states in the Global North will be "flooded by climate refugees" (Klepp 2017, 9; McAdam 2012a, 4). Effectively the organisations did

achieve their end in that states began to engage with mitigation and adaption efforts; however, McAdam (2012a, 4) notes that the alarmist focus on mass mobility has actually reduced adaption measures by closing down movement pathways. This can be seen in the continued emphasis on in-state adaption and climate resilience as international responses to prevent movement, even though it is already occurring. Klepp (2017, 1), and Klepp and Herbeck (2016, 55) take the securitization discourse a step further, arguing that the Global North uses the securitization discourse to depoliticise the issue. By framing the issue as a matter of security, states shift their responsibility to focus on their own citizens (Klepp and Herbeck 2016, 55), thus distracting from their responsibility as historic emitters towards persons impacted by the resulting climate change. The depoliticization effect serves to stagnate negotiations, providing a potential explanatory avenue for the lack of a global mobility management mechanism. The securitization discourse has a more insidious effect, in that it may serve as an explanation for why existing governance mechanisms overwhelming focus on within-state movement over cross-border movement.

Establishing the Problems for Movement in Response to Slow-Onset Events

This article is primarily concerned with climate-induced movement in response to slow-onset events, such as the movement occurring from the Pacific Island States. Movement in response to slow-onset events is underrepresented in current mobility governance mechanisms, leaving significant gaps in current regimes' scope of protection. This underrepresentation occurs outside of governance mechanisms and may serve as further explanations as to why the protection gap persists for persons undertaking this type of movement.

Quantifying Climate-Induced Movement: Methodological and Definitional Challenges

Quantifying climate-induced migration faces significant challenges. Existing estimates of the number of persons who have undertaken movement and projections of persons likely to move in the future vary considerably from one another. One of the most cited figures is 150 million to 200 million persons displaced by climate by 2050. This figure has been frequently used by the IPCC (GHF 2009, 49; Brown 2008, 11) and has reached totemic status owing to its prolific use across media, advocacy and political platforms (Ionesco et al. 2017, 13). Professor Myers, the analyst who produced this figure has warned against treating this figure as certain or absolute. Speaking to an author preparing a report for the International Organization for Migration (IOM), Myers stated that this figure is

tentative as it is based on *heroic extrapolations* (Brown 2008, 12). Another frequently cited figure, according to which between 25 million and 1 billion persons will undertake movement due to climate change by 2050, highlights the volatility of projection practices. This figure varies by a factor of 40 which is considerably high but owes the variance to the fact that the estimates which comprise the figure are largely dependent on IPCC projected scenarios of the effects of climate change (IOM 2009, 16).

Ionesco et al. (2017, 12) contend that methodological progress is being made in the area of quantifying climate-induced movement but the attainment of a precise figure is impossible. They argue that ascertaining a figure requires the existence of a strict definition of persons undertaking movement, and an ability to isolate climate change as a distinct driver for movement (Ionesco et al. 2017, 12). As previously stated, there is no common definition of a person undertaking climate-induced movement, nor is there consensus on what factors can be designated climate-induced drivers for movement. Thus, estimates and projections often reflect more on the researchers' assumptions about movement than the actual state of persons undertaking it. Data availability also hinders the attainment of even a more general estimate. Reliable figures have been produced with regard to movement in the wake of rapid-onset events as the relationship between the event and movement is on the surface linear; however, figures for movement in response to slow-onset events are uncertain at best. Even the IOM (2020, 257), arguably the most important body for tracking global human mobility, have admitted that it continues to have gaps in its knowledge with regard to movement induced by slow-onset events. Ionesco et al. (2017, 12) note that increasingly qualitative research methods have been utilised to establish quantitative results. This article contends that in order to use these qualitative methods, underlying assumptions about the nature and causality of movement need to be adequately addressed.

Examining the Temporal Distinction: Isolating Climate Change as Driver of Mobility

Challenges exist for quantifying and climate-induced movement as there are few instances of climate change as a sole driving factor for movement (Podesta 2019, 3). The temporal distinction between rapid-onset and slow-onset events is often used in a way to isolate climate change as a driver from other drivers of movement. The temporal distinction disproportionately favours the inclusion of movement in the wake of rapid-onset events as the cause of movement, the natural event, is more tangible. Establishing the causality between slow-onset events and movement is more difficult than with rapid-onset,

as isolating the event as the driver is inherently complex given how slow-onset events manifest (Nishimura 2018, 5). Slow-onset events manifest as environmental stressors, developmental stressors, and even as rapid-onset events. The by-effects of slow-onset events are often environmental stressors felt before the direct effect. In the case of sea level-rise as a slow-onset event, water salination as a by-effect leading to a scarcity in fresh water is likely to be felt sooner than the territory loss which is a direct-effect of sea-level rise. Environmental stressors directly impact livelihood outcomes, especially in places where livelihood is highly reliant on the natural environment, but they also contribute to less obvious developmental stressors. Many states experiencing sea-level rise are also experiencing high rates of urbanisation, fuelled by the diminishing ability to derive a livelihood from the natural environment due to the by-effects such as water salination but also the direct effect of the loss of territory. The term used to describe these interactions is climate change as a threat multiplier. The social, economic, and political circumstances of a region are the identifiable drivers for movement, but any vulnerabilities in these circumstances are exacerbated by climate change (Foresight 2011, 9). As these vulnerabilities interact with environmental stressors and shape movement decisions (IOM 2020, 253), it becomes nearly impossible to distinguish persons whose movement is induced solely by climate change as a driver (Foresight 2011, 9). Setting aside additional factors, using the temporal distinction between rapid-onset and slow-onset events as a method of determining causality is flawed. Rapid-onset events are often manifestations of slow-onset events, such as extreme flooding in places suffering from sea-level rise (IDMC 2018, 4). In these cases, it is difficult to discern whether movement is in direct response to the flood or in response to the increased risk of flooding owing to the seal-level rise.

Movement owing to slow-onset events is particularly difficult to quantify as it interacts with underlying assumptions regarding forced and voluntary movement. Where a person displaced by a rapid-onset event is considered to have undertaken forced and necessary movement, persons using movement as a management response to the effects of slow-onset events are seen as voluntarily undertaking movement that although will improve their livelihoods, is not necessary. The difficulties in quantifying climate-induced movement, especially movement in response to slow-onset events, serve as explanations for why existing governance mechanisms primarily address movement in response to rapid-onset events. The use of the temporal distinction has crucial implications for conceptualisation as it informs assumptions about the nature of movement and by extension the nature of the decision-making surrounding this movement.

Climate-Induced Movement and Decision-Making: The Forced-Voluntary Dichotomy

Curtain and Dornan (2019), in engaging with the topic of decision-making surrounding climate-induced movement, have been critical of the use of the temporal distinction to characterise decision-making. The distinction between forced and voluntary derived from the temporal distinction reduces a complex decision-making process to a matter of a single factor. With the exception of a singular threat, Curtain and Dornan (2019, 4) argue that all movement decisions should be seen as based on a variety of push and pull factors, highly interrelated and specific to each individual undertaking movement. Farbotko and Lazrus (2012, 6) take this further stating that climate change should never be viewed as a unidirectional driver of human mobility. For them, climate change is part of a web of other drivers specific to the decision-maker, their origin point, and the power relations they experience (Farbotko and Lazrus 2012, 6). The usefulness of such a polar distinction has been questioned throughout the literature. Hugo (1996) argued that the distinction was arbitrary as the majority of human movement could not be considered either totally voluntary or totally forced. Disparaging of the forced-voluntary dichotomy in migration scholarship and typology, he proposed mobility be arranged along a continuum based on the degree of choice available to the person undertaking movement (Hugo 1996, 107). Biermann and Boas (2010, 65) advocated for a similar approach, proposing a scale on which movement could be judged as voluntary, anticipatory, or forced based on climate change being determined the main or an additional cause of movement. Biermann and Boas' (2010) approach is closer in scope to climate-induced movement; however, as this article addresses the protection gap facing persons movement in response to slow-onset events, measuring the degree to which climate change can be a cause for movement will not contribute to the closing of this gap. By emphasising the degree and freedom of choice, Hugo's (1996) continuum facilitates a better conceptualisation of movement occurring in response to slow-onset events. Hugo recognises that not all climate-induced movement is a result of a decision-making process. This article does not deny the existence of climate refugees who have had no choice in undertaking movement, but it will not address forced movements such as these. Owing to the focus on Pacific Island States and slow-onset processes, this article uses a notion of forced decision making along the lines of Hugo's (1996) continuum. Climate-induced movement in this article thus refers to movement resulting from decisions influenced by climate change impacts, not explicitly driven by them. Given the difficulties, and seemingly impossibility of defining climate-induced

movement, the question remains as to why the project continues to be undertaken. Seeking a definition is not just an academic exercise. How climate-induced movement is conceptualised has critical implications for the pathways for movement and protections extended to persons undertaking movement. Policy and legal instruments require sets of criteria to be meet by persons seeking assistance under them. By setting criteria, these instruments do not just specify who is included, but inevitably who is excluded. This exclusion most often affects the least visible persons impacted by climate change, persons who can be said as falling through the protection gap.

Methodology

This article utilises a socio-legal approach in analysing the conceptual and operational issues facing climate-induced movement. Socio-legal research views law as a social institution, embracing multiple disciplines in its interrogation of the processes which shape law and are shaped by law (O'Donovan 2016, 108). Law is not abstract from the conditions and assumptions under which it is made. Legal rules assume a factual situation to which they apply in order to produce a certain outcome (Murty 1982, 63). Interrogating these assumptions is important with regard to human mobility governance as it is an area of law particularly subject to narrative and discourses around persons undertaking movement. A major inspiration by socio-legal research in this article is that examining the law outside of a purely doctrinal approach can uncover potential extra-legal factors and the role they play in what is often assumed as neutral legal reasoning (O'Donovan 2016, 112). As this article contends that the protection gap is as much a result of definitional issues as it is of doctrinal issues, an approach which embraces disciplines outside the legal field provides a more holistic understanding of how conceptualisations of climate-induced movement produce legal outcomes.

This article first conducted a literature review, gathering academic writings from various disciplines and relevant political documents and institutional reports on the topic of climate change and human mobility. The literature review was separated into two thematic areas; the first addressing the state of climate change and human mobility more generally, and the second addressing the specific challenges faced by movement in response to slow-onset events. Following the literature review, this article contains three sections, each addressing the three problematic distinctions identified in the literature as contributing to the protection gap. The following section discusses issues with conceptualisation. It assesses the terminological refugee-migrant debate in the literature, focusing on definitional issues each term has. Subsequently, the three problematic distinctions that have led to the gaps in the scope of protection in the current governance regime for slow-onset movement

are discussed. For this section, governance instruments were identified through the literature and through an independent review of the agreements that constitute them. Finally, an examination of the doctrinal effect of the definitional issues facing mobility in response to slow-onset events is undertaken. Original legal sources, particularly with regard to the case of Mr. Ioane Teitiota, were examined independently and in light of the legal opinions of the case.

Conceptualising Climate-Induced Movement: Refugee, Migrant or Something In-between?

The way a phenomenon is conceptualised is central to the way its regulation is approached (McAdam 2012a, 17). Terminology is at the centre of much of the academic and legal debate surrounding climate-induced movement. Normative notions around the terms refuge and migrant and the legal protections they extend, form one of the central terminological and definitional debates in the scholarship. This article contends that climate-induced movement is neither strictly a refugee nor a migration issue under the traditional application of the terminology, and it is the fundamental mischaracterisation of the movement under these terminologies which has led to the protection gap for persons undertaking movement in response to slow-onset events. Given the prominence of the refugee-migrant definitional debate in the literature, this section will discuss the debate in light of the three distinctions drawn from the literature in the first half of this article: between temporary and permanent movement, between within-state and cross-border movement, and between voluntary and forced movement. The normative implications of the term in everyday discourse will also be highlighted as it is central to the adoption or rejection of the terms.

Refugee

The term environmental refugee or climate refugee has widely been used to characterise persons undertaking climate-induced movement; however, it is important to note that under the current refugee regime it has no legal weight. Refugee is a defined legal term relating to political refugees governed by and characterised under the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees (Atapattu 2018, 37). To avail of the legal protections extended under the term refugee, a person must meet five criteria derived from the definition of refuge under Article 1.A.2 of the 1951 Convention (UNHCR 2011, 2). Proponents of extending the 1951 Geneva Convention have argued that under a broad understanding, persons undertaking climate-induced movement could be included in the legal protection regime. The doctrinal

operationalisation of the term will be discussed in full in following section on governance. This section addresses the conceptual issues for using the term refugee to characterise persons undertaking movement, outlining three arguments as to why the issue should not be characterised as a refugee issue.

Firstly, refugees invoke notions of forced, cross-border movement. Specifically mobilised in the literature it has been used to describe persons displaced by both rapid-onset and slow-onset climate events (Farbotko and Lazrus 2012, 5). However, in everyday discourse the term can be understood as primarily describing fleeing populations from an imminent threat. In the wake of a rapid-onset event, persons undertaking movement can be fairly characterised as refugees. Movement in the wake of rapid-onset events represents only a sub-set of persons undertaking climate-induced movement. Protection afforded through using this term will therefore be restricted to this sub-set, leaving many persons vulnerable. Furthermore, refugee implies temporary movement; though often not the case in practice, the legal protection of refugee status is subject to the possibility of the person returning to their origin-state provided the non-refoulment principle is not violated. This is therefore fundamentally inappropriate for persons undertaking movement in response to slow-onset events, the focus of this article.

Secondly, the implication of forced movement inherent in the term refugee ignores the complexity involved in the decision-making of persons undertaking climate-induced movement particularly movement in response to slow-onset events. Refugees are largely considered in popular discourse to have no choice but to undertake movement. Under narrow definitions of refugee movement is in response to conflict or persecution, though broad definitions such Olson's (1979) which includes environmental changes as a factor limiting free choice are prominent in the academic literature. Of the five compulsions that can create refugees, Olson (1979, 130) identifies three as typical of the legal application of the term: religious persecution, ethnic persecution, and ideological persecution. The other two are atypical compulsions; physical danger and economic insufficiency refer to environmental events that could be characterised as rapid-onset and slow-onset respectively (Olson 1979, 130). The question that remains largely unaddressed in the literature is the threshold upon which deteriorating environmental conditions become a serious and imminent enough threat to invoke a notion of forced decision making. Many definitions of refugee invoke a notion of a sudden up rootedness due a threat (Hugo 1996, 107). This is not consistent with many persons undertaking movement.

Thirdly, and most simply, the term refugee has been outwardly rejected and resisted by the persons it has been imposed upon (McNamara and Gibson 2009, 481). A discourse analysis conducted by McNamara and Gibson (2009, 481) illustrated that depictions of climate refugees often have victimhood and vulnerability as subtexts. The Pacific Island States have been particularly vocal in rejecting this victimising narrative spurred through the use of the term refugee. McNamara and Gibson (2009, 482) in interviewing seven ambassadors representing Pacific Small Island States at the UN, found that each ambassador directly opposed the conceptualisation of persons in their states as *refugees in waiting*. McAdam (2012a, 40-41) noted that resistance in Kiribati was due to refugee contradicting a strong sense of Pacific pride. In a 2009 interview with McAdam, President Tong of Kiribati reiterated the will of the I-Kiribati to retain dignity in the face of displacement (McAdam 2012b, 1). The history of movement as a management mechanism for environmental change is erased with the term refugee. It invokes a sense of weakness, portraying persons undertaking movement as helpless victims rather than as active agents in their movement and adaption strategies (Ni 2015, 335) which is clearly important to these persons. There is an important note to be made related to this victimization narrative in that similar to the securitization narrative it distracts from the real economic and political causes of climate change and the actors responsible for it (Hartmann 2010, 235). This has not gone unnoticed, in the same 2009 interview with McAdam, President Tong stated in talking about climate refugees *you're putting the stigma on the victims, not the offender* (McAdam 2012b, 1).

Migrant

There is no legal definition of migrant under international law (Kälin 2010, 89; UNHCR 2016, 2), nor are there international legal duties for states toward migrants beyond their obligations under human rights law which is owed to all persons on its territory and under its jurisdiction (McAdam 2012a, 6). The term migrant as a purely descriptive label for a person who lacks citizenship to their host-country (Anderson and Blinder 2015, 3) could easily apply to persons undertaking climate-induced movement; however, the utility of the term is questionable as it invokes no real responsibility to provide protections and pathways for movement. Furthermore, migrant has been argued to be a neutral term though in practice there are a variety of applications and conceptualisations of the term. Migrant is often assigned a pre-fix in common discourse which signifies the cause for movement, for example, an economic migrant is someone largely considered to have moved in order to improve their standard of living. It can be argued that pre-fixing climate

or environment to migrant can signal that the push and pull factors considered during the decision-making process are largely related to the deteriorating conditions of life and economic opportunities available as a result of climate change. Persons undertaking this movement can thus be seen as enacting coping strategies in response to environmental and economic changes triggered by climate change (Kälin 2010, 89) and attributed more agency than under the term refugee. The utility of this agency is questionable when many persons undertaking climate-induced movement are unlikely to meet the criteria for entering a traditional immigration pathway as they largely originate from less developed states than the ones they are entering.

Governing Climate-Induced Movement: Protections and Pathways

The current governance system for human mobility provides insufficient protection for all persons undertaking climate-induced movement, but gaps in the scope of its protection exist in particular for movement in response to slow-onset events. This article has identified three primary issues with the current governance system which contributes to the protection gap: the emphasis on forced movement over voluntary movement by the primary legal and policy mechanisms for human mobility, the emphasis on within-state movement leading to a reliance on mechanisms concerning internally displaced persons (IDPs) over the recognition of cross-border movement, and the emphasis on movement due to rapid-onset events through disaster response mechanisms over the recognition of movement induced by slow-onset events.

International Legal and Policy Regimes

Current international law and protection regimes provide marginal protection to persons undertaking climate-induced movement, usually predicated on meeting the requirements set for in the 1951 Refugee Convention. As aforementioned, refugee is a legal term subject to a specific legal regime thus there are cogent legal reasons why persons undertaking this type of movement are not assisted by international refugee law (McAdam 2016, 1536). Refugee law in unsuitable in that it requires the establishment of a well-founded fear of being persecuted owing to reasons of race religion, national, political opinion or membership of a social group (1951 Convention Relating to the Status of Refugees, Article 1.A.2). Persons undertaking climate-induced movement do not meet these five convention grounds but furthermore, the notion of persecution is difficult to ascertain with regard to climate change. Persecution requires agency, with regard to the Convention this must be human agency (Ni 2015, 338-339), which cannot be assigned to climate change. Even if accepted, the indiscriminate nature of its impact precludes it from

being termed persecution on the basis of one of the five convention grounds (Farquhar 2015, 33). Arguments have been made that the concept of refugee under the 1951 Convention could be expanded to include persons who can be designated climate refugees. This argument is not without precedent; the IOM, as a related agency of the UN, has always included refugees from environmental and climate considerations in its mandate. Furthermore, the United Nations High Commissioner for Refugees has previously expanded its mandate to include humanitarian refugees resulting from severe weather events and armed conflict (Atapattu 2018, 41). This expansion is still heavily based on the conceptualisation of forced movement and thus unsuitable for a large proportion of persons undertaking climate-induced movement.

International human rights law can be seen as filling some of the gaps left by refugee law through complementary protection. International human rights law requires no specific criterion to be met by those protected under it therefore, applicable to a broader range of persons undertaking movement whether they be designated forced refugee or voluntary migrant. McAdam (2016, 1537; 2015, 135) has asserted in her work that human rights law has the greatest capacity in protecting persons from return to life-threatening circumstances as it expands a state's protection obligations to include persons at risk of arbitrary deprivation of life, torture, or cruel, inhuman or degrading treatment or punishment. It is important to note that although these protections do have the potential McAdam attributes to them, currently states are only obligated to extend these protections to persons already on their territory or under their jurisdiction. Furthermore, the threshold in establishing that a human right will be violated upon return to the origin-state is considerably high. Slow-onset events often do not meet this threshold as they are not yet a sufficient or imminent enough threat to a human right.

The Emphasis on Within-State Movement

There is a tendency on behalf of states in the Global North to assume that human mobility flows are directed toward them. The assumption is largely informed by the securitization discourse discussed above in this article, but it also fuels this narrative. The emphasis on within-state movement therefore cannot only be attributed to the empirical fact that within-state movement occurs more frequently (Atapattu 2018, 38). A majority of persons undertaking climate-induced movement are IDPs (UNHCR 2015, 8). These persons should come under the OHCHR's 1998 Guiding Principles of Internal Displacement (Biermann and Boas 2012, 74); however, the principles are restricted in that references to climate-induced movement are confined to rapid-onset events (Atapattu

2018, 42). The 2013 Peninsula Principles of Climate Change Displacement explicitly addresses climate-induced movement owing to rapid-onset and slow-onset events. The principles take care to account for the multicausality of movement, paying less attention to notions of forced or voluntary decision-making implicit in a temporal focus taken by the 1998 Guiding Principles. However, the Peninsula Principles are also confined to internal displacement (Atapattu 2018, 46).

Facilitating persons to stay in their origin-states is a key element of a climate justice approach. As Klepp (2017, 19) states, the Peninsula Principles underline the shared responsibility of the global community and the origin-state of the displaced person. However, their restriction to within-state movement results in the principles being unsuitable to cover the type of climate-induced movement that is likely to occur in the future due to territory loss.

The Emphasis to Rapid-Onset Events

The primary UN mechanisms governing movement are the 1951 Refugee Convention, the 1998 Guiding Principles on IDPs, and the 2006 Operational Guidelines on Human Rights and Natural Disasters. All focus on conceptualisations of forced mobility resulting from rapid-onset events. While these are important protection mechanisms for many individuals undertaking climate-induced movement, they address only a subset of persons and do little to address long-term strategies and policies for human mobility (Klepp 2017, 17). Regional instruments have been more effective in creating long-term strategies, however, they have largely focused on within-state movement. The 2012 Nansen Initiative gained traction in this area as it was it the only framework that sought to apply a set of principles, many of which had been reiterated in other instruments, to cross-border movement. In 2015 the introduction of the Agenda for Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change challenged criticisms that the initiative was over-focused on rapid-onset events as it included slow-onset events such as sea-level rise, as well as the by-effects, in its conceptualisation of climate-induced movement. Interestingly, it recognises movement induced by slow-onset events as forced decisions to an extent stating that decisions are often not made with complete freedom. The 2015 Protection Agenda, while not fully integrating the circumstances or needs of persons undertaking slow-onset induced movement (Atapattu 2018, 44), presents the most positive attempt for this article. Its rejection of the forced-voluntary dichotomy and recognition of forced-decisions over forced movement overcomes the most problematic

distinction this article identified with regard to the protection gap for persons undertaking movement in response to slow-onset events.

New Zealand and the Legal Case of Mr. Ioane Teitiota

In 2015, the legal case of Mr. Ioane Teitiota, a Kiribati national in New Zealand gained international recognition as one of the most comprehensive legal claims to refugee status under climate change considerations. The case of Mr. Teitiota demonstrated the capacity of the legal framework of New Zealand to respond to climate-induced movement as the courts interpreted the legal requirements in a rather broad sense. It also sharply illustrated where the limits are (McAdam 2015, 137). In this article, persons undertaking movement in response to slow-onset events have been demonstrated to have no specifically designated pathways for movement. In lieu of a specific mechanism, persons undertaking movement must avail of legal regimes which are not suited to account for their circumstances. This article began from the position that the protection gap is as much a result of definitional issues as it is of doctrinal issues. The case of Mr. Teitiota demonstrates this as it was the conceptualisation and mischaracterisation of Mr. Teitiota's movement that prevented him from coming under the 1951 Refugee Convention.

Mr. Teitiota was a legal migrant in New Zealand until his and his wife's visas expired, and they remained unlawfully in the state. Facing deportation, Mr. Teitiota made a claim to refugee status under section 129 of the 2009 Immigration Act, citing the degrading environmental and economic conditions of his home state Kiribati as a threat to himself and his family if forced to return. The Immigration Act defines refugee in line with Article 129.1 of the 1951 Refugee Convention. In practice, the courts claimed to have taken a broader reading of the convention as opposed to a narrow one. Yet, Mr. Teitiota's claim was rejected on the grounds that even under a broad reading, he did not meet the criteria under the 1951 Refugee Convention. Mr. Teitiota was granted multiple leaves to appeal resulting in his case succeeding to the highest legal level in New Zealand, the Supreme Court. Each court upheld the others judgement that Mr. Teitiota was ineligible for refugee status, leading to his deportation in 2015.

While there have been numerous cases similar to Mr. Teitiota's, his case is of particular interest owing to the judgements' frequent reference to environmental conditions being possible triggers for a state's protection obligations under the 1951 Refugee Convention or human rights law. In fact, the Immigration and Protection Tribunal (IPT), the High Court, and the Supreme Court stated that despite the failure of Mr. Teitiota's case, environmental degradation could not be ruled out as being able to create a pathway

under the 1951 Refugee Convention or similar protection frameworks (NZSC 107 2015, 13). It was ultimately decided that in spite of this recognition and the degrading conditions in Kiribati, Mr. Teitiota's circumstances, if returned, would not be considered a sufficient threat to invoke these obligations – yet (NZSC 107 2015, 12).

Mr Teitiota's case clearly demonstrates the fundamental mischaracterisation of climate-induced movement discussed in this article. Mr. Teitiota was initially designated a migrant owing to his cross-border movement into New Zealand under the legal immigration pathway. Unable to avail of the governance mechanisms discussed in the previous section, owing to his movement being cross-border, in response to slow-onset events, and conceived as voluntary, Mr. Teitiota turned to the 1951 Refugee Convention. The courts did take a broad reading of the convention, recognising the potential for slow-onset events to amount to a significant threat and recognising to a degree the forced decision-making on behalf of Mr. Teitiota. Despite this broader interpretation his movement was again mischaracterised. The IPT characterised his movement as *voluntary adaptive movement,* though they did recognise there was a *degree of compulsion* in his decision (NZIPT 800413 2013, 49). This compulsion was recognised by the courts as the degrading environmental conditions, and resulting livelihood pressures, in Kiribati, with the High Court even deeming Mr. Teitiota a *sociological refugee* (NZHC 3125 2013, 54). It is clear from a reading of the judgements that Mr. Teitiota's movement was not only understandable but considered necessary owing to the conditions he experienced in his origin-state. Despite this, the threat was only recognised as warranting a movement under migration pathways, not sufficiently imminent to warrant protection as a refugee or protected person.

With regard to Mr. Teitiota's claim to protected status, this article identifies two primary issues resulting from the mischaracterisation of climate-induced movement which undermined his claim: the notion of persecution and the timing of his claim. Both relate to the arbitrary division between voluntary and forced movement. As aforementioned, the notion of persecution cannot be assigned to climate change which lacks agency; however, under a human rights consideration the courts took a broader reading of this requirement, considering the role of the Kiribati Government and whether it had abdicated their duty to protect their citizens from known harm (McAdam 2015, 134). The IPT found that the Government had not failed in taking adequate measures to protect Mr. Teitiota (NZIPT 800413 2013, 75) and this finding was upheld in subsequent judgements. There remains a question as to whether it is enough to simply address if the government is taking measures or should the capacity of the Government to implement sufficient measures be considered.

Kiribati is one of the poorest states in the world, despite receiving support in developing environmental interventions, the capacity of the government to respond effectively seems low. This raises further questions of justice and responsibility. In front of the Court of Appeal, Mr. Teitiota argued that the role of the international community in contributing to climate change should be considered tantamount to the notion of persecution under the 1951 Refugee Convention. This argument was rejected as an *attempt to stand the Convention on its head* (NZCA 173 2014, 40) as, under a traditional reading, a refugee would not seek protection from the alleged persecuting state (NZCA 173 2014, 40). Furthermore, the international community was declared to have lacked any motivation to harm states such as Kiribati (Ni 2015, 339). While legally this judgement might be correct, the claim nevertheless demonstrates an awareness of the role of climate justice in these decisions on behalf of Mr. Teitiota, and presents an interesting argument in favour of states recognising their historic responsibility and extending concessions to those most affected. Where the harm may not have been intentional in historic terms, the weak mitigation efforts on behalf of states in the Global North, despite their awareness of the severe adverse impacts on these countries, does challenge this intentionality of harm.

According to article 131.1 of the 2009 New Zealand Immigration Act, the protection obligations of New Zealand can also be triggered under the Covenant on Civil and Political Rights if there are substantial grounds for believing that a person would be subjected to arbitrary deprivation of life or cruel treatment if deported. This is akin to the well-founded fear test in refugee law, and similarly, requires the threat to be relatively imminent (McAdam 2015, 138). Of primary importance to this article is the statement from the IPT that the environmental conditions do not hinder Mr. Teitiota in resuming his prior subsistence life with dignity though the living conditions would be lower than that enjoyed in New Zealand (NZIPT 800413 2013, 74). This statement alludes to the previous discussion of the term migrant and demonstrates how Mr. Teitiota's movement was mischaracterised and how individual-decision making processes are often too simplistically understood. Mr. Teitiota can be seen as undertaking climate-induced movement not in response to an imminent threat, and not simply to gain a better standard of living in New Zealand, but in anticipation of a severe reduction in quality of life and security in his origin-state which had empirically been proven to be occurring. Mr. Teitiota's claim was damaged by his characterisation as a migrant, as in New Zealand an immigrant may be permitted to stay if they can invoke humanitarian grounds. Mr. Teitiota could have cited degrading

conditions in Kiribati as humanitarian grounds but he was precluded from doing so as he had invalidated his migrant status by overstaying his visa (Ni 2015, 343).

While New Zealand's jurisprudence in this area is considered to offer the most comprehensive analysis of the scope and content of protection for people undertaking climate-induced movement (McAdam 2015, 132), as demonstrated by the broad interpretation of the Convention grounds in the judgements, the overarching question for the Supreme Court remained whether Mr. Teitiota could bring himself within the terms of the Refugee Convention (Baker-Jones and Baker-Jones 2015, 104). It is clear that despite this broad reading Mr. Teitiota could not do so, nor could he appeal to alternative protection frameworks owing to his invalidation of his migrant status. Not quite migrant, not quite refugee, Mr. Teitiota fell into the protection gap prevalent in climate-induced movement. His movement was recognised as adaptive, the conditions in Kiribati he was responding to were considered grave but not sufficiently dangerous to warrant protection. As each court recognised that an appropriate case could invoke protection under the refugee regime in the future, is Mr. Teitiota simply supposed to come back later?

Conclusion

This article began from the position that the current system of international law, understood as the entire system of legal agreements between states, is not equipped to effectively manage and sufficiently protect all persons undertaking climate-induced movement (Podesta 2019, 4). Persons undertaking movement in response to slow-onset events have been demonstrated to have neither specifically designated pathways for movement, nor a sufficient protection regime. In lieu of a specific mechanism, persons undertaking movement must avail of the current governance system which has significant gaps in its scope of protection. This article also argued that the protection gap is as much a result of definitional issues as it is of doctrinal issues. Not quite refugee, not quite migrant, persons undertaking climate-induced movement, particularly in response slow-onset events, have been designated an inappropriate terminology which has greatly impacted their ability to access to protection and pathways for movement. The case of Mr. Teitiota demonstrated the capacity of the courts to respond to this movement and extend their protection frameworks. This jurisprudential advance in New Zealand is positive for persons undertaking climate-induced movement but questions still need to be addressed as to the threshold that has to be met for a person's circumstances to be considered significant and imminent enough to warrant protection. In examining the definitional issues, this article concludes that doctrinal advances will continue to be restricted by

definitional issues, unless the mischaracterisation of movement in response to slow-onset events is adequately addressed and the extra-legal factors underlying legal reasoning are uncovered and dispelled of.

References

Anderson, Bridget and Scott Blinder. 2015. "Who Counts as a Migrant? Definitions and their Consequence." Briefing, The Migration Observatory at the University of Oxford. Accessed 10 September, 2020. http://migrationobservatory.ox.ac.uk/wp-content/uploads/2016/04/Briefing-Who_Counts_as_a_Migrant.pdf.

Atapattu, Sumudu. 2018. "A New Category of Refugees? 'Climate Refugees' and a Gaping Hole in International Law." In *'Climate Refugees': Beyond the Legal Impasse*, edited by Simon Behrman and Avidan Kent, 34–51. London: Routledge.

Baker-Jones, Mark, and Melanie Baker-Jones. 2015. "Teitiota v. the Chief Executive of Ministry of Business, Innovation and Employment – A Person Displaced." *QUT Law Review* 15, no. 2: 102–121. https://doi.org/10.5204/qutlr.v15i2.640.

Biermann, Frank, and Ingrid Boas. 2010. "Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees." *Global Environmental Politics* 10, no. 1: 60–88. https://doi.org/10.1162/glep.2010.10.1.60.

Brown, Oli. 2008. *Migration Research Series No.31 – Migration and Climate Change*. Geneva, IOM. https://doi.org/10.18356/5ab20a38-en

Curtain, Richard, and Matthew Dornan. 2019. *A pressure release valve? Migration and climate change in Kiribati, Nauru and Tuvalu*. Canberra: Development Policy Centre.

Farbotko, Carol, and Heather Lazrus. 2012. "The first climate refugees? Contesting global narratives of climate change in Tuvalu." *Global Environmental Change* 22, no. 2: 382–390. http://dx.doi.org/10.1016/j.gloenvcha.2011.11.014.

Farquhar, Harriet. 2015. "Migration with Dignity: Towards a New Zealand Response to Climate Change Displacement in the Pacific." *University of Wellington Law Review* 49: 29–45. https://doi.org/10.26686/vuwlr.v46i1.4936.

Foresight. 2011. *Migration and Global Environmental Change: Final Project Report*. London: The Government Office for Science.

Global Humanitarian Forum (GHF). 2009. *Human Impact Report: Climate Change – The Anatomy of a Silent Crisis*. Geneva: Global Humanitarian Forum.

Hartmann, Betsy. 2010. "Rethinking Climate Refugees and Climate Conflict: Rhetoric, Reality and the Politics of Policy Discourse." *Journal of International Development* 22, no. 2: 233–246. https://doi.org/10.1002/jid.1676.

Hugo, Graeme. 1996. "Environmental Concerns and International Migration." *The International Migration Review* 30, no. 1: 105–131. https://doi.org/10.2307/2547462.

Intergovernmental Panel on Climate Change (IPCC). 2018. *Global Warming of 1.5 °C: An IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*. Geneva: IPCC.

Internal Displacement Monitoring Centre (IDMC). 2018. *No matter of choice: displacement in a changing climate – Research agenda and call for partners*. Geneva: IDMC.

International Organisation for Migration (IOM). 2009. *Compendium of IOM's Activities in Migration, Climate Change and the Environment*. Geneva: IOM.

International Organisation for Migration (IOM). 2020. *World Migration Report 2020*. Geneva: IOM.

Ionesco, Dina, Daria Mokhnacheva, and François Gemenne. 2017. *The Atlas of Environmental Migration. Geneva. IOM.*

Kälin, Walter. 2010. "Conceptualising Climate-Induced Displacement." In *Climate Change and Displacement. Multidisciplinary Perspectives*, edited by Jane McAdam, 81–103. Oxford: Hart.

Klepp, Silja. 2017. "Climate Change and Migration." *Oxford Research Encyclopedia of Climate Science*. https://doi.org/10.1093/acrefore/9780190228620.013.42.

Klepp, Silja, and Johannes Herbeck. 2016. "The politics of environmental migration and climate justice in the Pacific region." *Journal of Human Rights and the Environment* 7, no. 1: 54–73. https://doi.org/10.4337/jhre.2016.01.03.

McAdam, Jane. 2012a. *Climate Change, Forced Migration, and International Law*. New York: Oxford University Press Inc. https://doi.org/10.1093/acprof:oso/9780199587087.001.0001

McAdam, Jane. 2012b. "The Normative Framework of Climate Change-Related Displacement." For *Addressing the Legal Gaps in Climate Change Migration, Displacement and Resettlement: From Sinking Islands to Flooded Deltas*. Washington D. C.: The Brookings Institution.

McAdam, Jane. 2015. "The emerging New Zealand jurisprudence on climate change, disasters and displacement." *Migration Studies* 3, no. 1: 131–142. https://doi.org/10.1093/migration/mnu055.

McAdam, Jane. 2016. "The Nansen Initiative to the Platform on Disaster Displacement: Shaping International Approaches to Climate Change, Disasters and Displacement." *UNSW Law Journal* 39, no. 4: 1518–1545. https://doi.org/10.2139/ssrn.2901910.

McNamara, Karen Elizabeth, and Chris Gibson. 2009. "'We do not want to leave our land': Pacific ambassadors at the United Nations resist the category of 'climate refugees.'" *Geoforum* 40, no. 3: 475–483. https://doi.org/10.1016/j.geoforum.2009.03.006.

Murty, B. S. (1982). "Socio-legal Research – Hurdles and Pitfalls." *Journal of the Indian Law Institute* 24, no. 2/3: 253–258. http://www.jstor.org/stable/43952207.

Ni, Xing-Yin. 2015. "A Nation Going Under: Legal Protection for "Climate Change Refugees." *Boston College International and Comparative Law Review* 38, no. 2: 329–366. https://lawdigitalcommons.bc.edu/iclr/vol38/iss2/7.

Nishimura, Lauren. 2018. *The slow onset effects of Climate Change and Human Rights Protection for cross-border migrants.* Geneva: Office of the United Nations High Commissioner for Human Rights.

New Zealand Court of Appeal (NZCA 173). 2014. *Teitiota v. Chief Executive of the Ministry of Business, Innovation and Employment CA50/2014 [2014] NZCA 173 (8 May 2014).* New Zealand: New Zealand Court of Appeal.

New Zealand High Court (NZHC 3125). 2013. *Teitiota v. Chief Executive of the Ministry of Business, Innovation and Employment [2013] NZHC 3125 (26 November 2013).* New Zealand: New Zealand High Court.

New Zealand Immigration and Protection Tribunal (NZIPT 800413). 2013. *AF (Kiribati) [2013] NZIPT 800413 (25 June 2013).* New Zealand: New Zealand: Immigration and Protection Tribunal.

New Zealand Supreme Court (NZSC 107). 2015. *Teitiota v. Ministry of Business Innovation and Employment [2015] NZSC 107 (20 July 2015).* New Zealand: New Zealand Supreme Court.

O'Donovan, Darren. 2016. "Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls." In *Legal Research Methods: Principles and Practicalities*, edited by Laura Cahillane and Jennifer Schweppe, 107–130. Dublin: Clarus Press Ltd.

Oels, Angela. 2012. "From 'Securitization' of Climate Change to 'Climatization' of the Security Field." In *Climate Change, Human Security and Violent Conflict. Challenges for Societal Stability*, edited by Jürgen Scheffran, Michael Brzoska, Hans Günter Brauch, Peter Michael Link, and Janpeter Schilling, 185–207. Heidelberg, Dordrecht, London and New York: Springer.

Olson, M.E. 1979. "Refugees as a Special Case of Population Redistribution." In *Population Redistribution: Patters, Politics and Prospects*, edited by L. A. P. Gosling and L. Y. C. Lim, 130–152. New York: United Nations Fund for Population Activities.

Podesta, John. 2019. "The climate crisis, migration and refugees." For *The 16th annual Brookings Blum Roundtable, 2020 and beyond: Maintaining the bipartisan narrative on US global development*. Washington D. C.: The Brookings Institution.

United Nations (UN). 2019. *Report of the Secretary-General on the 2019 Climate Action Summit and Ways Forward in 2020*. New York: The United Nations.

United Nations High Commissioner for Refugees (UNHCR). 2011. "Key messages: WHO IS A REFUGEE." In *UNHCR Protection Training Manual for European Border and Entry Officials*. Geneva: UNHCR. https://www.unhcr.org/uk/4d944d089.pdf.

United Nations High Commissioner for Refugees (UNHCR). 2015. *UNHCR, The environment and climate change, Updated Version*. Geneva: UNHCR. https://www.unhcr.org/540854f49.pdf.

United Nations High Commissioner for Refugees (UNCHR). 2016. "'Refugees' and 'Migrants' Frequently Asked Questions (FAQs)." Accessed September 10, 2020. https://www.unhcr.org/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html.