

# **Climate-related Displacement from Polynesia to Australia and New Zealand and its Legal Considerations**

## **VORWISSENSCHAFTLICHE ARBEIT**

vorgelegt von

**Mathias Payer**

**8BI**

Betreuerin: Mag.<sup>a</sup> Ina Salbrechter

BG/BRG St. Veit an der Glan  
Dr. Arthur-Lemisch-Straße 15  
9300 St. Veit/Glan

Februar 2018

## **Abstract**

This paper is concerned with an issue that could be distinguishing not only for human society as a whole, but for every single one of us: climate-related displacement.

Climate-related displacement is a term established for the flight from an unfriendly environment. Often climate-induced migration is forced movement, for the disastrous humanitarian circumstances in areas affected by changing climate would no more allow for human settlement.

Hence, for a orderly and peaceful relocation of those people, legal measures have to be taken. This includes, most significantly, an international convention which widens refugee status to climate refugees, a proposal suggested by the Nansen Initiative.

However, the paper also explores climate-induced migration in, and its effects on, human history. Flight from precarious environmental circumstances has been omnipresent from earliest history onwards.

In addition, the paper shows actual current problems arising through climate-related displacement, namely those in Oceania. The respective situation in Pacific islands (countries of origin of climate refugees) as well as in Australia and New Zealand (host countries) is taken into account.

Also, it is evaluated whether climate refugees could or already are protected by some of the most widely recognized conventions on refugee rights.

Hence, this paper gives a broad overview of all the relevant topics which could be important in further reflection upon the subject of this paper - which herewith is emphatically encouraged!

## **Selbstständigkeitserklärung**

Ich erkläre hiermit, dass ich diese vorwissenschaftliche Arbeit eigenständig angefertigt und nur die im Literaturverzeichnis angeführten Quellen und Hilfsmittel benutzt habe.

Lorberhof, am 1. September 2017.

## Table of contents

1. Introduction.....	6
2. Climate-related displacement in history.....	7
2.1. Introduction.....	7
2.2. Thule Culture and the “core area model”.....	7
2.3. Little Ice Age: Iceland.....	8
2.4. Discussion and interpretation.....	9
3. Climate-related displacement in context of international agreements on refugee rights	10
3.1. 1951 UN Convention relating to the status of refugees, Article I.....	10
3.2. OAU Convention-governing the specific aspects of refugee problems in Africa.....	11
3.2. 1984 Cartagena Declaration on Refugees (South America).....	11
3.4. Kampala Convention 2009.....	12
3.5. Relevance of the Universal Declaration of Human Rights (UN).....	12
4. Situation in the Pacific Islands.....	14
4.1. Kiribati.....	14
4.2. Tuvalu.....	14
5. Decisions of Superior Courts in Australia and New Zealand on “climate change refugee” cases.....	16
5.1. Introduction.....	16
5.2. Ioane Teitiota vs The Chief Executive of the Ministry of Business, Innovation and Employment (New Zealand).....	16
5.2.1. Immigration and Protection Tribunal (IPT) New Zealand at Auckland.....	16
5.2.2. High Court of New Zealand, Auckland Registry.....	18
5.2.3. Supreme Court of New Zealand.....	19
5.2.4. Summary and outlook.....	19
6. The Nansen Initiative.....	21

6.1. Introduction.....	21
6.2. Pacific Regional Consultation.....	22
6.3. Global Consultation.....	23
6.4. Summary and criticism.....	24
7. Summary.....	25
Appendix.....	26
Abbreviations.....	26
Bibliography.....	27
I. Printed sources.....	27
II. Online sources.....	28
III. Other.....	30

## **1. Introduction**

The aim of this paper is to give a brief, but also broad, overview of the topic of climate-related displacement.

Various issues of the topic are explored in this paper, which could often only be included in a rather short form. Though, they all should be somewhat thought-provoking. This is of vital importance, for a broad support of the protection of climate refugees within society is crucial to urging the international community towards developing a protection framework.

This paper is made up of five chapters. They are all not fully complete, as the extent of this paper is limited. However, they should encourage further research and reflection on their respective subjects.

*Chapter 2* sees climate-induced migration from a historical, partly anthropological, point of view. It should be outlined that migration is a perfectly normal and human way of adaptation to changing climate.

*Chapter 3* elaborates on the relevance of already existing frameworks on the regulation of human flight and protection. It emblazes whether climate refugees could fall within an internationally recognized definition of the term “refugee” and hence be entitled to protection under these conventions.

*Chapter 4* pictures the situation in two Pacific island countries in which the threat of changing climate is imminent. The eco- and social systems of the atolls are most vulnerable, and thus a minor change in the environment could cause big scale migration out of the respective countries.

*Chapter 5*, in turn, describes how climate refugees are currently dealt with in two of the probable future host countries (Australia and New Zealand). In order to do so, the example of a current case in New Zealand is brought forth.

*Chapter 6*, finally, deals with an actual plan on how to handle climate-related displacement, namely the Nansen Initiative.

## 2. Climate-related displacement in history

### 2.1. Introduction

Climatic factors have always had a big effect on human development and history. Consequently, climate change has significantly influenced human inventions as it required adaptation (e. g. clothing, different means of accommodation etc.).<sup>1</sup> Sometimes it also led to human movement, an example would be nomadism. However, also big scale human migration was often caused by climate change, as the model of Bond events<sup>2/3</sup> inter alia portrays. Examples for these big movements caused by climate change include the *Völkerwanderung*<sup>4</sup> as well as migration during the *Late Bronze Age Collapse*<sup>5</sup>. Below, two examples from the Arctic and Northern countries respectively are briefly dealt with, as climate has had a great effect on human relocation in these parts of the world in prehistoric, but also in post-medieval, times.

### 2.2. Thule Culture<sup>6</sup> and the “core area model”

The model of “core areas” in the eastern Arctic is often described as a direct relationship between changing climate and human development and settlement.<sup>7</sup> According to the core area model only a few spots of the vast area of the Arctic are suitable for human life, as resource availability is relatively predictable and secure.

So called “Polynyas” allow for permanent human settlement as the climate in these areas is rather stable, whereas “fringe areas” can only be settled in climatically favorable times.<sup>8</sup> For example, Greenland was only entered by hunting societies if climatic factors would allow for it.<sup>9</sup>

Arctic people would retreat to the “core areas” during periods of cooling, whilst they would expand to the “fringe areas” in warmer times.<sup>10</sup> Thus, a correlation between human settlement and the climate seems obvious.<sup>11</sup>

However, due to the non-existence of any legal regulations of movement at those times, it cannot be shown how such legislation would have influenced climate-induced migration (see 2.3.). Yet, it shows that human movement due to environmental circumstances has existed all along from prehistoric times

---

<sup>1</sup> cf. Issar 2004.

<sup>2</sup> Bond events are linked to changing climate in the Holocene, they are caused by North Atlantic ice rafting events. (cf. Bond et al. 2001.)

<sup>3</sup> The Holocene is the geological epoch ranging from about 11,700 years ago to the present day. (cf. Walker et al. 2009.)

<sup>4</sup> cf. Zhaoa et al. 2012.

<sup>5</sup> cf. Weiss 1982.

<sup>6</sup> The Thule people were the people who first settled Greenland and the Northernmost of Canada. All modern Inuit descend from them. (cf. McGhee 2006.)

<sup>7</sup> cf. Fitzhugh 1997.

<sup>8</sup> cf. Hastrup et al. 2012.

<sup>9</sup> cf. Meldgaard 1977.

<sup>10</sup> cf. Hastrup et al. 2012.

<sup>11</sup>cf. Mc Ghee 1996.

until the present day. Though, as Rowley notes, the correlation between climate and human migration is seldom direct, a combination of many different factors influences the decision to move.<sup>12</sup>

### 2.3. Little Ice Age: Iceland

The Little Ice Age stretched from the end of the Middle Ages, thus the fifteenth century, until the eighteenth century. The lowest temperatures were reached between ca. 1680 to 1730.<sup>13</sup>

The goings-on in Iceland during that period show how environmental displacement, but also moving populations, might disrupt self-declared sedentary societies.<sup>14</sup>

Iceland was first colonized by Norse settlers during the comparably warm Middle Ages.<sup>15</sup> In the times leading up to the Little Ice Age Iceland boomed, it inter alia even developed a strong literary canon.<sup>16 / 17</sup> However, at the end of the Middle Ages, the Icelandics experienced the environment as becoming ever more hostile.<sup>18</sup> Grain crops failed, which made Iceland dependent on grain imports from Europe.<sup>19</sup> As Iceland's seaports were, especially in winter, often frozen<sup>20</sup>, those imports were impossible when they were needed the most. Thus, so called *hungursóttir* (hunger diseases) were very common during the Icelandic winters, resulting in increasing mortality rates.<sup>21</sup> Iceland's population fell by half.<sup>22</sup>

The medieval Icelandic social system was based on individual farms spread across the country, which respectively had a so called *bóndi* (farmer) at their centers. The *bóndi* owned the farm and lived there with his family, cattle and various other groups of people. An annual gathering of the Icelandic people took place at the *althingi*, which functioned as a parliament, court of justice, and marketplace.<sup>23</sup> Hence, the Icelandic society was an explicitly sedentary one.

However, as food resources became scarce, the farms were no longer able to provide for all of their inhabitants. Thus, new categories appeared within the Icelandic society, which were non-sedentary (e. g. the *flakkarar*). Many of the members of those groups had to move from farm to farm as temporary laborers. Others were singled out of society for their *uncommon* habit of being on the move. The *althingi* banned people from moving around in a number of resolutions, also it forbid fishing and made the farms the only means of food

---

<sup>12</sup> cf. Rowley 1985.

<sup>13</sup> cf. Fagan 2002.

<sup>14</sup> cf. Hastrup et al. 2012.

<sup>15</sup> *ibid.*

<sup>16</sup> cf. Wanner 2008.

<sup>17</sup> cf. Krause (ed.) 1997.

<sup>18</sup> cf. Ogilvie et al. 2001.

<sup>19</sup> cf. Rögnvaldardóttir 1993.

<sup>20</sup> cf. Hastrup et al. 2012.

<sup>21</sup> cf. Gunnarsson 1980.

<sup>22</sup> cf. Stone 2004.

<sup>23</sup> cf. Hastrup et al. 2012.

production. Hence, the *bóndi* were the *ideal* in the Icelandic society at that time. Meanwhile, Icelandic literature, but also society as a whole, developed a new term for people on the move: *ómenskamenn*. This term can be translated as “*non-human humans*”, thus it went so far as to dehumanize people and to put them on the same stage as animals.<sup>24</sup>

Nonetheless, the *bóndi* were increasingly outnumbered by other societal categories, despite placing draconian restrictions on people on the move.<sup>25</sup>

## 2.4. Discussion and interpretation

The above-mentioned examples all show that migration is a natural human response to worsening climate or climate change in more general terms. Examples can be found from earliest human history onwards. Thus, restricting people from moving due to climatic factors means restricting a perfectly normal and natural process, as it has occurred for very many times in history. Restricting climate-related displacement can therefore be seen as an action against human nature.

The example of the outcomes of the Little Ice Age hitting Iceland shows (if further generalized) how a limitation of movement affects society in a certainly bad way. Human development is a still ongoing process that cannot and must not be stopped or at the very least damaged by humans themselves.

Further generalizing the example, another parallel to climate-induced movement today becomes obvious. The individual states which make up the world could be seen as an equivalent to the Icelandic *bóndi* farms. Their structure is frozen solid. As inter alia the *Intergovernmental Panel on Climate Change* (IPCC) predicts an increasing number of climate refugees throughout the world, it is to be expected that they will play a very big role in the future development of human society. They could be compared to the moving people in Iceland. Even if they presumably will not outnumber members of sedentary societies, a disruption of the national order of the world is rather probable.

In response to this development, it is necessary to provide an internationally recognized legal framework on the status of climate refugees (see chapter 6). If the international community further discriminates climate refugees, it could be set to fall apart. However, a chaotic and unregulated migration induced by climate would impose a serious threat upon the current world order.

---

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

### **3. Climate-related displacement in context of international agreements on refugee rights**

#### 3.1. 1951 UN Convention relating to the status of refugees, Article I

The 1951 Refugee Convention is considered to be the most internationally recognized convention on refugee rights, as it was ratified, acceded and succeeded by 145 state parties (as of 2015).<sup>26</sup> Thus, it is also the legal basis for considerations on the rights of climate refugees. This is particularly true for Article I as it supplies the following internationally recognized definition of the term “refugee”:

A refugee is someone who:

*“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”<sup>27</sup>*

In order to determine whether or not this passage applies to climate refugees, it is necessary to specify whether climate refugees generally are or could be members of the explicitly protected groups of people.

Firstly, a climate refugee could be subject to “well founded fear of being persecuted”<sup>28</sup> for the above-quoted reasons (e. g. race, religion etc.), but does not have to. If a person falling into this category was granted asylum, it would be because of the fear of being persecuted and not because the person in question is unable to return to his or her country of nationality. Hence, this part of the definition does not include climate refugees and does not provide any protection for them.

The second part of the quote only applies to persons without a nationality. As the status of stateless persons itself is not fully clear, and only a very little percentage of the world population is subject to statelessness, this part is not valid to climate refugees in general and hence is not being taken into further consideration.

There are also various decisions of Superior Courts around the world which say that “individuals in search of better living conditions, and those of victims of

---

<sup>26</sup> cf. UNHCR 2015, States parties to the 1951 convention.

<sup>27</sup> UNHCR 2010, #Article1 para. 2.

<sup>28</sup> ibid.

natural disasters”<sup>29</sup> are not covered by the 1951 Refugee Convention. This includes decisions from Australia and New Zealand, which are more thoroughly contemplated in Chapter V.

### 3.2. OAU Convention-governing the specific aspects of refugee problems in Africa

The 1969 refugee convention of the Organisation of African Unity (disbanded, replaced by the African Union)<sup>30</sup> contains a broader definition of the term “refugee”. Article I para. 1 is identical to the forecited Art. I para. 2 of the 1951 Convention. However, the second paragraph of the same article extends the definition of the term “refugee” inter alia to

*“persons who, owing to [...] events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”*<sup>31</sup>

The wording “events seriously disturbing public order” could inter alia also relate to events such as natural disasters. Therefore, this particular convention is also applicable to climate refugees. Yet, it is regionally limited to the African continent or the States which have fully implemented the convention into their domestic laws respectively.

Due to rather unstable political circumstances in many African countries<sup>32</sup> the implementation and even more validity and execution of the Convention is questionable.

Furthermore, the vast size of many African countries<sup>33</sup> makes international displacement less common than internal displacement. This is due to miscellaneous reasons as for example language or cultural barriers.<sup>34</sup> As the OAU Convention only regulates international displacement, it has no effect on domestic migration laws.

### 3.2. 1984 Cartagena Declaration on Refugees (South America)

The Cartagena Declaration also offers a wider conception of the term “refugee”.

*“Persons who have fled their country because their lives, security or freedom have been threatened by [...] massive violation of human rights or other circumstances which have seriously disturbed public order”*<sup>35</sup>

---

<sup>29</sup> Canada (Attorney General) v Ward, 1993.

<sup>30</sup> cf. Reynolds 2002.

<sup>31</sup> United Nations 1969.

<sup>32</sup> Cf. Economist-, African politics.

<sup>33</sup> Cf. Worldatlas, World Facts.

<sup>34</sup> Cf. Redaktion Weltalmanach 2016.

<sup>35</sup> Regional Refugee Instruments & Related 1984.

are considered as “refugees”.

The wording “have seriously disturbed public order”<sup>36</sup> stands in contrast to the formulation “disturbing public order”<sup>37</sup> in the OAU Convention. Whilst the former only includes events in the past (ergo temporary climatic catastrophes), the latter also implies long-time disasters such as droughts (which might be especially important on the African continent).

A pertinent “massive violation of human rights”<sup>38</sup> for climate refugees would especially be a violation of Article 3 of the Universal Declaration of Human Rights, which states that:

*“Everyone has the right to life, liberty and security of person.”<sup>39</sup>*

In particular, the right to life and security of the person could be threatened by natural disasters, as for example droughts could be a threat to life.

Hence, the Convention would also provide protection from long-time climatic calamities. It is though disputable whether or not it would be interpreted the same way by Superior Courts.

Summing up, the Cartagena Convention does not explicitly state that climate refugees ought to be protected. Still, it could indirectly include them.

### 3.4. Kampala Convention 2009

The Kampala Convention could be seen as a renewal and improvement of the aforementioned OAU Convention. It is a revolutionary in two senses: Firstly, it does explicitly grant refugee status to people affected by natural disasters.<sup>40</sup>

Furthermore, it picks up on the abovementioned problem of internally displaced people (*IDP*)<sup>41</sup>. It inter alia obliges states to offer protection and humanitarian assistance to IDPs.

Both of these points make it a framework for climate-related displacement which could also provide a basis for further implementation in various conventions and eventually a United Nations Convention (see chapter VI).

### 3.5. Relevance of the Universal Declaration of Human Rights (UN)

The UDHR includes two articles which are relevant to the issue of climate related displacement.

The above-quoted Article 3, which grants the rights to life and security of the

---

<sup>36</sup> *ibid.*

<sup>37</sup> United Nations 1969.

<sup>38</sup> Regional Refugee Instruments & Related 1984.

<sup>39</sup> United Nations General Assembly 1948.

<sup>40</sup> *cf.* African Union 2009.

<sup>41</sup> *ibid.*

person,<sup>42</sup> provides a basic arrangement for shelter of climate refugees, as they are in many cases exposed to violations of these human rights.

In addition, Article 13 para. 1 states that:

*“Everyone has the right to freedom of movement and residence within the borders of each state.”<sup>43</sup>*

For most of climate-related displacement takes place internally, this human right is of relevance as it allows IDPs to freely relocate within their state in order to keep them from dangers arising through climatic factors.

However, this right is in most cases not applicable in Polynesia, as the size of many Polynesian island states does not allow for internal relocation (see chapters 4; 5).

---

<sup>42</sup> See 14.

<sup>43</sup> See 14.

## 4. Situation in the Pacific Islands

### 4.1. Kiribati

Kiribati is located in the central Pacific Ocean, its landmass is exclusively made up of atolls. Some 21 of them are inhabited. Kiribati is a republic within the Commonwealth of Nations. It has about 100,000 inhabitants.<sup>44</sup>

The country's highest elevation is barely more than 6 meters,<sup>45</sup> with an average height of the atolls of around 2 meters.<sup>46</sup>

In its 2011 report on the Republic of Kiribati the UNHCR states that Kiribati will probably be subject to the effects of climate change in increasing frequency and severity. As a worst-case scenario, Kiribati could face a massive loss of its territory due to rising sea level and erosion. Furthermore, salination and storms could affect Kiribati and its population.<sup>47</sup>

If the environmental degradation of Kiribati continues, the situation could become unbearable for the country's citizens, seen from both a human rights approach as well as ethical considerations. Hence, the relocation of I-Kiribati has to be secured by law. Otherwise, a major humanitarian disaster could be a consequence.

In response to these probable future issues, the Republic of Kiribati has issued a so called National Adaptation Program of Action (NAPA)<sup>48</sup>. The NAPA thoroughly outlines how the Government of Kiribati plans to handle the increasingly severe effects of climate change.<sup>49</sup> However, as the title states, the program is limited to a "national" level. It is not applicable for cross-border migration. Hence, if the islands of Kiribati should become uninhabitable, the NAPA would be unapt to protect the I-Kiribati population. Nonetheless, Kiribati allows, due to its size, at least for some internal relocation. Kiribati will thus be able to protect its population by relocating it internally, this would though only be a temporary solution.

### 4.2. Tuvalu

Tuvalu is a very small country in Polynesia. It has a population of about 10,500 and an area of some 26 km<sup>2</sup> <sup>50</sup>.

Hence, the Tuvaluan islands, in contrast to the I-Kiribati islands, do not allow for internal relocation. Thus, an international regulation for the relocation of the Tuvaluan population is urgent, as the country could become uninhabitable

---

<sup>44</sup> cf. Government of Kiribati.

<sup>45</sup> *ibid.*

<sup>46</sup> cf. UNHCR 2011.

<sup>47</sup> *ibid.*

<sup>48</sup> Republic of Kiribati 2007.

<sup>49</sup> cf. *ibid.*

<sup>50</sup> cf. Brinkhoff 2012.

within a few years. In the Tuvaluan NAPA, the Government of Tuvalu describes the partially catastrophic circumstances in the country. It can be expected that the situation will become even more severe in the near future.<sup>51</sup>

---

<sup>51</sup> Republic of Tuvalu 2007.

## **5. Decisions of Superior Courts in Australia and New Zealand on “climate change refugee” cases.**

### 5.1. Introduction

There have only been few cases on the topic of climate-induced displacement of mainly Pacific islanders to Australia and New Zealand. However, they are currently the only ones in the world,<sup>52</sup> and thus could have a major impact on the future recognition of climate refugees, as well as the establishment of rights to protection for them.

### 5.2. Ioane Teitiota vs The Chief Executive of the Ministry of Business, Innovation and Employment (New Zealand)

This case was the first to receive global media recognition, Mr Teitiota was named the “world’s first climate change refugee”.<sup>53</sup> Thus, it also made people around the world more conscious about the phenomenon of climate-related displacement. The case is often brought forth as the prime example for climate refugee lawmaking, and is therefore often cited in relevant literature (e. g. McAdam 2013). Hence, it should also be dealt with herein.

Stated below are excerpts of decisions of the respective levels of jurisdiction. In 2013, Mr Teitiota appealed to the Immigration and Protection Tribunal against the decision of a refugee and protection officer, who declined refugee status to the appellant. Mr Teitiota had to bring himself either within the 1951 Refugee Convention or New Zealand’s protected person jurisdiction in order to be recognised as a refugee.<sup>54</sup>

#### *5.2.1. Immigration and Protection Tribunal (IPT) New Zealand at Auckland*

The IPT hears appeals from decisions made by New Zealand’s immigration authorities (inter alia Immigration New Zealand). The IPT is furthermore part of New Zealand’s Ministry of Business, Innovation and Employment (MBIE).<sup>55</sup> Mr Teitiota’s appeal was dismissed in June 2015.<sup>56</sup>

The Tribunal notes that the I-Kiribati atolls<sup>57</sup> have a maximum altitude of three to four metres.<sup>58</sup> [This could be seen as a threat to the existence of the island

---

<sup>52</sup> cf. Buchanan 2015.

<sup>53</sup> BBC News 2013.

<sup>54</sup> cf. AF (Kiribati) [2013].

<sup>55</sup> cf. Buchanan 2015.

<sup>56</sup> See 21.

<sup>57</sup> An atoll is a ring-shaped coral reef encircling a lagoon. The coral reef’s rim is in some cases an island. (cf. Blake 1994.)

<sup>58</sup> *ibid.*

nation of Kiribati, as some forecasts predict a rise in sea level up to 98 centimetres.]<sup>59</sup> Furthermore, residential areas are affected by floodings, the fish stock is decreasing etc.

The state of Kiribati, putting it into a nutshell, is described by a so called Mr. Corcoran, an I-Kiribati resident in New Zealand, as “a nation in crisis”<sup>60</sup>. Further evidence is brought forth by Mr Teitiota and his wife, which corresponds with the statement of the fore-cited witness, at the appeal hearing.<sup>61</sup>

The IPT had to determine whether the Appellant fell within any of the following categories (in this order):

1. Refugee under the 1951 Refugee Convention,
2. protected person under the 1984 Convention Against Torture,
3. protected person under the 1966 International Covenant on Civil and Political Rights (ICCPR).<sup>62</sup>

A refugee must be recognised as one if he or she falls within the definition established in Article 1 of the 1951 convention (cf. III.i.).<sup>63</sup>

Mr Kidds, counsel to the appellant, states that, being an IDP, Mr Teitiota is entitled to asylum in New Zealand, citing Principle 15 of the Guiding Principles on Internal Displacement.<sup>64</sup>

However, the IPT calls the above-mentioned Principle 15 a “soft-law instrument”<sup>65</sup>, which is irrelevant to the assessment of refugee status.

In conclusion, the IPT argues that “*environmental degradation [...] can never create pathways into the Refugee Convention or protected person jurisdiction*”<sup>66</sup>.

Furthermore, it is noted that Mr Teitiota would not be subject to persecution upon return to Kiribati. Hence, the entitlement of the appellant to recognition as a refugee is denied.<sup>67</sup>

The IPT approves Mr Kidd’s decision not to submit that Mr Teitiota could be subject to torture upon his deportation to Kiribati,<sup>68</sup> hence he is not protected under the aforementioned Convention Against Torture.

*“If there are substantial grounds for believing that he or she [someone] would be in danger of being subjected to arbitrary deprivation of life [...] if deported from New Zealand”<sup>69</sup>,*

he or she would be a protected person within the ICCPR.

---

<sup>59</sup> National Geographic 2017.

<sup>60</sup> AF (Kiribati) [2013].

<sup>61</sup> cf. *ibid.*

<sup>62</sup> cf. *ibid.*

<sup>63</sup> UNHCR 2010.

<sup>64</sup> cf. AF (Kiribati) [2013].

<sup>65</sup> AF (Kiribati) [2013].

<sup>66</sup> *ibid.*

<sup>67</sup> cf. *ibid.*

<sup>68</sup> *ibid.*

<sup>69</sup> United Nations General Assembly 1966.

Nonetheless, the IPT continued arguing that there is no clear definition of the formulation “arbitrary deprivation of life”. Thus, the ITP cites Kälin et al., according to whom “arbitrary deprivation of life” must be “by state action or as a consequence of its omissions.”<sup>70</sup> As the government of Kiribati undertakes steps against the environmental degradation in order to keep their citizens safe,<sup>71</sup> the IPT dismissed the claim to protection under this section of the ICCPR.<sup>72</sup>

As the appellant does not fall within any of the above-mentioned categories, the appeal was dismissed.<sup>73</sup>

### *5.2.2. High Court of New Zealand, Auckland Registry*

In October 2013, Mr Teitiota appealed to the High Court of New Zealand as he was dissatisfied with the tribunals decision.<sup>74</sup> He sued New Zealand in order to allow him to stay there because of the precarious humanitarian conditions in his country of origin.<sup>75</sup>

Judge Priestley notes that New Zealand has adopted the approach of J C Hathaway to the 1951 Convention. Thus, it defines “prosecution” as a failure of human rights protection by state.<sup>76</sup>

According to the Judge, the definition of a “refugee” “might [...] include [persons displaced by] climate change”<sup>77</sup>.

However, this cannot lead to a persecution in sense of the 1951 convention.<sup>78</sup>

Furthermore, Mr Teitiota’s children, who were born in New Zealand, are no New Zealand citizens according to the 1977 NZ Citizenship Act.<sup>79</sup>

The judge goes on stating, in his judgement, the fore-cited conclusion of the IPT, that “environmental degradation” cannot lead to protection “under the Refugee Convention or protected person jurisdiction”<sup>80</sup>, is correct.<sup>81</sup>

Furthermore, it is found that environmental degradation can inter alia lead to protection under the 1951 Convention, as it can, for instance, cause armed conflicts.

The Judge notes that Mr Kidd’s questions of law were “somewhat imprecise”<sup>82</sup>, the application for leave to appeal “misguided”.

---

<sup>70</sup> Kälin et al. 2009.

<sup>71</sup> UNHCR 2011.

<sup>72</sup> AF (Kiribati) [2013].

<sup>73</sup> *ibid.*

<sup>74</sup> cf. Hannon 2013.

<sup>75</sup> cf. France 24 2013.

<sup>76</sup> cf. TEITIOTA v THE CHIEF EXECUTIVE OF THE MINISTRY OF BUSINESS INNOVATION AND EMPLOYMENT [2013].

<sup>77</sup> *ibid.*

<sup>78</sup> cf. UNHCR 2010.

<sup>79</sup> cf. Citizenship Act 1977.

<sup>80</sup> AF (Kiribati) [2013].

<sup>81</sup> cf. TEITIOTA v THE CHIEF EXECUTIVE OF THE MINISTRY OF BUSINESS INNOVATION AND EMPLOYMENT [2013].

<sup>82</sup> *ibid.*

After analyzing the IPT decision and Mr Kidd's questions of law, the leave to appeal was refused on grounds of the judgment that the IPT decision was not erroneous. The IPT decision was confirmed.<sup>83</sup>

### 5.2.3. *Supreme Court of New Zealand*

In June 2015, after the leave to appeal to the High Court was also declined by the Court of Appeals, the Supreme Court of New Zealand decided to hear Mr Teitiota's appeal.<sup>84</sup> Mr Teitiota would have been able to file his appeal in the High Court if his appeal succeeded in the Superior Court.<sup>85</sup>

In the Superior Court, further evidence was adduced by Mr Teitiota, namely the denial of the application for refugee / protected person status made by Mr Teitiota's wife and children.<sup>86</sup> They went on to stay in New Zealand unlawfully on expired visas, even when Mr Teitiota was apprehended by the police.<sup>87/88</sup>

In addition, the Synthesis Report of the Fifth Assessment Report of the Intergovernmental Panel on Climate Change was adduced.<sup>89</sup>

Listing the relevant jurisdiction, the Superior Court refers to the case of *Guo v Minister of Immigration*<sup>90</sup>, concluding that it is to be determined whether leave to appeal to the High Court should be granted or not.

Mr Kidds submissions stated that the main question was whether New Zealand or international jurisdiction allows refugee status for persons displaced for environmental reasons, inter alia focusing on Mr Teitiota's children. He supported this submission by raising four questions of law.<sup>91</sup>

The court agrees with the courts below it in a rather short and straight-forward decision. Mr Teitiota's leave to appeal was declined.

### 5.2.4. *Summary and outlook*

In its decision, however, the court expresses that it is "not ruling out the possibility [of a climate refugee being granted refugee status] in an appropriate case"<sup>92</sup>. What such an "appropriate case" would be, is not taken into further consideration nor specified. Nonetheless, it keeps up the possibility of further appeals of climate refugees being filed with New Zealand's court of appeals in the (near) future.

Certainly, the case of *Teitiota v The Ministry of Business, Innovation and Employment* is setting a trend towards a wider definition of the term "refugee".

---

<sup>83</sup> cf. ABC News 2013.

<sup>84</sup> cf. RadioNZ 2015.

<sup>85</sup> cf. *Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment* [2015].

<sup>86</sup> cf. *ibid.*

<sup>87</sup> cf. *ibid.*

<sup>88</sup> cf. Weiss 2015.

<sup>89</sup> cf. *Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment* [2015].

<sup>90</sup> *Guo v Minister of Immigration* 2015.

<sup>91</sup> These questions of law are to be found in the decision, as they are not relevant for this paper they are not quoted herein.

<sup>92</sup> *Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment* [2015].

It also made the legal issues of climate-related displacement a matter of public notice, and thus already encouraged and consecutively encourages further work and research in this field. This development is very important in urging the international community towards recognizing climate refugees and setting actual steps in dealing with the issue.

## 6. The Nansen Initiative

### 6.1. Introduction

The Nansen Initiative, based in Geneva, was launched jointly by Switzerland and Norway. It was founded in response to the lack of an international debate on the issue of climate-induced displacement. The Nansen Initiative sees itself rather as a consultative process, than as an organization. Its main aim is to find a consensus between its member states on a Protection Agenda for climate refugees.<sup>93</sup>

The Nansen Initiative is co-funded by the Governments of Switzerland and Norway, Germany, and in great part also the European Union.<sup>94</sup>

As for 2015, its member states, apart from Switzerland and Norway, were the following: Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico and the Philippines.<sup>95</sup> All of these countries are or could be affected by climate-related displacement, some of them as countries of origin of climate refugees, others as countries of reception.

Especially interesting for this paper, however, is that Australia is also part of the initiative. Hence, it obviously shows an interest in the issues arising through climate-induced migration. Additionally, it is also at the forefront of states who are conscious of the issue and aim towards a solution. Therefore, Australia most probably has plans, together with the other member states, to recognize climate refugees in the nearer future. Nonetheless, it has not adopted any domestic laws which would provide for protection of climate refugees, even though there would be demand for them as rather recent cases of climate refugees suing for protection show.<sup>96</sup> This circumstance shows, *inter alia*, that virtually no state is willing to adopt a framework for protection for the environmentally displaced pro-actively. This is understandable, as just one single state in the whole world which recognizes climate refugees, would, for obvious reasons, draw the whole climate refugee burden upon itself. Thence, a big scale international agreement has to be reached.

However, referring back to the Nansen Initiative and its accomplishments, the various consultations have to be mentioned. The Nansen Initiative has already held a number of such consultations, some of them on a global level, others specifying regional issues. The Nansen Initiative defines itself as a bottom-up process, meaning that it first collects information about regional needs, and afterwards seeks to tailor a global Protection Agenda.<sup>97</sup> This Protection Agenda

---

<sup>93</sup> cf. Egger 2016.

<sup>94</sup> Nansen Initiative 2013b.

<sup>95</sup> Nansen Initiative, 2015.

<sup>96</sup> Buchanan 2015.

<sup>97</sup> cf. *ibid*.

should hence be globally applicable as well as taking into account the individual circumstances of the respective regions.

As they are not relevant to the topic of this paper, the regional consultations on Central America, the Greater Horn of Africa, South and Southeast Asia will not be further dealt with. However, the Global and Pacific consultations should be further elaborated on.

## 6.2. Pacific Regional Consultation

The (inter-governmental) Pacific Regional Consultation of the Nansen Initiative took place in Rarotonga, Cook Islands in May 2013.<sup>98</sup> After the consultation, four papers were issued which thoroughly outline the current and probable future climatic situation in the Pacific. Furthermore, it established an actual plan of action on how to handle climate-induced relocation within the Pacific islands as well as from the Pacific Islands to Australia and-as it took also part in the consultation-New Zealand. Due to the considerable extent of the papers, they cannot fully be dealt with herein. However, an excerpt of the conclusion paper should be stated, as it was and could be of vital importance for the future development of a Protection Agenda both in Oceania and globally. The paper is important because it gives a broad overview of all the issues caused by climate change in the Pacific islands. In the Nansen Initiative's global Protection Agenda, the findings from its research in the Pacific are already implemented. As a multilateral convention on the protection of climate refugees will most probably be based on this Protection Agenda, the needs of the Pacific people would eventually be supplied for within the convention.

Firstly, the paper states how climate-related displacement should be dealt with on the community level. Herein it is noted that it is crucial to raise awareness of the impacts of climate change. Furthermore, people who could be affected by climatic calamities (this includes probable refugees as well as citizens of probable host countries) should be informed and prepared at the highest possible level. This should mainly happen through consultation and education.<sup>99</sup>

At the national level measures should be taken in hindsight to internal displacement through climate change. This includes specific laws. The population of Pacific islands which could be subject to migration should be educated (and thus made useful for the labor markets of their respective host countries).<sup>100</sup>

At the regional level frameworks should be set which allow for inter-regional migration.<sup>101</sup>

At the international level further broad discussion on the topic is encouraged, the supply of financial resources to damaged island communities (by whom is

---

<sup>98</sup> Nansen Initiative 2013a.

<sup>99</sup> cf. Nansen Initiative 2013b.

<sup>100</sup> *ibid.*

<sup>101</sup> *ibid.*

not further clarified, presumably the European Union) should be considered. Eventually, it is noted that the development of international normative frameworks on climate-induced migration is of crucial importance.<sup>102</sup>

### 6.3. Global Consultation

The Global Consultation was held in Geneva, Switzerland in October 2015. Three very extensive papers were issued, namely a 244-page Conference Report<sup>103</sup>, and ultimately a 56-pages Protection Agenda<sup>104</sup>, with an additional 104-pages Annex<sup>105</sup>. Due to the extent of these papers, and the rather narrow extent of this paper, only a very brief overview of the content of the Protection Agenda should be stated herein. Moreover it is, in my opinion, a very advanced paper on the future regulation of climate-related displacement.

To start with, it has to be noted that the Protection Agenda is only valid at an international level, as it does only provide protection for cross-border migrants. In its third part, though, it outlines the importance of the implementation of a regulation for IDPs in domestic laws.<sup>106</sup>

Nonetheless, it provides a thorough and very detailed framework on how to deal with climate refugees:

In part one, the protection of cross-border climate refugees is regulated. A very detailed approach to all the issues arising from the identification of climate refugees to their rights and responsibilities during their stay abroad is given.<sup>107</sup> The refugees rights inter alia include basic human rights, the assistance with supplying for basic needs (e. g. food, water, shelter), but also the entitlement to the issuance of personal documentation.<sup>108</sup>

Recognized climate refugees would basically have the same obligations as the host country's citizens<sup>109</sup>, hence inter alia the obligation to respect the local culture and local laws, but also to pay taxes.

Part two elaborates on how to mitigate the effects of climate change in countries which will probably be affected the most.<sup>110</sup>

The third part contains a future action plan, putting a focus inter alia on the implementation of human rights, but also, as mentioned before, on the protection of IDPs.<sup>111</sup>

---

<sup>102</sup> *ibid.*

<sup>103</sup> Nansen Initiative 2015a.

<sup>104</sup> Nansen Initiative 2015b.

<sup>105</sup> Nansen Initiative 2015c.

<sup>106</sup> cf. Nansen Initiative 2015b.

<sup>107</sup> *ibid.*

<sup>108</sup> *ibid.*

<sup>109</sup> *ibid.*

<sup>110</sup> *ibid.*

<sup>111</sup> *ibid.*

#### 6.4. Summary and criticism

In conclusion, it can be said that the Nansen Initiative is the most advanced working group which explores climate-related displacement, but also draws conclusions from its research. These conclusions, in turn, are used for establishing a bespoke and advanced framework regulating the rights of climate refugees.

However, even though the Nansen Initiative is very important in pushing forward the establishment and adoption of an international Protection Agenda, its members are only a rather small group of countries. Hence, in order to provide protection for everyone who is forced to move due to the impacts of climate change, it has to encourage the participation of a considerably larger group of countries.

Another possibility would be to push the United Nations towards adopting a Protection Agenda for climate refugees. For example, international recognition of climate refugees could be reached through widening the definition of the term “refugee” in the 1951 Convention. Though, it is questionable whether the rather small Nansen Initiative could accomplish such a fundamental change of the 1951 Convention. But it certainly has the potential to grow, and if it does so, its influence on the international community (ergo the United Nations) would also increase.

Therefore, the Nansen Initiative is crucial for the development of a global guiding framework on climate-induced migration, as it is currently one of the very few organizations dealing with the issue. In addition to that, by drafting the Protection Agenda, it has produced a paper which could, if globally recognized, provide full refugee protection for climate refugees.

## 7. Summary and conclusion

As this paper suggests, there is still a lack of a broadly recognized regulation regarding the rights of climate refugees. Thus, a lot of work yet has to be done in this field. However, the international community constantly makes some steps forward towards such an international convention on the rights of climate refugees. The prime example for this development would be the aforementioned Nansen Initiative.

By bringing forth historical examples for climate-related displacement, the paper shows that this way of adaption to climate change is perfectly normal and human. Hence, every human being should also be entitled to change his domicile if climatic factors in his prior place of residence impose serious danger or harm upon him. Further generalized, an ethical obligation of society to protect climate refugees seems obvious.

Another question that could arise is whether the *law* imposes a limitation to humanity. The *law* could literally kill innocent people if it prohibits them from escaping from a situation which threatens their lives, such as in case of climatic calamities.

It is common knowledge that the *law's* main aim is to protect people. Whether "people" should only include members of the society which established the laws in question, or every human being, could and should be subject to further evaluation. However, many state constitutions suggest that every citizen is to be treated the same way before the law. The wording "citizen" thence excludes foreigners, therefore, in my personal opinion, protection by the law is limited to a national level. However, as this is a rather philosophical question, it is disputable whether there exists one single "right" answer.

In conclusion, one last question should be brought forth: *Does the law hinder the natural movement of humans?* After writing this paper one simple answer seems adequate: *yes it does!*

## Appendix

### Abbreviations

cf.	confer; compare
ibid.	ibidem; at the same place
para.	paragraph
OUA	Organization of African Unity
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
IPCC	Intergovernmental Panel on Climate Change
IPT	Immigration and Protection Tribunal (New Zealand)
IDP	Internally Displaced Person

# Bibliography

## *I. Printed sources*

- Blake, Gerald Henry: *Maritime Boundaries*. World Boundaries, Volume 5. Routledge, 1994.
- Bond, Gerard; Kromer, Bernd; Beer, Juerg; Muscheler, Raimund; Evans, Michael N.; Showers, William; Hoffmann, Sharon; Lotti-Bond, Rusty; Hajdas, Irka and Bonani, Georges: *Persistent Solar Influence on North Atlantic Climate During the Holocene*. Science, Volume 294, Issue 5549, pp. 2130-2136, 2001.
- Fagan, Brian: *The Little Ice Age. How Climate Made History 1300-1850*. New York: Basic Books, 2002.
- Fitzhugh, William W.: *Biogeographical Archaeology in the Eastern North American Arctic*. In *Human Ecology*, Volume 25, Issue 3, pp 385-418, September 1997.
- Gunnarsson, Gisli: *Fertility and nuptiality in Iceland's demographic history*. Lund : Ekonomisk-historiska institutionen, 1980.
- Hastrup, Kirsten and Fog Olwig, Karen: *Climate Change and Human Mobility. Global Challenges to the Social Sciences*. First paperback edition. Cambridge: Cambridge University Press, 2012.
- Hathaway, James C.: *The Rights of Refugees under International Law*. First edition. Cambridge: Cambridge University Press, 2005.
- Issar, Arie S.: *Climate Change-Environment and Civilization in the Middle East*. First paperback edition. Berlin, Heidelberg, New York: Springer Verlag, 2004.
- Kälin, Walter and Künzli, Jörg: *The Law of International Human Rights Protection*. New York City: Oxford University Press, 2009.
- McAdam, Jane: *Climate Change, Forced Migration and International Law*. First paperback edition. New York City: Oxford University Press, 2012.
- McGhee, R.: *Ancient People of the Arctic*. Vancouver: University of British Columbia Press in Association with the Canadian Museum of Civilization, 1996.
- McGhee, Robert: *Thule Culture*. Canadian Encyclopedia. Historica Canada, 2006.
- Meldgaard, J.: *The prehistoric cultures in Greenland: Discontinuities in a marginal area*. In *Continuity and discontinuity in the Inuit culture of Greenland*. Groningen: Arctic Center, University of Groningen, pp. 19-52., 1977.
- Nansen Initiative, The: *AGENDA FOR THE PROTECTION OF CROSS-BORDER DISPLACED PERSONS IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE VOLUME I*. Geneva: The Nansen Initiative, December 2015b.
- Nansen Initiative, The: *AGENDA FOR THE PROTECTION OF CROSS-BORDER DISPLACED PERSONS IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE VOLUME II*. Geneva: The Nansen Initiative, December 2015c.
- Nansen Initiative, The: *Background Paper*. Rarotonga: The Nansen Initiative, May 2013a.
- Nansen Initiative, The: *Global Consultation Conference Report*. Geneva: The Nansen Initiative, December 2015a.
- Nansen Initiative, The: *Summary of Conclusions*. Nansen Initiative Pacific Regional Consultation. Rarotonga: The Nansen Initiative, May 2013b.
- Ogilvie, A.E.J.; Jónsson, T.: *"Little Ice Age" Research. A Perspective from Iceland*. In *Climatic Change*, Volume 48, Issue 1, pp 9-52, January 2001.

- Ohlhoff, Kurt J.: Kanada. Augsburg: Weltbild, 2008.
- Redaktion Weltalmanach (ed.): Der neue Fischer Weltalmanach 2017: Zahlen, Daten Fakten. Frankfurt am Main: S. Fischer Verlag, 2016.
- Republic of Kiribati: NATIONAL ADAPTATION PROGRAM OF ACTION (NAPA). Tarawa: ENVIRONMENT AND CONSERVATION DIVISION, MINISTRY OF ENVIRONMENT, LAND, AND AGRICULTURAL DEVELOPMENT, GOVERNMENT OF KIRIBATI; January 2007.
- Rowley, Susan: Population Movements in the Canadian Arctic. In *Études/Inuit/Studies*, Vol. 9, No. 1, mouvements de POPULATION / POPULATION movements, pp. 3-21, 1985.
- Stone, Richard: Iceland's Doomsday Scenario? In *Science*, Vol. 306, Issue 5700, pp. 1278-1281, 19 November 2004.
- Walker, M., Johnsen, S., Rasmussen, S. O., Popp, T., Steffensen, J.-P., Gibbard, P., Hoek, W., Lowe, J., Andrews, J., Björck, S., Cwynar, L. C., Hughen, K., Kershaw, P., Kromer, B., Litt, T., Lowe, D. J., Nakagawa, T., Newnham, R., and Schwander, J.: Formal definition and dating of the GSSP (Global Stratotype Section and Point) for the base of the Holocene using the Greenland NGRIP ice core, and selected auxiliary records. In the *Journal of Quaternary Science*, Vol. 24, pp. 3-17, 2009.
- Wanner, Kevin J.: *Snorri Sturluson and the Edda. The Conversion of Cultural Capital in Medieval Scandinavia*. Toronto: University of Toronto Press Incorporated, 2008.
- Weiss, Barry: The decline of Late Bronze Age civilization as a possible response to climatic change. In *Climatic Change*, Volume 4, Issue 2, pp 173-198, June 1982.
- Zhaoa, Keliang; Lia, Xiaoqiang; Dodsonc, John; Zhoua, Xinying and Bertuch, Fiona: Climatic variations over the last 4000 cal yr BP in the western margin of the Tarim Basin, Xinjiang, reconstructed from pollen data. Amsterdam: Elsevier B. V., in *Palaeogeography, Palaeoclimatology, Palaeoecology*, Volumes 321-322, pp. 16-23, March 2012.

## *II. Online sources*

- AF (Kiribati) [2013] NZIPT 800413 (25 June 2013). available at: [https://forms.justice.govt.nz/search/IPT/Documents/RefugeeProtection/pdf/ref\\_20130625\\_800413.pdf](https://forms.justice.govt.nz/search/IPT/Documents/RefugeeProtection/pdf/ref_20130625_800413.pdf) (retrieved: 08/03/17).
- ABC News: Pacific Islander Ioane Teitiota fails in bid to be first climate change refugee. November 2013. <http://www.abc.net.au/news/2013-11-26/kiribati-ioane-teitota-refugee-new-zealand-climate-change/5117848> (retrieved: 08/04/17).
- African Union: African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention"). Kampala: October 2009. <http://www.refworld.org/docid/4ae572d82.html> (retrieved: 08/01/17).
- BBC News: Man seeks 'climate change asylum' in New Zealand. London: October 2013. <http://www.bbc.com/news/world-asia-24561231> (retrieved: 08/03/17).
- Brinkhoff, Thomas: Population of communities in Tuvalu. April 2012. <http://www.citypopulation.de/Tuvalu.html>. retrieved: (08/16/17).
- Buchanan, Kelly: New Zealand: 'Climate Change Refugee' Case Overview. Last updated July 2015. [https://www.loc.gov/law/help/climate-change-refugee/new-zealand.php#\\_ftn3](https://www.loc.gov/law/help/climate-change-refugee/new-zealand.php#_ftn3) (retrieved: 08/03/17).
- Canada (Attorney General) v. Ward [1993] 2 SCR 689.

- <http://www.asylumlawdatabase.eu/en/content/canada-attorney-general-v-ward->
- Citizenship Act 1977. available at:  
<http://www.legislation.govt.nz/act/public/1977/0061/latest/whole.html#DLM443841> (retrieved: 08/04/17).
  - Economist, The: African Politics. <http://www.economist.com/topics/african-politics> (retrieved: 08/01/17).
  - Egger, Sarah: The Nansen Initiative-Disaster induced cross border displacement. Brussels, 8 February 2016.  
<https://europa.eu/capacity4dev/public-environment-climate/blog/nansen-initiative-disaster-induced-cross-border-displacement> (retrieved: 08/09/17).
  - France 24: Pacific man in bid to become first climate refugee. October 2013.  
<http://www.france24.com/en/20131017-pacific-island-man-kiribati-seeks-become-first-climate-change-refugee-new-zealand> (retrieved: 08/04/17).
  - Guo v Minister of Immigration SC 124/2014 [2015] NZSC 132.  
[https://www.courtsofnz.govt.nz/cases/jiayi-guo-and-jiaming-guo-v-minister-of-immigration/at\\_download/fileDecision](https://www.courtsofnz.govt.nz/cases/jiayi-guo-and-jiaming-guo-v-minister-of-immigration/at_download/fileDecision) (retrieved: 08/06/17).
  - Government of Kiribati, The: About Kiribati. <http://www.kiribatitourism.gov.ki/aboutkiribati/> (retrieved: 08/16/17).
  - Hannon, Elliot: Man Attempts to Become World's First Climate Change Refugee. October 2013.  
[http://www.slate.com/blogs/the\\_slatest/2013/10/17/a\\_pacific\\_island\\_man\\_appeals\\_to\\_a\\_new\\_zealand\\_court\\_to\\_receive\\_climate\\_change.html](http://www.slate.com/blogs/the_slatest/2013/10/17/a_pacific_island_man_appeals_to_a_new_zealand_court_to_receive_climate_change.html) (retrieved: 08/04/17).
  - Nansen Initiative, The: Nansen Brochure English. Geneva: January 2015.  
<https://www.nanseninitiative.org/secretariat/> (retrieved: 08/09/17).
  - National Geographic: Sea Level Rise. 2017.  
<http://www.nationalgeographic.com/environment/global-warming/sea-level-rise/> (retrieved: 08/03/17).
  - RadioNZ: Supreme Court to hear climate refugee's appeal. Wellington: June 2015.  
<http://www.radionz.co.nz/news/national/275955/supreme-court-to-hear-climate-refugee%27s-appeal> (retrieved: 08/04/17).
  - Regional Refugee Instruments & Related: Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama. Cartagena: November 1984. <http://www.refworld.org/docid/3ae6b36ec.html> (retrieved: 08/01/17).
  - Republic of Tuvalu: National Adaptation Program of Action. May 2007.  
<http://unfccc.int/resource/docs/napa/tuv01.pdf> (retrieved: 08/16/17).
  - Reynolds, Paul: African Union replaces dictators' club. London: July 2002.  
<http://news.bbc.co.uk/2/hi/africa/2115736.stm> (retrieved: 07/31/17).
  - Rögnvaldardóttir, Nanna: What Did They Eat? Icelandic food from the Settlement through the Middle Ages. 1993.  
<https://web.archive.org/web/20120220165654/http://www.gestgjafinn.is/english/nr/349> (retrieved: 08/07/17).
  - Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) [2013] NZHC 3125 (26 November 2013). available at:  
<https://forms.justice.govt.nz/search/Documents/pdf/jdo/56/alfresco/service/api/node/content/workspace/SpacesStore/6f4d600a-373f-4ff8-8ba1-500fb7cc94b0/6f4d600a-373f-4ff8-8ba1-500fb7cc94>

- b0.pdf (retrieved: 08/03/17).
- Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment [2015] NZSC 107 (20 July 2015). available at:  
[https://www.courtsofnz.govt.nz/cases/ioane-teitiotoa-v-the-chief-executive-of-the-ministry-of-business-innovation-and-employment/at\\_download/fileDecision](https://www.courtsofnz.govt.nz/cases/ioane-teitiotoa-v-the-chief-executive-of-the-ministry-of-business-innovation-and-employment/at_download/fileDecision) (retrieved: 08/04/17).
  - TEITIOTA v THE CHIEF EXECUTIVE OF THE MINISTRY OF BUSINESS INNOVATION AND EMPLOYMENT [2013] NZHC 3125 [26 November 2013]. available at:  
<https://forms.justice.govt.nz/search/Documents/pdf/jdo/56/alfresco/service/api/node/content/workspace/SpacesStore/6f4d600a-373f-4ff8-8ba1-500fb7cc94b0/6f4d600a-373f-4ff8-8ba1-500fb7cc94b0.pdf> (retrieved: 08/04/17).
  - UNHCR (UN High Commissioner for Refugees ), Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review. The Republic of Kiribati. Geneva: November 2011.  
<http://www.refworld.org/docid/54c0cab24.html> (retrieved: 08/07/17).
  - UNHCR: Convention and Protocol relating to the status of refugees. Geneva: December 2010.  
<http://www.unhcr.org/3b66c2aa10#Article1> (retrieved: 07/31/17).
  - UNHCR: States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Geneva: 2015. <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf> (retrieved: 07/31/17).
  - United Nations General Assembly: International Covenant on Civil and Political Rights. New York City: 1966. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (retrieved: 08/03/17).
  - United Nations General Assembly: Universal Declaration of Human Rights. Paris: December 1948.  
<http://www.un.org/en/universal-declaration-human-rights/index.html>(retrieved: 08/01/17).
  - UN High Commissioner for Refugees (UNHCR), Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: The Republic of Kiribati, November 2011, available at:  
<http://www.refworld.org/docid/54c0cab24.html> [accessed 16 August 2017]
  - United Nations: OAU Convention. Governing the specific aspects of refugee problems in Africa. Addis Ababa: April 1969.  
<http://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html> (retrieved: 07/31/17).
  - Weiss, Kenneth R.: The Making of a Climate Refugee. 2015.  
<http://foreignpolicy.com/2015/01/28/the-making-of-a-climate-refugee-kiribati-tarawa-teitiota/> (retrieved: 08/06/17).
  - worldatlas: World facts.  
<http://www.worldatlas.com/articles/the-largest-countries-in-the-world-the-biggest-nations-as-determined-by-total-land-area.html> (retrieved: 08/01/17).

### *III. Other*

used for literature search:

<https://link.springer.com/article/10.1023/A:1021819509181> #References.





