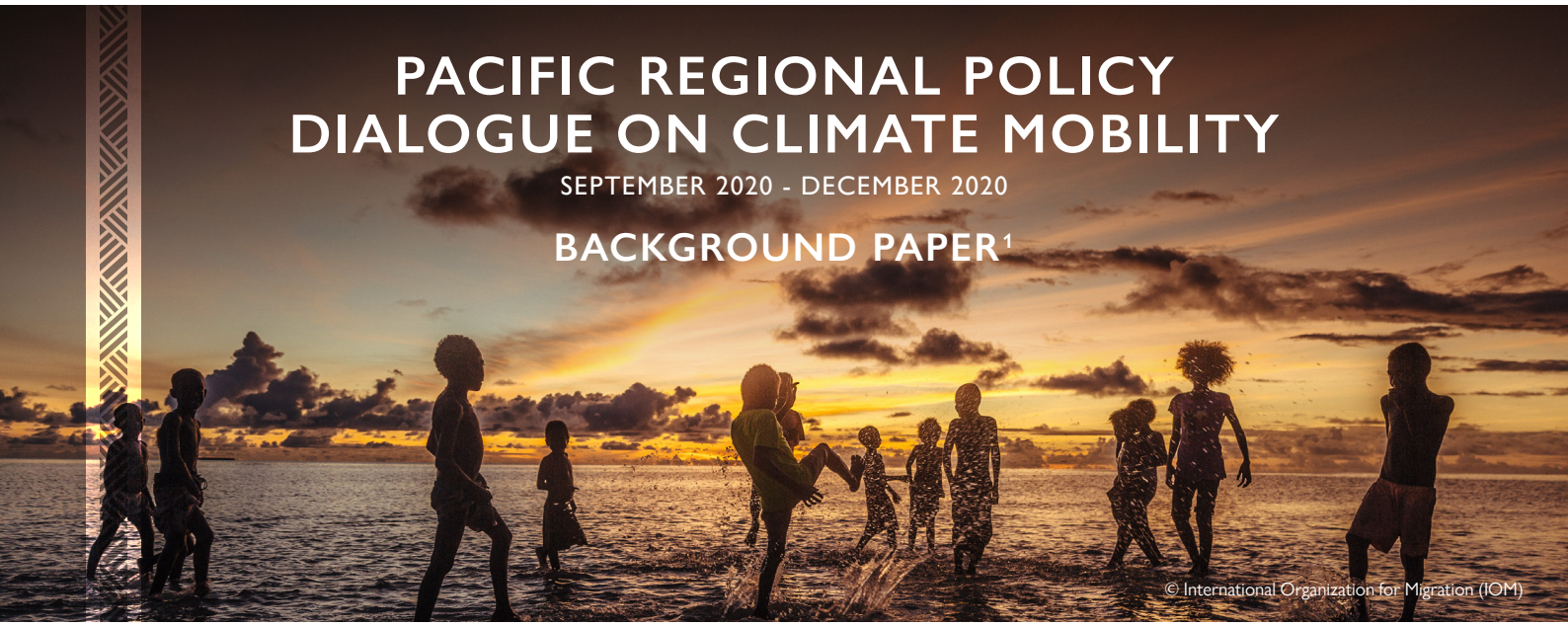
ENHANCING PROTECTION AND EMPOWERMENT OF MIGRANTS AND COMMUNITIES AFFECTED BY CLIMATE CHANGE AND DISASTERS IN THE PACIFIC REGION

PACIFIC REGIONAL POLICY DIALOGUE ON CLIMATE MOBILITY

SEPTEMBER 2020 - DECEMBER 2020

BACKGROUND PAPER[1]



EXECUTIVE SUMMARY

Climate change and disasters have had far reaching impacts on human security in Pacific Islands, especially in atoll countries. Future projections of global warming indicate that such trends are likely to continue without marked increases in global mitigation and adaptation efforts. Climate change and disasters may interact with these mobility drivers that already characterize the region. Such movement can be broadly categorized as migration, displacement and relocation, which may be internal or cross-border, with varied degrees of permanence. While some people proactively seek migration options to adapt to climate change, others may be forced to move. To mitigate risks of displacement, governments and communities are also considering planned relocation as a coping strategy. As the nexus of climate change and mobility becomes better understood through availability of research and data, recognition of this issue has increased in global, regional and national policy.

Several global policy frameworks on climate change, disaster risk reduction and migration highlight the unique human rights challenges that movement in the context of climate change and disasters creates, and make recommendations for governments to pursue action at national and regional levels. Similarly, core policy initiatives in the Pacific, such as the Framework for Resilient Development in the Pacific and the Boe Declaration, reiterate the need to protect individuals and communities most vulnerable to climate change impacts, related displacement and migration through targeted national and regional policies, including by examining opportunities provided by regional labour migration schemes.

This background paper has two purposes. First, it will provide a summary of key information that will assist with identifying common policy and legal gaps on climate change and disaster-related migration, displacement and planned relocation. Secondly, it will examine different options that the region may consider to ensure the protection of climate change affected migrants and communities. Overall it is expected to guide discussions during the Pacific Regional Policy Dialogue held under the joint-agency programme, Enhancing Protection and Empowerment of Migrants and Communities Affected by Climate Change and Disasters in the Pacific region, also known as the Pacific Climate Change Migration and Human Security (PCCMHS) programme.

1 Prepared by Sabira Coelho, PCCMHS Programme Manager, IOM Fiji with assistance from ESCAP and inputs from PCCMHS implementing agencies, ILO and OHCHR. The author acknowledges all the valuable inputs received from Technical Advisory Group members, the academic community and donors of the PCCMHS programme in developing this paper

The three objectives of the PCCMHS programme are as follows:

1. To support Pacific communities and governments to demonstrate strengthened capacity and coordination through a human security-based response to climate change and disaster-related migration, displacement and planned relocation including through the development of a regional framework;

2. To enable Pacific migrants and communities to benefit from safe labour migration as a sustainable development and climate change adaptation strategy; and

3. To contribute to the evidence-base on good practices in responding to climate change and disaster-related migration, displacement, and planned relocation.

I. INTRODUCTION

The Pacific region is and has been at the frontline of the world's climate crisis for decades. At the 50th Pacific Islands Forum Leaders meeting in August 2019 in Tuvalu, children sat in waist-deep water to greet participants arriving at the Forum, providing an alarming reminder of the existential challenge for future generations posed by climate change.

Though Pacific countries are among the smallest contributors to greenhouse gas emissions, the region is highly exposed to its harshest impacts. Pacific communities are affected by a range of sudden-onset and slow-onset hazards that are either made more intense, accelerated by, or caused by climate change. This contributes to voluntary migration flows but at the same time, could increase displacement both internally and across borders. In order to adapt to the impacts of climate change, some governments are already supporting the movement of climate change-affected communities.

Such movement, which may be categorized as climate mobility,[2] can reduce individuals' and communities' exposure to climate risks and enables communities to offset loss of livelihoods. However, it can increase risks to the enjoyment of human rights and reverse hard-won development outcomes. Therefore, there is a need for effective and improved implementation of human rights to ensure the protection of people on the move and their destination communities.

This paper will seek to provide an overview of the diverse human security challenges[3] arising due to climate change and disasters, and how they affect current and future mobility trends. The paper will then review global, regional and national frameworks and policies governing this issue. In conclusion, the paper identifies areas that require further deliberation by Pacific governments and communities to strengthen regional collaboration to address climate mobility.

2 This paper will use the terminology 'climate mobility' to describe any type of movement- forced or voluntary, temporary or permanent, within or across borders- potentially arising in the context of climate change. The definition does not have any legal value and neither is it a consensus terminology, but it aims to be a working definition to facilitate a policy based response.

3 As outlined in General Assembly Resolution 66/290, human security is an approach to assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people. The human security approach calls for people-centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities.

II. CLIMATE CHANGE IN THE PACIFIC

Pacific countries are highly exposed to a diversity of natural hazards, which evidence shows increasingly interact with the adverse effects of climate change.

Sudden-onset hazards affect Pacific countries located in tropical cyclone basins, such as tropical storms and related storm surges, king tides, heavy rains and winds. Future global projections indicate that high-intensity tropical storms will be aggravated by wetter climates, warming ocean and rising sea levels[4]. Certain countries, such as Samoa, Niue and Vanuatu, are more at risk than others, such as Kiribati, Palau and Solomon Islands, which will be more likely to face higher annual average loss and damage from cyclone impacts.[5]

Besides climate change-related sudden-onset hazards, countries located on the edges of the tectonic plates in the 'Pacific Ring of Fire' are exposed to volcanic eruptions, earthquakes and tsunamis. The risk of these geological hazards is not increased by climate change, but their impacts are amplified as they enhance poverty and vulnerability through negative impacts upon sustainable development projects and actions.

Currently, significant attention is placed on sudden-onset hazards and managing associated risks, but Pacific countries are also exposed to drought, and over longer time frames, slow-onset processes. These include sea level rise, rising sea temperatures, ocean acidification, coastal erosion, temperature and changes to rainfall variability and the El Niño and La Niña climate patterns. Scientific research demonstrates that these slow-onset processes and climate patterns have accelerated in the past century because of global warming and that the Pacific is already experiencing warmer seas, rising sea levels and increasing ocean acidification. Changes in temperature and rainfall are also observed, although like with other hazards, country experiences differ based on their geography.[6]

Such trends will continue, and the extent of climate change and its adverse impacts will largely depend on the global greenhouse gas emissions pathways and the resulting level of global temperature increase. In addition to climate change impacts and disasters, environmental degradation is accelerated in Pacific countries due to unsustainable fishing, mining and logging, the arrival of invasive species, overpopulation in certain urban areas, and the legacy of nuclear testing. The impacts of climatic change vary across the Pacific Islands. Factors determining the impact include each country's location in the Pacific Ocean, the type of island formation (volcanic or coral atoll), and the level of dependence of populations on natural resource-based livelihoods. Coastal communities and atolls face the biggest threats, which means that island nations comprising only or primarily low-lying atolls such as Kiribati, Republic of the Marshall Islands, Tokelau and Tuvalu are identified as being most exposed. In a survey conducted under the Pacific Climate Change Migration (PCCM) project in Kiribati, Tuvalu and Nauru, over 85 per cent of households surveyed reported experiencing climate change impacts.[7]

Overall, Pacific Islands exhibit differentiated abilities to adapt to climate and environmental challenges, which are shaped by their levels of economic and social development, any issues relating to governance, standards of urban and rural planning and development, and the availability of natural, human and financial resources.

Sudden-onset hazards occur with little warning, making it difficult for governments and communities to prepare, causing significant damage and leading to the disruption of daily lives. While this is especially true for high-intensity events that occur infrequently, low-intensity events that occur more often place an equal burden on response capacities.[8] In the last three decades, disaster-related losses[9] in the Pacific region amounted to approximately USD 3.3 billion, affecting at least 6.3 million people.[10] On the other hand, slow-onset processes, though occurring over a period of

4 CMEP, Pacific Marine Climate Change Report Card (2018). Available from https://climateanalytics.org/media/cefas_pacific_islands_report_card_final_amended_spreads_low-res.pdf

5 Australian Government Pacific Catastrophe Risk Assessment and Financing Initiative, Current and Future Tropical Cyclone Risk in the South Pacific (2013). Available from https:// pacificclimatechange.net/sites/default/files/PCRAFI_cyclone-risk_regional-risk-assessment.pdf

6 CMEP, Pacific Marine Climate Change Report Card (2018). Available from https://climateanalytics.org/media/cefas_pacific_islands_report_card_final_amended_spreads_low-res.pdf

7 UNESCAP, Pacific Climate Change Migration - Survey Fact Sheet (2015). Available from https://unescap.org/resources/pacific-climate-change-migration-survey-fact-sheet

8 Asia Development Bank, Economic and Fiscal Impacts of Disasters in the Pacific (2018). Available from https://adb.org/sites/default/files/publication/415601/economic-fiscal-impacts-disasters-pacific.pdf

9 This report uses the United Nations Office for Disaster Risk Reduction definition of disasters, defined as "A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.". Available from: https://www.undrr.org/terminology/disaster

10 The International Disaster Database, Annual Disaster Statistical Review (2016). Available from https://emdat.be/sites/default/files/adsr_2016.pdf

time, have far reaching consequences which are not always quantifiable with current data have significant impacts for people and communities. The Asia-Pacific Disaster Report estimates that economic losses quadruple across the Asia-Pacific region when counting such events.[11]

Apart from economic losses, climate change and disasters also create a range of human security risks detailed in Box 1. Communities reliant on agriculture, fishing and aquaculture for their livelihoods experience threats to economic security, as climate change and disaster impacts reduce arable land and endanger marine habitats. In a region with high dietary reliance on fish, ocean warming, and sea level rise greatly affect food security and public health security. This is further aggravated by salinization of freshwater and groundwater sources linked to rising sea levels and storm surges. Loss of land due to coastal erosion can also lead to issues of loss of cultural heritage and identity. This can create security and political threats within communities.

BOX 1: Human Security dimensions of climate change

Economic security
Climate change in the Pacific is a serious threat to poverty alleviation and sustainable development, particularly as a number of communities depend on natural resource-based livelihoods. People and communities who cannot migrate due to extremely limited economic resources ("trapped populations") are particularly vulnerable to economic insecurity in the context of climate change. Climate change may also impact on fisheries and tourism (for example coral bleaching) having a negative impact on GDP. Furthermore, addressing climate change and disasters is diverting an increasing proportion of public expenditure away from social and economic services.

Food security
Climate change affects food security through its impacts on agricultural production and fisheries in the Pacific intertwined with other environmental challenges. Research shows that climate change is likely to have significant impacts on the migration of fish, a key source of nutrition and livelihoods in the region, and also potentially lead to changing quantity and variety of yields.

Health and water security
Climate change affects the social and environmental determinants of health – clean air, safe drinking water, sufficient food and secure shelter – influencing nutrition and reproductive health. Water security, particularly the availability of fresh water for consumption and suitable water for irrigation is challenged by increasing saltwater intrusion. Rapid-onset disasters also cause increased mortality and injury, whereas changing temperatures are allowing vector-borne diseases to reach new geographic locations.

Personal and community security
An increase in sexual and gender-based violence has been reported during times of disasters, but also during times of food and water scarcity. Climate change exacerbates these existing vulnerabilities, amounting to greater personal and community security threats. At the same time, climate change and disasters can contribute to vulnerability to exploitative forms of mobility, including human trafficking and smuggling. Communities moving away from traditional and ancestral lands face the prospect of loss of cultural identity and indigenous knowledge, which can also affect community wellbeing and security.

Environmental security
Climate change and environmental security are intrinsically linked. Climate change increases the intensity and frequency of weather-related hazards, but also exacerbates existing environmental degradation resulting from unsustainable use of resources.

Political security
Limited, if any, protection is offered under international law for people displaced by climate change, disasters and other environmental processes in the Pacific. This is also linked to the need to recognize 'ontological security' in the Pacific Islands, which relates to security being at the level of an existential threat for some islands.[12] In addition, migrants participating in labour mobility schemes face challenges with respect to full enjoyment of

11 UNESCAP, Pacific Disaster Report (2019). Available from https://unescap.org/publications/asia-pacific-disaster-report-2019
12 Farbotko, C. (2019). Climate change displacement: Towards ontological security. Dealing with climate change on small islands: Towards effective and sustainable adaptation?

their labour and human rights, including equal opportunity for women and marginalized groups in accessing the schemes and high migration costs for some corridors.

III. THE CLIMATE CHANGE AND MOBILITY NEXUS

Research across the globe shows that climate change and disasters increasingly interact with other drivers of movement in different ways. People may migrate in search of better lives, to diversify income sources or to offset losses in livelihood and/or to avoid hazards. At the other end of the continuum, some people are forced to relocate or are displaced because of destruction in means of production, culture and habitat. Distinguishing between these forced and voluntary movements is extremely complex, given the multiple drivers of movement involved, and similarly attributing the impact of climate change and disasters is equally complex.

At the same time, entire communities may also be transplanted from one location to another through a process of relocation, either proactively or following irreversible environmental degradation. However, not everyone will have the means to move and some will remain 'trapped' in areas facing severe climate change impacts.

There is no legally defined terminology to describe movement in the context of climate change, but it is generally agreed that there are three main forms of climate mobility, as mentioned in the 2010 Cancun Adaptation Framework and reflected in subsequent global frameworks: [13]

- Migration (understood as predominantly voluntary)
- Displacement
- Relocation (or planned relocation)

This paper will use the term "climate mobility" as an umbrella term referring to these different types of movements observed in the context of climate change. This describes any type of movement- forced or voluntary, temporary or permanent, within or across borders- potentially arising in the context of climate change. The definition does not have any legal value and neither is it a consensus terminology, but it aims to be a working definition to facilitate a policy based response. The exact nature of the movement depends on numerous factors, including the type of hazard and existing vulnerabilities faced by individuals and communities. For sudden-onset disasters that have immediate impacts, there is an increased likelihood of displacement as people are forced to move out of their areas of origin. Often, damage is only temporary and occurs within borders, allowing displaced people to return once recovery processes are in place though lack of resources and assistance may impose barriers.

In the case of slow-onset hazards which slowly erode economic, health and food security and have a detrimental impact on daily lives, people may make a conscious and proactive choice to migrate to avoid those problems. This decision may be understood as a voluntary choice, yet it is difficult - if not impossible - to establish the exact thresholds when mobility decisions become "forced". Mobility in the context of slow-onset hazards is likely to be temporary and circular in nature, as long as return is possible, and occurs predominantly from rural to urban areas. In cases where return is not possible, permanent migration may occur. Communities affected by climate change may also rely on seasonal worker schemes or other formal migration opportunities to adapt to climate change, though Pacific level data to support this is limited.

The ability to move out of areas affected by climate change for the purpose of resilience is a fundamental human right. However, this may also exacerbate existing vulnerabilities and generate new risks as it can lead to exploitation or discrimination in areas of destination in the context of limited safe and regular migration options. [14]

Finally, relocation of communities occurs when an entire community is transplanted from one site to another. This is a last resort measure, considered mainly when villages or sites are located in at-risk zones that are either exposed to frequent high-intensity sudden-onset disasters, or in areas where coastal erosion and/or other slow-onset symptoms of climate change are worsening and all adaptation measures have been exhausted. Relocation tends to take place internally, from coastal regions to areas of higher elevation. 'Planned' relocation can be considered as a process which involves decision-making and consultation within and amongst communities, with the support of the

13 UNFCCC, Cancun Adaptation Framework (2010). Available from https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf
14 OHCHR, Key Messages on Human Rights, Climate Change and Migration (2017). Available from https://ohchr.org/Documents/Issues/ClimateChange/Key_Messages_HR_CC_Migration.pdf

Government being a crucial component. Decision-making should be transparent and empower affected persons through meaningful, informed, gender-inclusive and effective participation, be based on free, prior and informed consent and preferably initiated by the community themselves with government support. This is distinguished from any other types of relocation that may occur spontaneously without careful planning or consideration of community needs.

IV. CLIMATE MOBILITY IN THE PACIFIC: PAST AND PRESENT

At present it is difficult to quantify the exact number of people on the move in the Pacific region, let alone the number of people moving in the context of climate change.

Available data (though not without limitations) shows that there are approximately 340,000 Pacific-born people[15] residing overseas but the exact reasons behind their migration decisions are not explored. Approximately 20 per cent of these migrants live in Pacific countries outside their own (Fiji and Vanuatu are important destinations) and the remaining live either in New Zealand, Australia or outside the region. PCCM findings related to migration in Tuvalu, Kiribati and Nauru showed that men and women tend to migrate in equal numbers.

Entry and admissions agreements, in the form of opportunities for permanent residence or seasonal work, shape mobility trends and determine the most popular destinations for Pacific migrants.[16] For those originating from the South Pacific, Australia and New Zealand are important destinations. For North Pacific migrants, the United States remains a significant destination as the Compact for Free Association allows for free movement from the region.[17]

In terms of internal migration, trends point to movement from rural to urban areas within islands but also the existence of 'step' migration patterns, from remote outer islands to towns and cities on main islands, and then possibly overseas. Data on internal migration can be drawn from census results, but do not illustrate the complexity of inter-provincial movements.[18] The Pacific region is extremely urbanized and atoll nation capitals like Tarawa, Funafuti and Majuro host at least 50 per cent of their countries' populations.[19]

15UN Department of Economics and Social Affairs, International migration stock (2019). Available from https://un.org/en/development/desa/population/migration/data/estimates2/estimates19.asphttps://un.org/en/development/desa/population/migration/data/estimates2/estimates19.aspNot including people born in Australia and New Zealand, calculations by Author using the UN DESA Migrant Stock database; There is not much data for instance on migrants from larger countries like Papua New Guinea, which may indicate that this is an underestimate.

16 R. Bedford and B. Burson, Clusters and Hubs: Toward a Regional Architecture for Voluntary Adaptive Migration in the Pacific - Discussion paper (2013).Available from https://pacificclimatechange.net/document/clusters-and-hubs-toward-regional-architecture-voluntary-adaptive-migration-pacific

17 UNESCAP, Climate Change and Migration Issues in the Pacific (2014). Available from https://unescap.org/resources/climate-change-and-migration-issues-pacific

18 V. Naidu and L. Vaike, Journal of Pacific Studies: Internal migration in the Pacific Islands: a regional overview (2016). Available from http://repository.usp.ac.fj/9528/

19 UNESCAP, Climate Change and Migration Issues in the Pacific (2014). Available from https://unescap.org/resources/climate-change-and-migration-issues-pacific

Overall (predominantly) voluntary migration, whether within a country or overseas, is driven by a search for greener pastures or opportunities: access to services like education and health, decent work and employment opportunities and higher wages. While this movement is often construed as voluntary, movement to access basic services may also be driven out of compulsion to overcome deficits in areas of origin. More men engage in migration of every kind (for education, health, employment) and seafaring is dominated by men.[20]

Climate change and disasters have always been one amongst many other drivers of voluntary migration, but the exact climate impacts cannot usually be isolated. As discussed, climate impacts affect several dimensions of human security of individuals and households directly or indirectly, which in turn shape migration patterns. This makes quantifying the number of 'climate migrants' nearly impossible. PCCM research that broke down the motivations for migration showed that 23 per cent of internal migrants in Kiribati and 8 per cent in Tuvalu highlighted the impact of climate change on their decision to migrate. [21]

The outcomes of migration can be both positive and negative. Migration can lead to higher income and diversified livelihoods whilst reducing risks of exposure and pressure on limited natural resources. However, internal migration can also result in negative outcomes linked to the difficulty to access land resulting in accommodation in informal settlements and limited job opportunities which may expose migrants to higher risks than before, whereas movement across borders may expose people to social and systematic prejudice which may affect integration. Global policy is increasingly mindful of this dual nature of the migration experience.

V. DISASTER DISPLACEMENT

It is extremely challenging to distinguish between voluntary and forced movements in any context, and this is equally true for disaster displacement. Displacement, understood as forced movements in response to sudden-onset disasters, usually occurs within borders of Pacific countries, given the absence of land borders in the region (except for Papua New Guinea). Data on disaster displacement[22] is not collected consistently throughout the region, but available estimates show that approximately 540,000 people were displaced in the context of sudden-onset disasters between 2008 and 2018.[23] These statistics comprise those displaced by weather-related hazards (such as floods, cyclones and others) that are exacerbated by climate change as well as geological hazards. There is limited data on people moving in the context of slow-onset processes such as coastal erosion and sea level rise, which also limits understanding of the voluntariness of any resulting movements.

In the Pacific region, displacement due to conflict is comparatively lower than global averages and stems from tribal and inter-ethnic tensions. Another significant type of displacement prominent in the past but with continued implications for today, arises from nuclear testing and extractive use of natural resources. This took place across the Pacific, predominantly in Micronesia and Polynesia.

The experience of displacement is documented in post-disaster situation reports and academic literature. In times of disasters, communities may evacuate through the support of the National Disaster Management Offices to evacuation centres that are usually public buildings like churches, community halls and schools and return once disaster impacts recede. Literature suggest that the majority of affected people stay with family and friends nearby.[24] Many displaced people are therefore temporarily displaced in villages or towns, as opposed to large and formal camp settings. There are few cases of long-term or permanent displacement in the case of sudden-onset hazards, as rebuilding homes is often an option. In some situations, however, disasters leave long-term impacts on surrounding environments through the contamination of fresh water sources and the destruction of agricultural crops. This may encourage affected communities to seek circular migration opportunities to offset livelihood losses. When rebuilding is not an option, affected communities may rely on relocation, either through government support or community-based funding. There are few documented instances of disaster displacement leading to conflict in the Pacific, but where it tends to occur is where ethnic or tribal tensions already exist. Of critical

20 UNESCAP reports on Kiribati, Nauru and Tuvalu from the Pacific Climate Change Migration project. Available from https://www.unescap.org/subregional-office/pacific/pacific-climate-change-and-migration-project

21 UNESCAP, Pacific Climate Change Migration - Survey Fact Sheet (2015). Available from https://unescap.org/resources/pacific-climate-change-migration-survey-fact-sheet

22 This includes mainly disasters arising out of natural hazards rather than man-made disasters.

23 Internal Displacement Monitoring Centre, Global Internal Displacement Database (2008). https://ec.europa.eu/knowledge4policy/dataset/ds00041_en

24 Global Facility for Disaster Reduction and Recovery, Post Disaster Needs Assessments (2017). Available from https://gfdrr.org/en/fiji-cyclone-winston-post-disaster-needs-assessment-recovery-framework

importance is the gendered nature of the displacement experience particularly for women and girls, as seen in high rates of gender-based violence exacerbated by disasters.

VI. CLIMATE-RELATED PLANNED RELOCATION

Planned relocation related to climate change is another type of movement that is observed within countries in the Pacific region. Prominent examples of completed relocation of entire communities include villages in Fiji, namely Vunidogoloa and Tukuraki. Relocation processes are also under way in the Fijian villlages of Narikoso, Vunisavisavi and Nagasauva. The relocation from the Carteret Islands to Bougainville in Papua New Guinea, and of the Tegua and Mele villages in Vanuatu are also cited as the world's "first climate relocated villages" by the media.

Most of the planned relocation that takes place has occurred in the context of severe coastal erosion and inundations due to high tides, destruction from cyclones, as well as following volcanic eruptions. In Fiji, the Government has provided support for relocation, and this occurs in proximity of the original site and, wherever possible, within customary land boundaries. Relocation beyond customary boundaries (where there is no existing dispute) entails complex negotiations between relocated and "host" or destination community leaders.

An important lesson learned from these completed relocations is that they require considerable planning. Relocation should involve participatory approaches to enable consensus building amongst the relocated and destination communities and to identify timelines and resources,[25] both monetary and natural, for construction and the physical relocation of village sites.[26] Experience indicates that successful relocation can only be achieved through a human rights-based approach which calls upon States to refrain from forced evictions and to provide for the full enjoyment of human rights, restoration and maintenance of social protection, employment and previous living standards for both relocated persons and destination communities. In practice this remains difficult to achieve given the barriers imposed by limited means of implementation and poor planning. As a result, relocation processes to date have usually been emotionally challenging and unwelcomed by relocated communities, as movement denotes loss of *vanua, fenua, te aba* or an amalgamation of customs, culture, traditions, spirituality, which are inseparable from the land and also has further long-term and intergenerational impacts. These negative impacts highlight the need to consider planned relocation as a last resort measure, to be carried out only when all other adaptation options fail. Planned relocation, if it does occur, should centralise cultural and spiritual priorities of the community involved, drawing on traditional knowledge and custom to minimise negative impacts on culture and spirituality.[27]

Historical relocations across current national borders have occurred in the Pacific during the colonial era and can also help inform current relocation processes especially regarding the intergenerational impacts, despite the difference in context and primary drivers. These include relocations from Vaitupu, (now Tuvalu) to Kioa in Fiji; from Banaba (now in Kiribati) to Rabi in Fiji; and from the Gilbert Islands (modern day Kiribati) to the Western Province in Solomon Islands. [28][29]

VII. FUTURE PROJECTIONS OF CLIMATE MOBILITY

As mentioned above, climate change and disasters already have an impact on mobility in the region. Climate change projections, even those within 1.5 degrees of global warming evoke the greatest security threat for Pacific Island Countries, and this will likely intensify drivers of displacement and migration. This amplifies the need for adequate preparation to avoid the worst impacts of unplanned movement, both internally and overseas.

Increasing rising sea levels,[30] and its cascade impacts on coastal erosion and salinization, destruction of coral reefs and marine biodiversity, and increased intensity of storms are some of the major predicted risks. Most recent estimates state that global mean seal level rise in 2100 is expected to lie between 0.43 meters in a low

25 Georgetown University, IOM and UNHCR. A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change (2017). Available from https://www.refworld.org/pdfid/596f15774.pdf

26 C. McMichael et al., Planned relocation and everyday agency in low-lying coastal villages in Fiji (2019). Available from https://researchgate.net/publication/337047866_Planned_relocation_and_everyday_agency_in_low-lying_coastal_villages_in_Fiji

27 Suliman, S., Farbotko, C., Ransan-Cooper, H., Elizabeth McNamara, K., Thornton, F., McMichael, C., & Kitara, T. (2019). Indigenous (im) mobilities in the Anthropocene. Mobilities, 14(3), 298-318.

28 UNESCAP, Climate change issues in the pacific (2014). Available from https://unescap.org/resources/climate-change-and-migration-issues-pacific

29 See also J McAdam (ed.), Climate Change and Displacement. Multidisciplinary Perspectives. Oxford and Portland, Oregon: Hart Publishing. (2010)

30 IPCC, Special Report on the Ocean and Cryosphere in a Changing Climate (2016). Available from https://ipcc.ch/srocc/

emissions scenario, and 0.84 meters in a scenario based on unchecked emissions. In a region where the average elevation of urban atolls is less than 4 metres (less than 1.8 meters in Kiribati)[31] and where a significant share of the population resides in low elevation coastal zones, sea level rise is likely to place significant limits on climate change adaptation and threaten future in-situ existence. This is particularly true given the costs and capacities required for the protection of coastlines.

Scenarios developed to estimate the numbers of people affected from atoll islands vary. In the worst possible scenario, by 2050, approximately 350,000 people will be residing in atoll countries (Tuvalu, Kiribati, Republic of Marshall Islands, Tokelau) and regions of Federated States of Micronesia, Palau, Papua New Guinea, Solomon Islands, Tokelau and Tonga and will be at risk of sea level rise. Communities would thus face increased risks of displacement or will feel the pressure to migrate to higher areas in their own country or overseas, drawing greater attention to planned relocation to as a viable – although last resort – response.[32]

There is growing recognition that other hazards such as coastal erosion, salinization and frequent inundations stemming from storm surges and high tides, will drive mobility out of affected areas, particularly for youth and working age populations. Such movement may be voluntary or pre-emptive - considering the employment opportunities elsewhere - but it could also be driven by adverse impacts on human rights and human security. In such a situation, migration to main islands or even overseas could increasingly serve as a coping mechanism for climate change affected communities. PCCM findings show that over 70 per cent of households in Kiribati and Tuvalu and around 35 per cent in Nauru would consider migration as a way to cope with intensified sea level rise or droughts. It is likely however that not many people would move across borders, as PCCM findings showed that though households could be willing to pursue this option, limited finances and access to international migration opportunities would act as critical impediments.

Based on this research, models developed show that by 2030, those who wish to migrate but do not have the means will amount to approximately 67,000 people across Kiribati, Tuvalu and Nauru. By 2050, around 18,000 people would have migrated from the three countries, if current migration rates remain constant.[34]

While some studies that model climate mobility trends in the Pacific exist, these suffer from limitations posed by a lack of robust data of climate projections, and challenges related to the multiple variables related to migration. The extended timeframes involved, and the requirement of a whole-of-society and cross-sectoral approach to address this issue makes the development of appropriate governance frameworks a very complex endeavour. Nonetheless, there is already ample evidence to indicate that this is indeed a case for cautious planning which can already begin.

VIII. EXAMINING THE GLOBAL GOVERNANCE OF CLIMATE MOBILITY

Climate mobility is referenced and addressed in several national, regional and global policy discussions related to climate change, migration, disaster risk reduction and development, as well as in other policy domains to a lesser extent, but there remains a legal protection gap for many relevant circumstances.

The nexus was first recognized under the United Nations Framework Convention on Climate Change (UNFCCC) in the 16th Conference of the Parties (COP) held in Cancun in 2010, which called on parties to understand, coordinate and collaborate to address climate-induced displacement, migration and planned relocation. Subsequent COP meetings placed migration within the loss and damage agenda. The migration-related discussions under the UNFCCC were eventually cemented by the Paris Agreement (2015) on Climate Change and its accompanying COP decision[35] that created a 'Taskforce on Displacement' (TFD), an expert body under the Warsaw International Mechanism for Loss and Damage (WIM).[36] Discussions under the TFD have produced recommendations on how to avert, minimize and address climate change

31 IPCC, Special Report on the Ocean and Cryosphere in a Changing Climate SM4.3.6 Case Study Examples (2016). Available from https://ipcc.ch/srocc/
32 IPCC, Special Report on the Ocean and Cryosphere in a Changing Climate chapter 4 (2016). Available from https://ipcc.ch/srocc/ (For those unable to afford protection, accommodation or advance measures, or when such measures are no longer viable or effective, retreat becomes inevitable).
33 R. Curtain and M. Dornan. A pressure release valve? Migration and climate change in Kiribati, Nauru and Tuvalu (2019). Available from https://reliefweb.int/report/world/pressure-release-valve-migration-and-climate-change-kiribati-nauru-and-tuvalu-february
34 R. Curtain and M. Dornan. A pressure release valve? Migration and climate change in Kiribati, Nauru and Tuvalu (2019). Available from https://reliefweb.int/report/world/pressure-release-valve-migration-and-climate-change-kiribati-nauru-and-tuvalu-february
35 UNFCCC Decision 1/CP.21 (FCCC/CP/2015/10/Add.1). Available from https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf#page=2
36 IOM, IOM Perspectives on Climate Change and Migration (2016). Available from https://environmentalmigration.iom.int/es/node/1470

impacts on displacement that were adopted at COP24 in 2018 by States Parties to the Convention.[37] The TFD is currently half-way through the implementation of a two-year plan of action that seeks to strengthen countries' capacities to respond to climate mobility challenges. The TFD also calls on relevant bodies to strengthen coordination, coherence and collaboration to implement integrated approaches to averting, minimizing and addressing displacement related to the adverse impacts of climate change. This can include enhancing regional action on preparing for and minimizing displacement, but also ensuring protection and assistance in line with international and national law and conventions.

The discussion on climate mobility within other policy forums are aligned with the outcomes of the UNFCCC conferences. For example, the Sendai Framework on Disaster Risk Reduction (DRR) (2015) identified measures to reduce displacement risk, manage evacuation and relocation as well as harness the support of migrants and diasporas in building resilience. This has been reiterated in subsequent global DRR gatherings such as the Global Platforms on Disaster Risk Reduction. While the 2030 Agenda for Sustainable Development does not make any direct reference to climate mobility, several targets relate to improved climate resilience and enhanced migration management. These are therefore instrumental to address challenges linked to climate migration.

The Global Compact for Safe, Orderly and Regular Migration (GCM) endorsed by nearly all United Nations (UN) Member States in 2018,[38] was the first intergovernmental negotiated agreement that covers all dimensions of international migration in a holistic manner. The GCM is a policy document and framework for action that articulates a wide and comprehensive understanding of the challenges linked to climate mobility and outlines actions to address these issues.[39] The GCM recognizes that climate change mitigation and adaptation measures in countries of origin need to be prioritized to minimize adverse drivers of migration. However, the text recognizes that adaptation in-situ or return of migrants might not be possible in cases of grave climate impacts. The GCM therefore calls for the strengthening of flexible pathways for regular migration, including development of admission and stay practices for migrants that may be compelled to leave because of the adverse impacts of climate change and disasters. While it is not legally binding, the GCM is rooted in international law and standards. The Global Compact on Refugees also acknowledges the reality of increased climate and disaster related displacement (and its interaction with refugee movements), and enables countries experiencing such displacement to draw on arrangements for burden and responsibility sharing.

Under international human rights law, States have human rights obligations to ensure the safety and dignity of all people within their jurisdiction, including those on the move. However, there are some protection gaps under international human rights law and refugee law - although not a complete vacuum. Considering this discussion, the 1951 Refugee Convention and its 1967 Protocol is frequently mentioned as a potential protection mechanism for people forced to migrate across borders because of climate impacts. Yet the attribution of refugee status is limited to those asylum seekers that have a well-founded fear of persecution on grounds of 'race, religion, nationality, membership of a particular social group or political opinion' and whose governments are unable or unwilling to protect them. Some people may have valid claims for refugee status under the 1951 Refugee Convention or regional refugee frameworks, in situations where climate change and disasters are intertwined with conflict and violence. There is a general consensus that the 1951 Convention should not be opened up for renegotiation, especially in the current political context,[40] where its entitlements and scope are more likely to be reduced than expanded. Under international and regional human rights law, countries are prohibited from removing people inter alia to places where they face a real risk of being arbitrarily deprived of life, tortured, or exposed to cruel, inhuman or degrading treatment or punishment. The UN Human Rights Committee, among others, has recognized that the adverse impacts of climate change may amount to such ill-treatment in certain circumstances. However, no case has yet been able to satisfy the requisite threshold and evidentiary requirements. Moreover, the high threshold for protection maintained in these cases leaves a protection gap that is unlikely to be filled without regional and international cooperation. While regional

37 See https://unfccc.int/sites/default/files/resource/2018_TFD_report_17_Sep.pdf
38 All Pacific Island Countries endorsed the GCM. The United States and Australia, important destination countries for Pacific migrants did not endorse this document.
39 The Global Compact for Safe, Orderly and Regular Migration, Perspectives on Environmental Migration (2018). Available from https://environmentalmigration.iom.int/10-key-takeaways-gcm-environmental-migration
40 J. McAdam et al. International Law and Sea-Level Rise: Forced Migration and Human Rights (2016). Available from https://www.fni.no/getfile.php/131711-1469868996/Filer/Publikasjoner/FNI-R0116.pdf

refugee definitions in Africa and Latin America are more expansive and may provide protection in some contexts (especially where conflict and disasters are linked), they will not assist everyone.

The first Human Rights Council's (HRC) resolution on human rights and climate change was adopted in 2008 and contains no explicit references to migration. This prompted a submission by the Government of the Maldives asking for further considerations of the implications for climate mobility, including risks posed by slow-onset processes on state sovereignty and national identity, which are also common risks for Pacific countries. In 2017, adding to the number of HRC resolutions on human rights and climate change,[41] the HRC passed a resolution focusing on climate change and migration in the run up to the GCM. The resolution specifically "notes the urgency of protecting and promoting human rights of migrants and persons displaced across international borders, in the context of the adverse impact of climate change, including those from Small Island Developing States and Least Developed Countries".[42] Further progress on the human rights implications of climate change was made in the 2019 decision on the case of Mr. Ioane Tietiota. (See box 2). The Committee ruled that 'without robust national and international efforts', the effects of climate change could expose people to life-threatening risks or cruel, inhuman or degrading treatment, 'thereby triggering the non-refoulement obligations of sending states'. While the facts of that case did not meet the requisite threshold, the Committee noted that each new case would need to be assessed according to 'the situation at the time' in the relevant country, and 'new and updated data on the effects of climate change and rising sea-levels thereupon'. This finding was consistent with that of the New Zealand judicial system.

Outside of the United Nations processes, the state-led Nansen Initiative led to the development of an outcome document, 'Agenda for the protection of cross-border displaced persons in the context of climate change and disasters' also known as the Protection Agenda that was endorsed by over 105 states.[43] The Protection Agenda was drafted following an intergovernmental consultation process in seven global regions. While not legally binding per se, it is based on existing legal obligations and sets out a toolbox to prevent, prepare and respond to disaster displacement. The implementation of the Nansen Protection Agenda is spearheaded by the Platform on Disaster Displacement, with a focus on developing regional solutions.

Box 2: Applying for asylum on environmental grounds: cases from New Zealand

Over several years Pacific Islanders have sought protection in Australia and New Zealand, on the basis of the longer-term impacts of climate change. In 2013, Mr. Ioane Teitiota's case from Kiribati came to the attention of international media. Mr. Teitiota had applied for protection in New Zealand as a refugee or on human rights grounds on the basis of 'changes to his environment in Kiribati caused by sea-level-rise associated with climate change'. His claim was rejected by New Zealand's Immigration and Protection Tribunal. Subsequent appeals were rejected as analysis of national and international refugee law deemed that refugee status only applies where a person has a well-founded fear of being persecuted on at least one of five grounds, and the state cannot protect him or her from that persecution. In other words, there was no substantial evidence to argue that the Government of Kiribati had failed to take necessary action to prevent human rights violations or that the situation in Kiribati had deteriorated to such an extent that Mr. Teitiota's life or other fundamental rights would be violated if he were removed. The tribunal noted that the environmental context faced by the claimant was also not unique to the claimant's context but generally applicable to the population located in his place of origin, Tarawa. Importantly, however, the tribunal noted that future cases might indeed meet the requisite threshold depending on the evidence at the time. It is important to note that the ruling was not decisive in how such cases would be judged in the future and the ruling indicated that future cases may determine that protection for those affected by environmental changes may be required.[1]

The case of Mr. Teitioata was then presented to the Human Rights Committee in 2015. The views of the Human Rights Committee in 2019 were consistent with the decision made by the New Zealand courts. However, for the first time, the Committee

41 J. McAdam and Marc Limon, Human Rights, Climate Change and Cross-Border Displacement: the role of the international human rights community in contributing to effective and just solutions (2017). Available from https://www.kaldorcentre.unsw.edu.au/sites/default/files/HR_CC_Displacement.pdf

42 OHCHR, Human rights and climate change A/HRC/RES/35/20 (2017). Available from https://ap.ohchr.org/documents/alldocs.aspx?doc_id=28480

43 The Nansen Initiative, Agenda for the protection of cross-border displaced persons in the context of climate change and disasters (2015). Available from https://nanseninitiative.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf

recognized that states shall refrain from sending people back to situations in which the impacts of climate change in the country of origin pose a real risk to their lives, hereby triggering obligations to apply the principle.

In another case, in 2014, a family from Tuvalu was granted residency on humanitarian grounds in New Zealand. This decision was not based on the climate change claim, but rather on the family's close family ties with New Zealand citizens and permanent residents (and the fact that the children had never been to Tuvalu and were part of an extended family network in New Zealand). Furthermore, the tribunal ruled that, to be granted protection on grounds of climate change impacts, future cases would need to establish the exceptional humanitarian nature of the situations examined.[2]

As a possible response, New Zealand announced in 2017 that they would consider establishing experimental humanitarian visas for Pacific Islanders affected by climate change. The decision on whether to instigate such a visa has since been deferred while New Zealand implements its Action Plan on Pacific Climate Change-Related Human Mobility. The Action Plan involves a series of activities that will enable officials to make recommendations to Government on New Zealand's longer-term approach to the issue. Those activities include dialogue, research, participation in international forums, and targeted development assistance towards supporting Pacific island countries to avert, delay and prepare for climate mobility.[3]

[1] New Zealand Ministry of Justice, Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment (2014). Available from https://www.loc.gov/law/help/climate-change-refugee/new-zealand.php#_ftn1 The court ruled: "this requirement of some form of human agency does not mean that environmental degradation, whether associated with climate change or not, can never create pathways into the Refugee Convention or protected person jurisdiction".

[2] As for the climate change issue relied on so heavily, while the Tribunal accepts that exposure to the impacts of natural disasters can, in general terms, be a humanitarian circumstance, nevertheless, the evidence in appeals such as this must establish not simply the existence of a matter of broad humanitarian concern, but that there are exceptional circumstances of a humanitarian nature such that it would be unjust or unduly harsh to deport the particular appellant from New Zealand.

[3] New Zealand Ministry of Foreign Affairs and Trade, Pacific Climate Migration (2018). Available from https://mfat.govt.nz/assets/Uploads/Redacted-Cabinet-Paper-Pacific-climate-migration-2-May-2018.pdf

X. PACIFIC EFFORTS TO ADDRESS CLIMATE MOBILITY: REGIONAL, SUB-REGIONAL AND NATIONAL POLICIES AND INITIATIVES

A. REGIONAL AND SUB-REGIONAL EFFORTS ON CLIMATE CHANGE AND DISASTERS

The increased global attention to issues of climate mobility has been driven in part by the advocacy efforts of small island states, predominantly Pacific Island Countries. At the regional level, the issue was first formally recognized in the 2008 Niue Declaration on Climate Change.[44] It recognizes the desire of Pacific peoples to continue to live in their own countries where possible and urges development partners to provide support for adaptation and, if necessary, relocation.

Since then, the Framework for Resilient Development in the Pacific (2017-2030) (FRDP),[45] which links to the overarching Framework for Pacific Regionalism, lists priority actions for a range of stakeholders to address human mobility. In summary, these actions call on national governments, regional and civil society organizations, and other partners to strengthen their capacity to protect individuals and communities migrating in the context of climate change. Modes of support recommended include:

- "Integrating human mobility aspects, where appropriate, including strengthening the capacity of governments and administrations to protect individuals and communities that are vulnerable to climate change and disaster displacement and migration, through targeted national policies and actions, including relocation and labour migration policies.
- Building capacity of women and men to effectively participate in development of national and regional policies and agreements to such new and emerging issues as geo-engineering and forced migration.
- Supporting the protection of individuals and communities most vulnerable to climate change displacement and migration through targeted national and regional policies and regional labour migration schemes, where appropriate.

44 Pacific Islands Forum Secretariat, Niue Declaration on Climate Change, available from https://www.forumsec.org/the-niue-declaration-on-climate-change/.

45 Pacific Community, Framework for Resilient Development in the Pacific (2017-2030). Available from http://gsd.spc.int/frdp/assets/FRDP_2016_Resilient_Dev_pacific.pdf

- Conducting studies and support the development of appropriate national strategies on relocation related to climate change and disaster impacts.
- Anticipating and prepare for future displacement by integrating human mobility issues within disaster preparedness, response and recovery programmes and actions."

Under the FRDP governance arrangements, a Technical Working Group on Human Mobility in the context of Increasing Climate and Disaster Risk has been established (TWG). It brings together multiple stakeholders to enhance coordination, provide expertise and strengthen efforts to address climate migration, displacement and planned relocation. The creation of the TWG indicates the urgency of the issue at stake and the importance of fostering regional level engagement.

The next key regional milestone is the 2018 Boe Declaration on Regional Security.[46] It reaffirms climate change as the single greatest threat to livelihoods, security and wellbeing of Pacific peoples. Leaders also adopted "an expanded concept of security inclusive of human security, humanitarian assistance, prioritising environmental security, and regional cooperation in building resilience to disasters and climate change, including through regional cooperation and support". Within this concept of security, the implementation of the Boe Declaration provides room for governments to include activities related to climate change related migration and displacement, even though this is not discussed directly in the text.

Another relevant regional policy initiative that provides an opening for dialogue on long-term impacts of climate change, including those on mobility, is the "2050 Strategy for Securing Our Future in the Pacific".[47] Other initiatives at the regional level that may be relevant to the management of climate mobility include the newly established Pacific Climate Change Centre in Apia, Samoa that could potentially contribute to increased data and understanding of climate mobility, and the Pacific Resilience Facility, which is still under development. The Facility will provide financing options for resilient development and preparedness to minimize mortality, displacement and economic losses. Complementary to this is New Zealand's Action Plan for Pacific Climate Change-Related Human Mobility, which includes among other things commissioning robust research to map hazards and vulnerabilities, to better understand future patterns of Pacific climate mobility, and to understand the social and economic impacts.[48] The New Zealand Ministry of Foreign Affairs and Trade has begun this work, which is intended to enable Pacific island countries to better plan and prioritize responses to climate change, including climate mobility.

Aside from the Pacific Island Forum declarations, statements from other regional groupings have also been issued. The Pacific Islands Development Forum (PIDF) endorsed the 2015 Suva Declaration which highlighted that climate-related displacement is already occurring. In 2019, the PIDF Nadi Bay Declaration strongly supported the need for a UN resolution to protect the rights and human security of displaced people.[49] Sub-regions in the Pacific - Micronesia, Melanesia and Polynesia - also have their own organizations which have issued joint-declarations on climate change, including directives on climate mobility. The Polynesian Leaders Group's 2018 Amatuku Declaration recommends the establishment of a 'Grand Coalition of Pacific Leaders on Climate Change Displacement and Migration'. Other spaces to foster high-level consultative dialogues in the region include the Coalition of Atoll Nations against Climate Change, and the Climate Action Pacific Partnership at the global level within the Alliance of Small Island States (AOSIS), which have both discussed issues related to international protection linked to climate displacement and the broader topic of climate security.

B. REGIONAL AND SUB-REGIONAL EFFORTS ON LABOUR MOBILITY

There are several existing bilateral, sub-regional and regional agreements and arrangements that touch upon migration management, even though they do not explicitly refer to climate mobility in the Pacific. Examples include seasonal and temporary labour migration schemes, permanent residence schemes and preferential admission and stay agreements between

46 Pacific Islands Forum Secretariat, Boe Declaration on Regional Security (2018). Available from https://forumsec.org/wp-content/uploads/2019/10/BOE-document-Action-Plan.pdf

47 Leaders endorsed the development of the 2050 Strategy at the PIFS 2019 meeting in Tuvalu

48 New Zealand Action Plan for Pacific Climate Change-Related Human Mobility, available at https://www.mfat.govt.nz/assets/Uploads/Redacted-Cabinet-Paper-Pacific-climate-migration-2-May-2018.pdf.

49 Pacific Island Development Forum, Nadi Bay Declaration on the Climate Change Crisis in the Pacific (2019). Available from https://cop23.com.fj/nadi-bay-declaration-on-the-climate-change-crisis-in-the-pacific/

countries. A non-exhaustive list of labour mobility arrangements are summarized below:

- The Recognized Seasonal Employer (RSE) scheme, in effect since 2007, is one of the oldest seasonal labour schemes in the Pacific region that offers employment opportunities in New Zealand's horticulture and viticulture industries to meet seasonal demand. The scheme is open to workers from Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu with a cap that changes according to employers' needs and was set at 14,400 workers in October 2019.[50]

- Through the Seasonal Worker Programme (SWP),[51] Australia provides seasonal employment opportunities in the agriculture and hospitality sectors[52] to Pacific Islanders from Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu. The workers can spend a maximum of nine months in Australia, filling critical labour force gaps in peak seasons.

- Building on the success of the SWP, the Pacific Labour Scheme (PLS) was designed to meet business demand across Australia through employment of Pacific Islanders from Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste and Tonga. Workers can apply for low and semi-skilled employment opportunities and stay in Australia for up to three years.

- This is combined with skills enhancement and training programmes, such as under the Australia Pacific Training Coalition (APTC) that aim to 'upskill' Pacific Islanders through courses on digital literacy and work preparedness, amongst others. This enhances the likelihood of migration through existing labour migration schemes to Australia. Scholarship programmes, including those supported by destination country governments also enable access to overseas migration opportunities.[53]

- In addition to government-led labour mobility schemes, private sector-led initiatives also provide Pacific workers with temporary jobs in countries such as Canada and the United States. The Canada International Training and Education Corp (CITREC) partnership with the Guadalcanal province in the Solomon Islands provides training and certification to Solomon Islanders and employment opportunities for the graduates. The CITREC specifically notes that Pacific-based activities focus on helping communities affected by climate change to become job-ready.[54] Farmers from the United States have also reportedly indicated interest in hiring Ni-Vanuatu workers.[55] A large number of Pacific workers are seafarers on international shipping lines. For some countries, like Tuvalu and Kiribati, these occupations represent the bulk of offshore employment, though anecdotal information indicates that opportunities might be declining.[56] A Kiribati-Australia Nursing Initiative pilot also enabled trained nurses from Kiribati to work in Australia.

- While intraregional Pacific labour mobility occurs, few formal arrangements exist to manage these movements. The Melanesian Spearhead Group 'skills movement scheme' facilitates the movement of skilled professionals in the health, hospitality, education and construction sectors. This is open to citizens from Fiji, Vanuatu, Papua New Guinea and Solomon Islands and capped at 400 workers per country. Under the Pacific Island Forum, the Pacific Island Countries Trade Agreement (PICTA) and the Pacific Agreement on Closer Economic Relations (PACER) have also initiated negotiation on frameworks of cooperation to facilitate the 'Temporary Movement of Natural Persons'[57] in skilled and semi-skilled sectors. However these agreements are not yet in force.

Though these arrangements exist largely for the purpose of meeting labour demands, there are instances of Governments amending entry and stay regulations on humanitarian grounds in the context of disasters. Following Cyclone Pam in 2015, New

50 New Zealand Immigration, Recognised regional employer scheme (2017). Available from https://immigration.govt.nz/about-us/research-and-statistics/research-reports/recognised-seasonal-employer-rse-scheme

51 Australian Government Department of Education, Skills and Employment, Seasonal worker programme (2019). Available from https://employment.gov.au/seasonal-worker-programme

52 Agricultural sectors employs workers across Australia and the accommodation sector is restricted to certain locations

53 See for example, https://www.mfat.govt.nz/en/aid-and-development/new-zealand-government-scholarships/

54 Canadian Government International Training and Education Corporation. Available from http://citrec.com/

55 J. Cullwick, United states interested in Vanuatu seasonal workers scheme (2018). Available from http://dailypost.vu/news/united-states-interested-in-vanuatu-seasonal-workers/article_557ecfff-1d3f-5a09-9457-4956d2b5c227.html

56 ILO Draft Reports on Review of Implementation of National Labour Migration Policy and Action-Plan, Kiribati and Tuvalu (2020, Unpublished)

57 Pacific Island Forum Secretariat, Pacific Island Countries Trade Agreement (2012). Available from https://forumsec.org/picta-trade-in-services-negotiations-progress-2/

Zealand extended the length of the seasonal worker visa for Ni-Vanuatu from five to seven months, enabling workers to make more money to support their families back home during their stay in New Zealand. These remittances were important to short- and long-term disaster recovery processes. The New Zealand Government also waived the visa fees for Pacific workers returning home and coming back to New Zealand, and responded to the surge in applications for the seasonal worker schemes by increasing the annual cap.[58] With the outbreak of the novel coronavirus (COVID-19) pandemic, visas were swiftly amended to allow workers to stay in their destinations till borders reopened. While visa extensions were processed quickly, other human security issues and questions of inclusion of migrants into government response and social protection planning continues to be a pressing issue.[59]

The innovative use of existing seasonal worker schemes as a part of humanitarian response provides evidence to the idea that labour mobility can be managed to offer climate change adaptation options. For example, some recent research points towards the possibility for seasonal worker schemes to better address agricultural and food security challenges through a stronger focus on knowledge and skills transfer dimensions of such schemes and by better recognising and integrating climate change adaptation opportunities.[60] At the same time, issues still exist for those migrating through labour mobility schemes, such as potential risks of exploitation and abuse, undignified employment, and challenges of family separation and other social costs which need to be first addressed. Furthermore, key concerns of Pacific countries regarding climate mobility is its potential impacts on community and culture, and labour mobility schemes are designed principally around employers' needs and may adversely affect the ability to maintain culture. These challenges add to the debate on whether labour mobility schemes can contribute to adaptation, disaster response and recovery, particularly for the most vulnerable communities. Keeping these issues in mind, measures should be taken to improve the governance of labour mobility programmes and to ensure that they better respond to the needs of communities affected by climate change.[61]

C. REGIONAL AND SUB-REGIONAL ARRANGEMENTS FOR FREE MOVEMENT OR PERMANENT RESIDENCE

Aside from labour mobility, Pacific Islanders also have access to Australia, New Zealand, United States and France through varying institutional arrangements emerging from historical ties.

- In the North Pacific, the Compact of Free Association (COFA) signed between the United States, the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau, ensures that citizens from the three Pacific countries can reside and remain in the United States, in exchange for operating rights for US defense. The COFA agreements are set to expire from 2023 onwards and are currently in the process of being re-negotatied.

- The United States overseas territories in the Pacific include Guam and American Samoa. Nationals from these territories can move freely to the United States. Similarly, New Caledonia, Wallis and Futuna, and French Polynesia are French overseas departments and territories and have free movement to France.

- The Cook Islands, Niue and Tokelau are part of the realm of New Zealand. Though exact bilateral arrangements amongst the islands vary, citizens from all three countries and territories have the right to enter, stay and work in New Zealand.

- New Zealand also provides the opportunity to a total of 650 Pacific Islanders from Kiribati, Tuvalu, Tonga and Fiji to live, work and study through the Pacific Access Category (PAC) per year. Reports indicate that though over thousands of Pacific Islanders apply, only around 10 families are selected each year. Challenges in securing a job offer, which is an essential criteria to obtain a residence permit along with providing the other documentation prevent the annual PAC quotas from being filled in each country. Samoans also have access through a separate Samoan Quota Resident Visa which admits up to 1100 people per year.

58 R. Bailey and R. Shiu, New Responses to Natural Disasters through Seasonal Labour Mobility Programs (2016). Available from http://bellschool.anu.edu.au/sites/default/files/publications/attachments/2016-05/ib-2016-12-baileyngshiu.pdf
59 IOM Rapid Assessment of the Socioeconomic Impacts of COVID-19 on Labour Mobility in the Pacific Region (2020). Available from https://publications.iom.int/books/rapid-assessment-socioeconomic-impacts-covid-19-labour-mobility-pacific-region?language=en
60 Dun, O. & Klocker, N. (2017) 'The migration of horticultural knowledge: Pacific Island seasonal workers in rural Australia – a missed opportunity?', Australian Geographer, 48(1): 27–36; and Dun, O., Klocker, N., and Head, L. (2018) 'Recognising knowledge transfers in 'unskilled' and 'low-skilled' international migration: Insights from Pacific Island seasonal workers in rural Australia?', Asia Pacific Viewpoint, 59(3): 276–292.
61 Union Aid Abroad, Discussion Paper Temporary Labour Mobility in Australia and the Pacific Islands (2017). Available from https://apheda.org.au/wp-content/uploads/2017/11/Discussion-Paper-Temporary-Labour-Mobilitiy-in-Australia-and-the-Pacific-Islands.pdf

Despite the lack of understanding on the current usage of these pathways by people affected by climate change, policy discussions and academic research suggest that existing regimes can be extended or repurposed to fit the needs of communities affected by climate change. It can also be argued that these pathways may provide a basis to develop instruments to enable entry on humanitarian grounds in the context of disasters. This is also in line with the provisions of the GCM that calls for strengthening of flexible pathways available to climate migrants. Also important to note here is the role of intra-Pacific mobility and other emerging pathways which may have increasing importance for Pacific migrants.

D. NATIONAL EFFORTS RELATED TO CLIMATE CHANGE AND MOBILITY

- Pacific Islands have developed specific policy documents and led interventions specifically dedicated to climate mobility:

- Vanuatu was the first country worldwide to launch their National Policy on Climate Change and Disaster-Induced Displacement. The policy is guided by the Vanuatu's People's Plan 2030 and proposes guidelines to address both short and long-term displacement needs. It contains guiding principles, defines strategic areas for intervention and identifies actions to be led by a range of different actors. Its overarching aim is to ensure the protection of people who have been adversely affected by either sudden or slow-onset changes in the natural or built environment. This includes supporting people who are at risk of displacement, people who are obliged to move, and communities hosting relocated people.

- Fiji's National Planned Relocation Guidelines[62] is also a first policy document of its kind in the region. The Planned Relocation Guidelines outline how state and non-state actors should support the internal relocation of coastal communities affected by climate change. This is a living document that reaffirms the principle that relocation should occur only once all other options are exhausted, and with the full involvement of relocated and host communities. The document gives due importance and respect to indigenous knowledge and cultural, economic, social and psychosocial impacts of relocation. The Government of Fiji is currently developing standard operating procedures (SOP) to supplement the guidelines.

- In addition to the Planned Relocation Guidelines, the Government of Fiji has also developed Displacement Guidelines that seek to reduce displacement risk, manage displacement when it occurs, and identify durable solutions.

- Other governments in the region, such as the Solomon Islands, are also in the process of drafting planned relocation guidelines. Past efforts to develop guidelines in the Solomon Islands have however been impeded by the country's land tenure system; since customary ownership of the land prevails, acquisition of land for relocation cannot be undertaken without required amendments to legislation and other deep structural changes.[63]

- The Government of Tuvalu is sponsoring a draft UN General Assembly resolution on 'Providing Legal Protection for Persons Displaced by the Impacts of Climate Change'[64] in order to elevate the issue to the top of the global agenda. The draft resolution urges the international community, including UN Member States and UN agencies, to provide protection and assistance to people being displaced internally and across borders related to climate change impacts. The draft resolution calls for an international legally binding instrument to provide appropriate protections to uphold the human rights of climate displaced persons. At the time of writing, the draft resolution has not yet been presented to the UN General Assembly.

- Though not a policy directive, the Office of the Chief Secretary in the Republic of Marshall Islands published a policy note[65] outlining how climate change uniquely affects atoll nations. The note specifies that these countries have limited space available for internal relocation and will thus experience the impacts of sea level rise disproportionately compared to states with larger land masses. As a result, the note highlights that atolls need to "err on the side of caution"[66] by focusing on resilience, climate proofing infrastructure, early warning systems, disaster risk

62 National Legislative Bodies / National Authorities, Fiji: Planned Relocation Guidelines - A framework to undertake climate change related relocation (2018). Available from https://refworld.org/docid/5c3c92204.html
63 J. Foukuna et al, Solomon Islands Law Report (1990). Available from https://usp.ac.fj/index.php?id=13296
64 UNDOCS, Providing Legal Protection for Persons Displaced by the Impacts of Climate Change (2019). Available from https://undocs.org/pdf?symbol=en/A/73/L.105
65 Marshall Islands Conversation Society, Climate-induced migration and the compact of free association (2019). Available from https://static1.squarespace.com/static/596d5a162e69cf240a0f043b/t/5e0b8ca2014e1a25d2b7d52b/1577815211190/MICMP2019_COFAPolicyBrief.pdf
66 Ibid

reduction measures, food, water and health security, and financial resilience. In particular, the policy note emphasizes the need to elevate islands to reduce climate impacts and enable Marshallese the option of thriving in their homelands and maintaining their place-based culture, as opposed to being forced to relocate by the impacts of climate change. Financing instruments, and the support of the international donor community are called upon to support such measures.

In addition, broader national level policies and frameworks related to climate change and disaster risk reduction also acknowledge the climate change and mobility nexus, although only some identify related interventions. Vanuatu's Climate Change and Disaster Risk Reduction Policy (2016-2030)[67] addresses issues of displacement, which are subsequently elaborated upon in a dedicated policy document listed below. In Fiji, several climate change policy documents - the National Adaptation Plan and the National Policy on Climate Change (2018-2030)[68] - make references to planned relocation, displacement and human mobility, including emphasis on labour mobility initiatives as tools to support climate change adaptation priorities. Similarly, the Republic of Marshall Islands' Tile Til Eo 2050 Climate Strategy[69] prescribes that the National Adaptation Plan, currently in development, should consider measures for relocation, noting the country's current voluntary out-migration trends and the limitations to viable options for future generations.

Tuvalu's Te Kaniva: Climate Change Policy (2012-2021)[70] includes a goal on guaranteeing the security of the people and maintaining national sovereignty, which are in addition to goals regarding climate change mitigation intended to ensure that Tuvalu remains inhabitable. The policy aims to pursue the goals on security and sovereignty through, among other things, increasing preparedness for displacement, and advocating for the establishment of new migration arrangements, such as a Special Pacific Access Category that considers climate change vulnerabilities. Tuvalu also aims to promote the development of an international legal framework for the relocation and recognition of Tuvalu as a sovereign state if sea level rise submerges the island nation. Kiribati's climate change policy focuses on managing internal displacement and relocation that may occur in the context of loss and damage due to climate change.

Commonalities throughout most policies include the need to strengthen coastal adaptation interventions such as seawalls, accommodation of risk through elevation and ecosystem-based adaptation measures, such as the planting of mangroves to protect communities from storm surges and prevent coastal erosion. There is general recognition that mobility

67 Government of Vanuatu, Vanuatu's Climate Change and Disaster Risk Reduction Policy (2016). Available from https://nab.vu/sites/default/files/nab/vanuatu_cc_drr_policy_minus_att4v4.pdf
68 National Legislative Bodies / National Authorities, Fiji: Planned Relocation Guidelines - A framework to undertake climate change related relocation (2018). Available from https://refworld.org/docid/5c3c92204.html
69 Republic of the Marshall Islands, Tile Til Eo 2050 Climate Strategy "Lighting the way" (2018). Available from https://unfccc.int/sites/default/files/resource/180924%20rmi%202050%20climate%20strategy%20final_0.pdf
70 Government of Tuvalu, Te Kaniva: National Climate Change Policy (2012). Available from https://preventionweb.net/files/68527_tuvalunationalclimatepolicy.pdf

should be a choice, rather than a necessity, and that relocation is considered only once all other options are exhausted.

National policies governing labour migration also prioritize climate change adaptation and consider the relationship between migration opportunities and climate adaptation. For instance, in Tuvalu and Kiribati, National Labour Migration Policies (NLMP)[71] acknowledge that, in helping to promote economic and social development, labour migration can also help contribute to climate change adaptation. The policies also identify the need to develop a high-level cooperation mechanism on labour migration amongst atoll nations and to link labour migration with climate change adaptation plans, in addition to broader developmental policies. Actions related to climate change under the NLMPs have not yet been implemented. Tonga is also developing its migration and sustainable development policy. Although not yet completed, it appears likely to include a section on the management of climate migration, displacement and planned relocation. In addition to labour migration policies, sustainable development policies and plans also make references to migration linked to climate change and identify resettlement and relocation as priority areas of action.

X. OBSERVATIONS AND NEXT STEPS

The Pacific region is characterized by mobility across islands, both historically and presently. People move from outer islands to main islands, from rural to urban areas and from one island nation to another due to a range of push and pull factors, and a combination of socio-economic factors, including opportunities for improved education, health, employment and to cope with the adverse impacts of disasters and climate change. When climate change impacts become so severe that they erode natural environments that are at the core of human security, individuals may be forced to leave in search of alternative opportunities or to escape the consequences of sudden and slow-onset disasters. Ideally, climate change mitigation and adaptation efforts will avert these risks. However, relocation - the option of last resort – may be needed to ensure survival. This has the potential to undermine the enjoyment of human rights and to reverse development outcomes and, therefore, needs to be undertaken in systematic ways that avoid or at least minimise these further risks.

Current climate projections indicate the high certainty that climate mobility will intensify in the future. There is a general agreement, however, across policy and scientific communities that the Pacific region faces significant climate threats linked to their geography, and low-lying atolls are especially exposed to climate risks arising from slow-onset events. These different dimensions will play a key role in shaping migration patterns in the region.

In this context, recent research and policy frameworks recognize the necessity to better understand and address the climate change and migration nexus. There is also an overall agreement that climate mobility, particularly in the context of atoll islands, creates challenges for the protection of migrants and affected communities. As such, discussions continue on the type of measures that may help avert, minimize and address climate displacement which also include harnessing regular migration pathways as one such option to adapt to the adverse impacts of climate change.

The increasing consideration of climate mobility issues across policy domains (climate change, migration, disaster risk reduction, human rights and development), at different levels of governance (global, regional, national and sub-national), has emerged largely thanks to the tireless advocacy efforts of Pacific Island countries. On the other hand, the development of appropriate policy responses is affected by several factors, such as the scarcity of sound data and evidence on the impacts of climate change on cross-border movements; of case studies and best practices on planned relocation; of case studies on migration as a potential form of climate change adaptation; a limited understanding of gendered climate mobility experiences; and incomplete displacement data on duration, impacts and trajectories.

Pacific countries agree on several priority actions to tackle climate change, and it is clear that robust climate action will contribute to minimizing the adverse impacts of climate change on mobility. This includes advocating for a high level of ambition to reduce carbon emissions by high emitting countries to limit global warming; focusing on in-situ adaptation through ecosystem and infrastructure-based adaptation, disaster risk reduction measures and capacity; advocacy on increased availability of and easier access to climate finance. There is also growing acceptance that there may be

71 UNESCAP, Tuvalu National Labour Migration Policy (2014) and Kiribati National Labour Migration Policy (2015). Available from https://unescap.org/resources/tuvalu-national-labour-migration-policy ; https://unescap.org/resources/kiribati-national-labour-migration-policy

limits to adaptation, resulting in losses and damages, including those that of a non-economic nature, such as displacement, relocation and migration.

In order to advance action, it is necessary to foster dialogue at the regional and national level on how to address the multiple challenges linked to climate mobility. This includes:

- Prioritizing disaster risk reduction and climate change adaptation in places of origin to avoid displacement
- Supporting people already on the move in the context of climate change with specific attention to vulnerable groups
- Facilitating regular planned relocation and migration options, internally and if deemed necessary, across borders where appropriate.
- In these respects, it would be helpful to advance a common understanding of the following key issues:
- Defining regionally agreed principles and/or objectives to underpin the work and cooperation on the issue of climate mobility
- Defining the indicators of wellbeing or human security in the context of climate change and mobility in the Pacific
- Defining what measures are required to ensure that people on the move for climate change related reasons do not also face threats to survival, human rights, livelihood and dignity, and can preserve culture, community and language
- Discussing a possible definition of what could qualify as a threshold to provide individuals moving in the context of climate change with specific protection measures, if required, and detailing the protection measures
- Examining the legal implications of cross-border climate migration, displacement, relocation, including issues regarding land tenure, plus the collective and individual rights of climate migrants, the rights of potentially relocated states, as well as the responsibilities and obligations of destination communities and states
- Examining the personal, social, cultural, economic, political and geostrategic effects (positive, neutral and negative) of relocation
- Identifying existing and possible new policy or legal instruments that could be best applied in such a context, including the appropriate forums for such a discussion
- Mapping the local, regional and international actors (government, civil society, private sector, academia and so on) that could have roles in providing assistance, which may already have relevant activities under way where there may be potential for synergies and cross-fertilization of ideas and projects

- Identifying best practices for managing planned relocation, including the preservation of cultural heritage and identity both internally and across national borders and securing access to appropriate land resources
- Examining how existing mobility options, such as assisted movements, labour mobility schemes and bilateral/multilateral arrangements (free association agreements, permanent residence schemes, humanitarian visas) could be leveraged to contribute to climate change adaptation particularly for trapped and vulnerable populations, and considering how well managed labour mobility pathways can be adapted to the needs of communities affected by climate change and host communities
- Identifying new and potentially innovative approaches to internal and cross-border relocation in the context of climate change
- Exploring regional approaches to managing evacuations and sudden-onset disaster displacement
- Determining the appropriate modalities and the best possible format to pursue such regional discussions, taking into consideration the establishment of a high-level dialogue, coalition or consultative process.
- Identifying appropriate government ministries to facilitate cross-sectoral discussions and action

Certain guiding principles also need to be integrated into dialogue on climate mobility. This needs to carefully consider the broader socio-economic context and development challenges in Pacific Island Countries and to understand the complexity of mobility drivers and its connections to climate change impacts. Successful discussions will hinge upon a whole–of-society, cross-sectoral, do no harm and conflict-sensitive approach, ensuring that the views of all affected stakeholders, their families and host communities are at the forefront. This means consulting with communities and their chiefs, church and faith-based leaders as well as other groups that may often be underrepresented, such as women's and LGBTQ groups, people with disabilities, youth, civil society, migrants and displaced persons themselves. All ministries and governmental entities with a stake in the issue should also be involved, including but not limited to those in charge of issues related to migration, climate change, development, disaster management, land, environment, health, women and children at the national and sub-national level.

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