Journal of Human Rights and the Environment, Vol. 7 No. 1, March 2016, pp. 54–73

The politics of environmental migration and climate justice in the Pacific region

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Starting from a critical discussion of current arguments and concepts in research on the environment–migration nexus, the article analyses how environmental migration is discussed in the Pacific region. In the first section we provide a short overview of the academic debates on environmental migration and describe their limitations. We suggest that a legal stalemate has arisen at global level regarding environmental migrants. The second section examines the evolving negotiations to address environmental migrants in the Pacific region that are, in contrast to the global North, based on climate science and on calls for climate justice and solidarity. We conclude that the inclusion of post-colonial perspectives in the debates on environmental migration can render visible the political nature of climate adaptation choices and reconnect global negotiations to questions of fair burden sharing in adaptation. The article brings a legal anthropological lens to bear on empirical material from the Pacific region, to show the new rights, resources and policies that may emerge from climate change and migration debates. The article offers insights into the increasingly complex decision-making processes and development of policies and laws in the context of global climate change.

Keywords: *climate justice, adaptation, environmental migration, Kiribati, Fiji, Pacific region, legal anthropology, migrate with dignity*

1 INTRODUCTION

Debates around climate change and its impact on migration patterns are closely linked to controversies about social, political, economic and ecological justice in North–South relations. Studies on the course and social impacts of climate change point to developments that might further exacerbate differences between industrialized and developing nations.[1] In the context of international debates, it is especially the differentiated impacts of climate change and the clear distribution of responsibilities for greenhouse gas emissions that bear the greatest potential for generating conflict. The historically high emissions of industrialized countries and related responsibilities for observable and expected changes in global climate have been subsumed under the notion of 'shared, but differentiated responsibilities', but have not resulted in far-reaching political concessions towards

1. OECD, *Integrating Climate Change Adaptation into Development Co-operation* (OECD Publishing, Paris 2009).

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the developing world.[2] Rather, global power structures themselves have complicated negotiations on the 'fair' goals of climate politics and about compensatory payments for adaptation measures.[3] 'Multidimensional inequalities'[4] in the context of global climate change are adversely affecting developing countries such as the Republic of Kiribati, an island nation in the central tropical Pacific. Kiribati's inhabitants bear little responsibility for anthropogenic climate change, as their per capita emissions are low; nevertheless, they are heavily impacted by actual and expected environmental changes.[5] Along with profound socio-economic problems and few opportunities for financing adaptation operations, Kiribati suffers from additional structural inequalities on various levels. These include, for example, the effects on these islands of colonial history, including unsustainable environmental exploitation on Banaba, limited access to resources and social services, as well as limited participation and arrangement opportunities in international as well as regional political negotiations.[6]

The potential for conflict present within climate justice debates is especially apparent in discourses on the connections between climate change and migration. Countries like Kiribati are often perceived to be the first victims of climate change and have to anticipate the future uninhabitability of their territory. Such countries claim global and regional solidarity to assist them in their search for adequate long-term solutions for potential climate migrants. In contrast, political debates in the global North often show a tendency towards framing environmental and climate migration as a security issue, which leaves little hope of support for affected people or countries. These different epistemic framings of current and future migration trends due to the effects of anthropogenic climate change have activated negotiation processes that represent an important arena in which battles for ecological and post-colonial justice are fought, and the recognition of new rights is claimed.

The Republic of Kiribati is an island state in the central Pacific made up of 32 atolls, with a population of around 110 000. Besides investing in adaptation to climate change, in regional – but also in global – comparison, Kiribati has developed some of the most concrete migration strategies thus far developed, and is engaging in various negotiations to realize them. The motto and strategy of the government, 'migrate with dignity', has been articulated in many international and regional negotiations. Its proactive stance gives Kiribati a pioneer role in global endeavours seeking climate justice. This proactivity makes the analyses of Kiribati's case, its role in shaping the discourse around climate justice and climate and/or environmental migrants, its strategies and their potential for success, side-effects or failure, especially interesting. These strategies could also prove useful to other regions affected by climate change and climate change migration.

Starting from a critical discussion of current arguments and concepts in research on the environment–migration nexus, the present article develops an analytical frame for

2. K Dietz, 'Prima Klima in den Nord-Süd-Beziehungen? Die Antinomien globaler Klimapolitik: Diskurse, Politiken und Prozesse', in H-J Burchardt (ed), *Nord-Süd-Beziehungen im Umbruch. Neue Perspektiven auf Staat und Demokratie in der Weltpolitik* (Campus Verlag, Frankfurt 2009) 189.
3. BC Parks and JT Roberts, 'Climate Change, Social Theory and Justice' (2010) 27 Theory, Culture & Society 134–66.
4. Dietz (n 2) at 189.
5. N Mimura et al., 'Chapter 16: Small Islands', in ML Parry et al. (eds), *Climate Change 2007: Working Group II: Impacts, Adaptation and Vulnerability* (Cambridge University Press, Cambridge, UK 2007).
6. Also see Dietz (n 2) at 186.

environmental migration in the Pacific region informed by legal anthropology. The article then goes on to illustrate how this nexus is understood and discussed in Kiribati and between Fiji and Kiribati.

These illustrations show that certain elements of the discussion in the Pacific region (located, as it is, in the global South) open up emancipatory and innovative strategies for environmental migrants. These strategies, which include regional migration programmes, plans for community relocation and debates about innovative forms of citizenship are discussed under the motto 'migrate with dignity' by the government of Kiribati. Such programmes aim to promote a socially acceptable, culturally sensitive and solidarity-expressing way of coping with the current and future effects of climate change. Based mostly on arguments from climate justice, this approach exceeds those debates in the global North that characterize climate change impacts on migration as being a security threat or as a purely humanitarian issue. Conceptualizing emerging strategies and normative orders in environmental migration as comprising a new 'multi-sited arena of negotiation'[7] in South–South and North–South relations 'shows the importance of looking at the chains of interactions connecting transnational, national and local actors … along with the power relations that structure these interactions and are reproduced or changed by them'.[8] The ultimate aim of our article is to illustrate how new transnational developments in law and norm-setting in the context of climate change can be legitimized and brought up from 'below', as it were. At the theoretical level, our paper draws on the 'sociology of emergence' developed by de Sousa Santos and Rodríguez,[9] connecting it to concepts of legal pluralism in anthropology and to post-colonial perspectives. The aim is to offer insights into the increasingly complex decision-making processes and development of policies and laws against the background of global climate change. Regarding the local reception and interpretation of climate change discourses as crucial,[10] a theoretical perspective based on legal anthropology has the capacity to include in the analysis of transnational law-setting processes the contributions of informal actors and fora in which rights and resources are negotiated. This decentred view of global law-setting processes shifts the focus towards respective negotiations on migration strategies and emerging rights in the global South.

1.1 Methodology

One of the authors of the present article studied the regional Pacific negotiation process on environmental and climate change migration and the possibilities and limits of various strategies and alliances during four months of field research in Vanuatu, Kiribati and New Zealand, in 2010 and 2011. She returned to the field,

7. F von Benda-Beckmann, K von Benda-Beckmann and A Griffiths, 'Mobile People, Mobile Law: An Introduction', in F von Benda-Beckmann, K von Benda-Beckmann and A Griffiths (eds), *Mobile People, Mobile Law: Expanding Legal Relations in a Contracting World* (Ashgate, Aldershot) 9.
8. Ibid.
9. B de Sousa Santos and C Rodríguez-Garavito (eds), *Law and Globalization from Below: Towards a Cosmopolitan Legality* (Cambridge University Press, Cambridge, UK 2005); B de Sousa Santos, *Toward a New Legal Common Sense* (Butterworths, London 2002).
10. Also see P Rudiak-Gould, 'Climate Change and Anthropology: The Importance of Reception Studies' (2011) 27 Anthropology Today 9–12.

this time to Fiji and Kiribati, for several months in 2015. Triangulating perspectives offers insight into the complex and politically charged subject of climate change migration in the Pacific region. This was achieved by analysing literature, policy documents and legal sources that connect to this topic in the region. Furthermore, diverse actors with different perceptions and viewpoints on climate change migration were interviewed.

The interview phase of the research was based mostly on interviews and discussions with decision-makers, since they drive policies and governance practices. In Kiribati, where most of the empirical data for this article was collected, ministers and civil servants were interviewed, as well as Members of Parliament and staff members of President Anote Tong. Consultants and other co-workers of international organizations and non-governmental organizations (NGOs), who play a crucial role in the governance of Kiribati, were also consulted. Several interviewees were met with in 2011 and again in 2015, although the frequent transfer of civil servants within the Ministries of Kiribati and the resultant discontinuity in administration complicated efforts to conduct follow-up interviews.[11] Twenty-four detailed semi-structured interviews were conducted in Kiribati. All interviews lasted at least one hour and were recorded. All informants consented to being identified in any publication resulting from this research.

2 CRITICAL PERSPECTIVES ON ENVIRONMENTAL MIGRATION

Although the term 'environmental refugee' was initially coined by Lester Brown from the World Watch Institute in the 1970s,[12] the broader debate about flight due to climate change or, more generally, to environmental migration, is usually thought to have begun in the 1980s. The term 'environmental refugee' was first used in a 1985 United Nations (UN) publication and was thereby popularized in a broader context.[13] In the early 1990s the Intergovernmental Panel on Climate Change (IPCC) described the relation between climate change and migration as possibly '… the most threatening short-term effect[s] of climate change on human settlements'.[14] Up until that point, most of the contributions to the debate had come from inter- and transnational organizations.[15] The discussion was only later taken up in academic circles. Different strands of debates cropped up, such as questions concerning the

11. Also see SD Donner and S Webber, 'Obstacles to Climate Change Adaptation Decisions: A Case Study of Sea-level Rise and Coastal Protection Measures in Kiribati' (2014) 9(3) Sustainability Science, 331–45.

12. C Boano, R Zetter and T Morris, *Environmentally Displaced People: Understanding the Linkages between Environmental Change, Livelihoods and Forced Migration* (Refugee Studies Centre, Oxford Department of International Development, Oxford 2008).

13. E El-Hinnawi, *Environmental Refugees* (United Nations Environmental Programme, Nairobi, Kenya 1985), from DC Bates, 'Environmental Refugees? Classifying Human Migrations Caused by Environmental Change' (2002) 23 Population & Environment 465–77.

14. C Rouviere et al., 'Human Settlement; the Energy, Transport and Industrial Sectors; Human Health; Air Quality; and Changes in Ultraviolet-B Radiation' in WJM Tegart et al. (eds), *Climate Change – Working Group II: Impacts Assessment of Climate Change* (Australian Government Publishing Service, Canberra 1990) 5–9.

15. Up until now, the discourse has been heavily influenced by these actors. Among the most active institutions has been the International Organization for Migration, which tried to establish a definition of 'environmentally-induced migration'.

possible classification of different types of environmental migrants,[16] the expected extent of the phenomenon,[17] and the situation of environmental migrants in international law.[18] Although there was much debate regarding the terminology of the environment–migration nexus, there is still no common definition.[19] We will use the term 'environmental migrants' in this paper to refer to the phenomenon more generally, although it must be clear that in most cases we write about human mobility in the context of anthropogenic climate change.

Many of the separate strands of discussion on environment and migration have been controversial. For example, it has been asked how environmental changes affect migration events, and whether it is even reasonable to use environmental dilemmas and pressures to explain migration. This basic criticism has haunted the discussion since the beginning of the environmental migration debate, and has appeared prominently in a study commissioned by the UN High Commissioners on Refugees (UNHCR), which states that the term environmental refugees is '… unhelpful and unsound intellectually, and unnecessary in practical terms'.[20] It is argued that reducing migration decisions to environmental factors neglects the interaction between different factors of a cultural, political and social nature that form the basis of migration decisions – and that it is neither possible nor effective to consider these dimensions separately from each other. Similarly, Piguet argues that the debate has long been marked by a lack of theoretical grounding, a disregard of new trends in migration research and, most importantly, by the neglect of debates on a 'de-naturalizing (re)turn to Nature'[21] in human geography and other disciplines from the late twentieth century onwards.[22] Many scholars now have considerable reservations about the environment–migration nexus and instead emphasize the complex interaction of other interrelated factors, as well as the importance of migration as a legitimate form of adaptation to adverse environmental

16. DC Bates, 'Environmental Refugees? Classifying Human Migrations Caused by Environmental Change' (2002) 23 Population & Environment 465–77; F Biermann, 'Umweltflüchtlinge. Ursachen und Lösungsansätze' (2001) 12 Aus Politik und Zeitgeschichte 24–9; C Jakobeit and C Methmann, *Klimaflüchtlinge. Die verleugnete Katastrophe* (Greenpeace e. V., Hamburg 2007).

17. Christian Aid, *Human Tide: The Real Migration Crisis* (Christian Aid, London 2007); N Myers, 'Environmental Refugees' (1997) 19 Population & Environment 167–82, N Myers, 'Environmental Refugees: A Growing Phenomenon of the 21st Century' 2002 357 Philosophical Transactions of the Royal Society of London. Series B: Biological Sciences, 609–13.

18. B Docherty and T Giannini, 'Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees' (2009) 33 Harvard Environmental Law Review 349–403; J McAdam, 'Swimming against the Tide: Why a Climate Change Displacement Treaty is Not *the* Answer' (2011) 23(1) International Journal of Refugee Law 2–27; J McAdam, 'Refusing "Refuge" in the Pacific: (De)Constructing Climate-Induced Displacement in International Law', in E Piguet, A Pécoud and P de Guchteneire (eds), *Migration and Climate Change* (UNESCO, Paris 2011).

19. For a more detailed discussion on the terminology, cf S Klepp, 'Klimawandel und Mobilität – rechtliche Diskurse und Lösungsansätze für Umweltmigranten im Pazifikraum' (2012) artec paper Nr. 180, Juli 2012 (artec, Bremen 2012).

20. R Black, *Environmental Refugees – Myth or Reality?* (United Nations High Commissioner on Refugees, Geneva 2001) 1.

21. N Castree, *Nature* (Routledge, London and New York 2005) 92.

22. E Piguet, 'From "Primitive Migration" to "Climate Refugees": The Curious Fate of the Natural Environment in Migration Studies' (2013) 103 Annals of the Association of American Geographers 148–62.

conditions.[23] Others stress the way in which the debate links to neoliberal forms of migration management[24] and to the potential reinforcement of racialized imaginative geographies that run counter to attempts to connect the debate to climate justice considerations.[25] Furthermore, a developmental and humanitarian framing, for example by actors such as the European Union (EU), which has produced different position papers and communications on environmental and climate change migration on different levels,[26] has impeded politicization of the discourse. The EU does not take a clear position at the political and judicial level, most likely in order to avoid setting an international precedent. Instead, it opts for piecemeal solutions that are limited to the spheres of humanitarian responses to climate change and wider developmental discourses.[27]

We draw on critical accounts within the scientific debate to question the basic rationale underlying the evident dichotomization of environment and society that often characterizes environmental change as a driving force behind migration.[28] The rhetoric of climate-induced flight, often in conjunction with violent conflict,

23. See eg *Foresight. Migration and Global Environmental Change. Final Project Report* (The Government Office for Science, London 2011), R Black, D Kniveton and K Schmidt-Verkerk, 'Migration and Climate Change: Towards an Integrated Assessment of Sensitivity' (2011) 43(2) Environment and Planning A 431–50; T Afifi et al., 'Human Mobility in Response to Rainfall Variability: Opportunities for Migration as a Successful Adaptation Strategy in Eight Case Studies' (2015) Migration and Development 1–21, <http://www.tandfonline.com/doi/abs/10.1080/21632324.2015.1022974#.VbIBDPlFx_A> accessed 20 July 2015.

24. G Bettini, 'Climate Migration as an Adaption Strategy: De-securitizing Climate-induced Migration or Making the Unruly Governable?' (2014) 2(2) Critical Studies on Security 180–195; R Felli and N Castree, 'Neoliberalising Adaptation to Environmental Change: Foresight or Foreclosure?' (2012) 44 Environment and Planning A 1–4.

25. A Baldwin, 'Orientalising Environmental Citizenship: Climate Change, Migration and the Potentiality of Race' (2012) 16 Citizenship Studies 5–6, 625–40; J Herbeck, 'Climate Mobilities from a Human Geography Perspective: Considering the Spatial Dimensions of Climate Change' in F Hillmann, M Pahl and H Sterly (eds), *Environmental Change, Adaptation and Migration – Bringing in the Region* (Palgrave Macmillan, London 2015) 21–39.

26. See eg EU High Representative, 'Climate Change and Security: Recommendations of the High Representative on Follow-up to the High Representative and Commission Report on Climate Change and International Security. S412/08' (2008) (EU High Representative, Brussels); EU High Representative and the European Commission, 'Climate Change and International Security. Paper from the High Representative and the European Commission to the European Council. S113/08' (2008) (European Commission, Brussels); European Commission, 'Communication from the Commission to the Council and the European Parliament: Climate Change in the Context of Development Cooperation. COM(2003) 85 final' (2003) (European Commission, Brussels); European Commission, 'WHITE PAPER. Adapting to Climate Change: Towards a European Framework for Action. COM(2009) 147 final' (2009) (European Commission, Brussels), European Commission, 'Climate Change, Environmental Degradation, and Migration. Commission Staff Working Document. SWD(2013) 138 final' (2013) (European Commission, Brussels).

27. S Klepp and J Herbeck, 'Decentering Climate Change: Perspektiven auf Umweltmigration in Europa und in Ozeanien', in M Knecht et al. (eds), *Decentering Europe: Postcolonial, Postbloc Perspectives for a Reflexive European Ethnology* (transcript, Bielefeld, in press); F Gesing, J Herbeck and S Klepp (eds), *Denaturalizing Climate Change: Migration, Mobilities and Spaces*, artec paper No. 200, Bremen 2014.

28. See eg CTM Nicholson, 'Is the "Environmental Migration" Nexus an Analytically Meaningful Subject for Research?', in *COMCAD Working Paper* (COMCAD – Center on Migration, Citizenship and Development, Bielefeld 2011).

abbreviates or obscures structural, political and social 'root causes' of environmental degradation, as well as of flight and migration. In particular, in view of the slow onset of changes in the environment (for example, soil impoverishment and desertification) and the related effects on migration events that these are assumed to have, Hartmann describes a 'degradation narrative' that forms the basis of these scenarios and serves colonial stereotypes of destructive cultivation practices, population explosions and downstream conflict and migration scenarios.[29]

Even if, as described, clear differences of opinion exist within the scientific discourse on the environment–migration nexus, the rhetoric of environmental migration can nonetheless be interpreted as the discursive pioneer of a new 'dependency' of migration patterns. The simplified conceptualization of migration decisions inherent in parts of the scientific discourse tends to undermine recent progress in theorizing migration as multi-faceted cause and effect relations between individual ranges of action and structural factors, and as a social movement and creative force within a global economic system, such as is exemplified by the 'autonomy of migration' approach.[30] In contrast, debates around the environment–migration nexus more or less implicitly treat structural (environmental) conditions as quasi-compelling, and depict migration as being unavoidable and independent of the agency of migrants.

Authors such as Gupta,[31] Hartmann,[32] or Herbeck and Flitner[33] argue that those oversimplified accounts of the connections between environmental change and migration are a significant part of a broader securitization discourse that depicts climate change as an increasing threat to national security. In the threat scenarios built up in this context,[34] a political stalemate regarding legal treaties on a global level can be observed.[35] More fundamentally, there are important questions concerning what might be gained by the creation of a new legal category specifically relating to environmental migrants. A potential protection status in international human rights law is often viewed critically in the face of the actual treatment of refugees by countries of

29. B Hartmann, 'Rethinking Climate Refugees and Climate Conflict: Rhetoric, Reality and the Politics of Policy Discourse' (2010) 22 Journal of International Development 233–46.
30. Y Moulier Boutang, 'Europa, Autonomie der Migration, Biopolitik', in M Pieper et al. (eds), *Empire und die biopolitische Wende. Die internationale Diskussion im Anschluss an Hardt und Negri* (Campus, Frankfurt am Main, New York 2007); R Andrijasevic et al., 'Turbulente Ränder. Konturen eines neuen Migrationsregimes im Südosten Europas' (2005) 35 PROKLA. Zeitschrift für kritische Sozialwissenschaft 345–62; S Mezzadra, 'Kapitalismus, Migrationen, soziale Kämpfe. Vorbemerkungen zu einer Theorie der Autonomie der Migration', in M Pieper et al. (eds), *Empire und die biopolitische Wende. Die internationale Diskussion im Anschluss an Hardt und Negri* (Campus, Frankfurt am Main, New York 2007); S Mezzadra, 'The Right to Escape' (2004) 4 Ephemera: Theory and Politics in Organization 267–75.
31. D Gupta, 'Climate of Fear: Environment, Migration and Security', in F Dodds, A Highham and R Sherman (eds), *Climate Change and Energy Insecurity* (Earthscan, London 2009).
32. Hartmann (n 29).
33. J Herbeck and M Flitner, '"A New Enemy Out There"? Der Klimawandel als Sicherheitsproblem' (2010) 65 Geographica Helvetica 198–206.
34. Cf S Chaturvedi and T Doyle, 'Geopolitics of Climate Change and Australia's "Re-engagement" with Asia: Discourses of Fear and Cartographic Anxieties' (2010) 45 Australian Journal of Political Science 95–115.
35. KE McNamara, 'Conceptualizing Discourses on Environmental Refugees at the United Nations' (2007) 29 Population & Environment 12–24.

the global North.[36] Referring to Agamben's state of emergency, Oels fundamentally doubts the value of creating a new category of migrants.[37] Similarly, McAdam suggests that instead of a new international instrument, regional solutions and soft-law declarations such as the Niue Declaration on Climate Change 2009 could be more appropriate for the various and complex realities of environmental migrants, and could 'provide a more effective springboard for developing responses'.[38]

In the face of the complex realities of global migration events, the current debates on the environment–migration nexus are thus insufficient in part. Although there seems to be a broad consensus in scientific debates that the nexus must be treated with care and that direct causalities and projections of massively increasing migration flows fail to capture the realities on the ground, accounts in the mass media and the political sphere are often less reflexive and potentially contribute to a securitization of the climate change debate as a whole.[39] The transfer of the issue of environmental migration into a developmental and humanitarian framework outsources the problems geographically and politically, and could prevent the politicization of the discourse. The observable circumvention of political aspects through Western development cooperation, which according to Ferguson[40] often functions as an *anti-politics machine*, obscures questions of regional and global responsibility and solidarity, as well as historical and current power relationships and dependencies.

3 DEVELOPING AN ALTERNATIVE PERSPECTIVE ON CLIMATE CHANGE AND MIGRATION

From the perspective of international law, the treatment of climate and environmental migrants appears to be characterized by ad-hoc solutions and the individual approaches of nation-states, rather than by the development of a global solution. Regulations for migrant's rights are established, if at all for this phenomenon, through bottom-up processes that take place in Europe as well as in other regions.[41] This tendency raises interesting

36. S Klepp, 'A Contested Asylum System: The European Union between Refugee Protection and Border Control in the Mediterranean Sea' (2010) 12 European Journal of Migration and Law 1–21.
37. A Oels, 'Saving "Climate Refugees" as Bare Life? A Theory-based Critique of Refugee Status for Climate-induced Migrants', paper prepared for the ESF-ZiF-Bielefeld Conference on Environmental Degradation and Conflict: From Vulnerabilities to Capabilities (Center for Interdisciplinary Research, Bielefeld, Bad Salzuflen, Germany 2010).
38. J McAdam, 'Swimming Against the Tide: Why a Climate Change Displacement Treaty is Not *the* Answer' (2011) 23(1) International Journal of Refugee Law 2–27.
39. See eg A Maas and D Tänzler, *Regional Security Implications of Climate Change* (Adelphi Consults, Berlin 2009); N Mabey, *Delivering Climate Security: International Security Responses to a Climate Changed World* (Royal United Services Institute and Routledge, London 2008); T Homer-Dixon, *Environmental Scarcity and Violence* (Princeton University Press, Princeton 1999).
40. J Ferguson, *The Anti-politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho* (Cambridge University Press, Cambridge, New York, Melbourne 1990).
41. N de Moor and A Cliquet, 'Environmental Displacement: A New Challenge for European Migration Policy', paper prepared for the International Conference 'Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World' (Refugee Studies Centre at the University of Oxford (RSC), Humanitarian Policy Group at the Overseas Development Institute (HPG), Oxford 2009).

questions whose analysis in the present article leans on the theoretical perspective of legal pluralism[42] in combination with aspects of the sociology of emergence advanced by de Sousa Santos and Rodríguez-Garavito, who bring into view the bottom-up processes in justice building.[43]

Our own theoretical perspective underlines the sources of justice that actors use and develop in the context of climate change, and the ways in which these are used and interpreted on the ground. We examine the ways in which universal concepts such as human rights, cultural rights and environmental rights, but also political ideas with post-colonial influences, appear in debates around environmental migration and climate justice. How can these concepts be used, modified and developed in the different fora of debate around new rights and resources for environmental migrants?[44] How far does the language of justice work not only as a neutral medium in societal debates but also as a 'technology of power'[45] which is important to apply at the right moment during conflicts?[46]

The increasing complexity of legal and political decision-making processes in the climate change context is generated by intensified (transnational) interactions, locally and globally, and the increasing dynamics of technological and scientific developments. This complexity requires new research perspectives in social theory. Hastrup accordingly makes the case for new paths in the socio-theoretical conceptualization of 'locality, sociality and connectivity',[47] to make these processes and their results visible and analysable.

In line with Hastrup's theoretical emphasis on locality, sociality and connectivity, it is important to generate new research questions and underline the cultural, social and legal processes that emerge from debates about climate change. New knowledge in the area of climate change creates new ethical questions, where responsibility can only indirectly be related to legal traditions or to general human experiences and values.[48] These new ethical questions have a particular seriousness, reflected in their wide geographical reach, their complexity and their uncertainty. The protection of interests and the balance of responses between current and future generations is one of the challenges we face in this regard.[49]

Given our central concern with social and legal decision-making processes, our theoretical perspective is process oriented and takes into account various actors, levels

42. See SE Merry, 'Legal Pluralism' (1988) 5 (22) Law & Society Review 869–96.
43. B de Sousa Santos and CA Rodríguez-Garavito, *Law and Globalization from Below: Towards a Cosmopolitan Legality* (Cambridge University Press, Cambridge, UK 2005).
44. Also see SE Merry, 'Legal Pluralism and Transnational Culture: The Ka Ho'Okolokolonui Kanaka Maoli Tribunal, Hawai'i, 1993', in RA Wilson (ed), *Human Rights, Culture and Context* (Pluto Press, London 1997).
45. S Buckel, R Christensen and A Fischer-Lescano, 'Einleitung: Neue Theoriepraxis des Rechts', in S Buckel, R Christensen and A Fischer-Lescano (eds), *Neue Theorien des Rechts* (UTB, Lucius & Lucius, Stuttgart 2009) xv.
46. F von Benda-Beckmann and K von Benda-Beckmann, 'The Dynamics of Change and Continuity in Plural Legal Orders' (2006) 53–4 The Journal of Legal Pluralism and Unofficial Law, Special Double Issue, 24.
47. K Hastrup, 'Towards a Global Imaginary? Climate Change and the End of an Era in the Social Sciences', in M Knecht et al., *Decentering Europe: Postcolonial, Postbloc Perspectives for a Reflexive European Ethnology* (transcript, Bielefeld, in press).
48. Also see JS Collier and A Lakoff, 'On Regimes of Living', in A Ong and SJ Collier (eds), *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems* (Blackwell Publishing, Malden, USA and Oxford, UK 2005).
49. Also see R Hillerbrand, *Technik, Ökologie und Ethik* (Mentis Verlag, Paderborn 2006).

and legal sources. A central aim is to describe legal changes within legal institutions and beyond ethnographically. The approach taken here includes examining interpretations of climate change discourses on the ground and the translation of these interpretations into norms, demands, and finally, rights. By concentrating on emerging developments in policies and rights for environmental migrants in the global South, the present perspective avoids the often criticized victimizing perspective on Pacific islands and climate change adaptation,[50] focusing instead on the agency of the people in the Pacific who are fighting for their futures. This is demonstrated by the example of the Republic of Kiribati, which – as noted above – will be heavily affected by climate change, as researchers estimate, and has a strongly developed response to the challenges it faces in relation to climate change and its potential effects on migration.

4 NEW RIGHTS AND RESOURCES FOR ENVIRONMENTAL MIGRATION IN THE PACIFIC REGION?

The expected environmental changes and anticipated results of anthropogenic climate change currently lead to intensive debates around migration and resettlement in the Pacific region. Some environmental changes are already occurring, such as stronger and more frequent storm tides, coastal erosion, and the salinization of fresh water stores and agricultural lands.[51] Although Donner and Webber make clear that the predicted sea-level rise has to take into account global, regional and local variables that make these predictions difficult,[52] Pacific island states such as the Republic of Kiribati, Tuvalu and the Marshall Islands are nonetheless identified as being especially vulnerable.[53] Some of these islands are less than one metre above sea level and have highly populated coastal areas. Sea level is expected to rise by 124 cm by the year 2100,[54] and some researchers even predict a rise of 200 cm.[55] Environmental changes could make the islands uninhabitable in the long run, and threaten the sovereignty of some atoll states.[56] The timing and predictions regarding the exact impacts remain uncertain and highly divergent.[57]

50. C Farbotko, 'Wishful Sinking: Disappearing Islands, Climate Refugees and Cosmopolitan Experimentation' (2010) 51 Asia Pacific Viewpoint 47–60; J Barnett and J Campbell, *Climate Change and Small Island States: Power, Knowledge and the South Pacific* (Earthscan, London 2010).
51. LA Nurse and others 'Small Islands', in VR Barros and others (eds), *Climate Change 2014: Working Group II: Impacts, Adaptation and Vulnerability. Part B: Regional Aspects*' (Cambridge University Press, Cambridge, UK 2014), N Mimura and others, 'Chapter 16: Small Islands', in ML Parry and others (eds), *Climate Change 2007: Working Group II: Impacts, Adaptation and Vulnerability* (Cambridge University Press, Cambridge, UK 2007).
52. Donner and Webber (n 11).
53. See infra (n 56).
54. S Rahmstorf, 'A New View on Sea Level Rise' (2010) 4 Nature Reports: Climate Change 44–5.
55. A Grinsted, JC Moore and S Jevrejeva, 'Reconstructing Sea Level from Paleo and Projected Temperatures 200 to 2100 AD' (2010) 34 Climate Dynamics 461–72.
56. J Barnett and WN Adger, 'Climate Dangers and Atoll Countries' (2003) 61 Climatic Change 321–37; M Risse, 'The Right to Relocation: Disappearing Island Nations and Common Ownership of the Earth' (2009) 23 Ethics & International Affairs 281–300.
57. D Storey and S Hunter, 'Kiribati: An Environmental "Perfect Storm"' (2010) 41 Australian Geographer 167–81, at 172, Hillerbrand (n 49).

Due to the severity of some of the predictions, the government of Kiribati has decided to take proactive measures regarding the future inhabitability of the territory. The government is planning the long-term evacuation of all its citizens, the *I-Kiribati*, an evacuation which has already begun and is to be carried out 'with dignity' and self-determination, in spite of the potential loss of citizenship.[58] Besides many legal and political questions, conflicts around migration and resettlement projects for the residents of Kiribati are inevitably emerging, such as those concerning the sovereignty and future of the Exclusive Economic Zone[59] (EEZ).[60] In search of solutions for affected migrants in the region, legal and political measures are being discussed with various state and non-state actors.

Meanwhile, financial transfers and resources are being set aside for countries significantly affected by climate change to meet extant and future demands for climate justice.[61] Since the Kiribati Adaptation Project (KAP) started implementing infrastructure and awareness-raising programmes on adaptation to climate change, the Global Environment Facility (GEF) and other international organizations and donors have provided Kiribati with financial support.[62]

Although Kiribati has become a 'climate change poster child'[63] in the world's public consciousness, it must be kept in mind that the country and its people have many other severe (environmental) problems, which, in many cases, are accorded higher priority than climate change. Basic infrastructural weaknesses, such as fresh water supply, a deficient sanitation system and food insecurity, are everyday worries for many families.[64]

Now that we have briefly painted the background context in Kiribati, the following section will present various negotiation processes around new rights and resources for environmental migrants currently being pursued by the government of Kiribati, as well as by the government's supporters, including certain NGOs. It will become apparent that the debates in the region and anticipated migration and adaptation strategies are inseparably connected to ideas about global climate justice, discourses about unequal North–South relationships, and attempts to cope with colonial heritage.

4.1 Negotiating environmental migration in the Pacific region

We agree with McNamara's assessment of a global stalemate in the negotiations around climate change and migration.[65] Correspondingly, McAdam observes a lack of political

58. Interview with Rimon Rimon, speaker of the President of Kiribati Anote Tong, on 21 May 2015, in Bairiki, Kiribati.
59. According to the United Nation's Convention on Sea Rights from 1982, the Exclusive Economic Zone stretches 200 nautical miles (ca. 370 km) into the waters. In this area the coastal state can exercise certain sovereign rights and jurisdictions, above all the right to the economic exploitation of fish stocks.
60. M Esteban and L Yamamoto, 'Vanishing Island States and Sovereignty' (2010) 53 Ocean and Coastal Management 1–9.
61. T Tanner and J Allouche, 'Towards a New Political Economy of Climate Change and Development' (2011) 42 IDS Bulletin 1–14.
62. Storey and Hunter (n 57).
63. This expression was repeatedly brought up in conversations with the workers of International Collaboration during the research period in Kiribati in the spring of 2011.
64. Also see R Smith, 'Should They Stay or Should They Go? A Discourse Analysis of Factors Influencing Relocation Decisions among the Outer Islands of Tuvalu and Kiribati' (2013) 1 Journal of New Zealand and Pacific Studies 23–39, 34.
65. McNamara (n 35).

will to negotiate an international instrument for protection of environmental migrants,[66] doubting that such a treaty would be *the* adequate solution for all environmental migrants.[67] An exception regarding the global stalemate is the Nansen Initiative, led by Switzerland and Norway, which is very active in Oceania and has held several hearings and round-tables in the region.[68]

4.1.1 Regional soft-law approaches, human rights and indigenous rights

Today transnational and regional alliances are looking for rules and compensation in the area of climate change, development and migration. In the Pacific region, these organizations include the Alliance of Small Island States (AOSIS) and the Small Island Developing States (SIDS). Here, the Male' Declaration on Global Warming and Sea Level Rise, which was established in 1989 and re-launched in 2007 by SIDS as the Male' Declaration on the Human Dimension of Global Climate Change (Alliance of Small Island States 2007) is one important example.[69] The Male' Declaration demands solidarity from industrialized countries and engagement with the human rights implications of climate change. SIDS and AOSIS emphasize that their member countries have made very few contributions to the climate change crisis but are now affected very severely by its consequences. They demand that they are equipped with the appropriate tools to cope with the effects of climate change and to make their own decisions on the basis of self-determination. The government of Kiribati is very active in these fora. In the Niue Declaration on Climate Change, published in 2009 by the Pacific Islands Forum Secretariat (PIFS), the forum leaders commit to the development of 'Pacific-tailored approaches to combating climate change'.[70] Many new forms of Pacific solidarity and cooperation have recently emerged in the course of ongoing climate change discussions. At AOSIS and SIDS, the island states are trying to develop common policies to bolster their position at the UN. At the same time new partnerships are also evolving in different regions and among various actors, as will be described below.

Several religious institutions and actors are also active in the debate about climate change and migration in the Pacific area. Representatives of Christian churches, which are organized in the Pacific Conference of Churches (PCC), headquartered in Suva, Fiji, published the Moana Declaration in 2009. This Declaration calls for climate justice and contains conventions for environmental migrants and solutions for their resettlement and migration projects. The Declaration is aimed explicitly at the countries of the Pacific Islands Forum, whose members include Australia and New Zealand.

On the global and regional level, the government of Kiribati is also represented in the large international movement for climate justice, which focuses on human rights and the cultural and environmental rights of indigenous peoples and minorities.[71] The

66. J McAdam, 'Conceptualizing Climate Change-Related Movement' (March 2012) 106 Proceedings of the Annual Meeting (American Society of International Law) 433–6, 435.
67. McAdam, 'Swimming against the Tide (n 18).
68. The website of the Nansen initiative gives a good overview about their proceedings and their work in the Pacific region.
69. Male' Declaration on the Human Dimension of Global Climate Change (Alliance of Small Island States 2007) <http://www.ciel.org/Publications/Male_Declaration_Nov07.pdf>.
70. Niue Declaration on Climate Change (Pacific Islands Forum Secretariat, Suva 2009) <http://www.pacificdisaster.net/pdnadmin/data/documents/9458.html>.
71. B Tokar, *Toward Climate Justice: Perspectives on the Climate Crisis and Social Change* (AK Press, Porsgrunn 2010) 8.

activities of this movement are often initiated by NGOs. For example, the network *Climate Justice Now!* was created in the framework of the UNFCCC negotiations in 2007 in Bali by more than 30 NGOs and grassroots organizations. In the case of the *People's Conference on Climate Change and the Rights of Mother Earth* in April 2010 in Bolivia, it was the government of Bolivia that initiated the congress for a large-scale movement for climate justice and the rights of indigenous people. In this case, the creation of a counter discourse against the UNFCCC negotiations was attempted, which, rather than focusing on a reduction in greenhouse gases and a solution for climate change through a 'greening' economy, demanded radical system change. The *Peoples Agreement*, created at the congress and partly connecting to post-colonial claims presented below, demands far-reaching rights of self-determination such as access to water, land rights and food production 'through forms of production that are in harmony with Mother Earth and appropriate to local cultural contexts'.[72]

It is precisely in the area of soft law (described by Snyder as 'those rules of conduct which, in principle, have no legally binding force but which nevertheless may have practical effect')[73] that a legal anthropological perspective shows the existence of a growing number of instruments whose results cannot always be directly found in securitized rights, but which can have broad indirect effects. The government of Kiribati is very active in developing and promoting these instruments. Through the repeated appearances of the President and his cabinet, Kiribati has become, as mentioned above, a 'climate change poster child' and has a strong voice today on the global stage regarding the effects of climate change. Above all, President Anote Tong (in office since 2003) has turned towards different global and regional institutions, urging members of the international community to reduce greenhouse gas emissions and take responsibility for the fate of the island as a 'victim of climate change' and for its future migrants.[74] In addition to imploring that the international community takes responsibility and – in the spirit of climate justice – develops new rights and prepares resources for environmental migrants, Tong appeals directly to neighbouring Pacific countries such as Australia and New Zealand. The citizens of Kiribati, according to President Tong's government, refuse to accept a humanitarian refugee status as a basis for their future, calling instead for migration programmes that should be responsive to a more dignified conception of agency: the citizens of Kiribati do not view a life of dependence on host societies and in refugee centres as acceptable options.[75] To circumvent this situation, President Tong relies on long-term planning, 'so that when people migrate, they will migrate on merit and with dignity'.[76]

72. Peoples Agreement (World People's Conference on Climate Change and the Rights of Mother Earth, Cochabamba, Bolivia 2010) <https://pwccc.wordpress.com/support/>.
73. Snyder quoted in FM Zerilli, 'The Rule of Soft Law: An Introduction' 2010 Focaal 3–18, 7.
74. BBC, 'The President's Dilemma: Should Kiribati's President Anote Give In to Climate Change?' (2009) film produced by International Fund for Agricultural Development (IFAD), shown in 'Life on The Edge', 2 September 2009.
75. Interview with Scott Leckie, director of the NGO *Displacement Solutions*, on 04 April 2011 in Melbourne, Australia. *Displacement Solutions* advises the government of Kiribati and Papua New Guinea on questions relating to migration due to climate change.
76. M Risse, 'The Right to Relocation: Disappearing Island Nations and Common Ownership of the Earth' (2009) 23 Ethics & International Affairs, 281–300, 281.

4.1.2 Labour migration to New Zealand and Australia

At the behest of some Pacific island states, New Zealand created a yearly labour migration quota in 2002, referred to as the Pacific Access Category (PAC), for the Pacific islands of Fiji, Kiribati, Tuvalu and Tonga. Organized as a lottery system, PAC allows 75 migrants from Kiribati to move to New Zealand every year, along with their immediate families.[77] If they find work in New Zealand, they can obtain a permanent residence status. Moreover, work programmes have been created for the citizens of Kiribati, mainly in the field of harvesting operations (Recognized Seasonal Employment – RSE). Seasonal *I-Kiribati* workers have had the opportunity to enter New Zealand since 2007. In 2014, around 110 *I-Kiribati* worked in New Zealand under this programme.[78] Unlike in Europe, this form of circular migration often brings with it the possibility of settling permanently in New Zealand later on.[79]

Australia has responded to Kiribati's appeals more hesitantly than New Zealand.[80] In 2014, the Seasonal Worker Programme (SWP) with Australia, which is similar to the RSE and has existed since 2009, involved only nine *I-Kiribati*, working in fruit picking.[81] Australia has also created a training programme for nurses from Kiribati, so that they can work in Australia (Kiribati Australia Nursing Initiative – KANI). KANI ended in 2014, mostly due to the high costs of approximately 290 000 Australian dollars per registered nurse who studied in Australia.[82] In the future, nurses will be educated in Kiribati for the Australian labour market. Further agreements and programmes are planned, such as a work programme in Croatia in the field of tourism, and in Canada in the service sector. However, these agreements have not yet been completed, and ministry informants are bound to secrecy.[83] Negotiations undertaken by the Ministry of Foreign Affairs and Kiribati ambassadors with Taiwan and the United States are also currently underway.[84]

Recently the government of Australia decided to invest a large share of its development aid in institutions such as the Kiribati Institute of Technology (KIT), where *I-Kiribati* will be educated in different professions based on Australian education standards. The director of KIT clearly linked this effort to the 'migrate with dignity'

77. Immigration New Zealand, 2015, 'Pacific Access Category' <http://www.immigration.govt.nz/migrant/stream/live/pacificaccess/> accessed 15 July 2015.
78. Interview with Baatetake Tatoa, section head in Kiribati's Ministry of Labour, on 18 May 2015 in Bairiki, South Tarawa, Kiribati. She is one of the few public officials working for the government that I met after four years in the same position.
79. Interview with Ken Graham, Member of Parliament in New Zealand, Green Party, on 18 May 2011 in Wellington, New Zealand.
80. Ibid.
81. Interview with Baatetake Tatoa, on 18 May 2015, section head in Kiribati's Ministry of Labour in Bairiki, South Tarawa, Kiribati.
82. J Doyle, 'A Sinking Atoll Nation and Quarter Million Dollar Nurses: Where to Next for the Kiribati Australia Nursing Imitative (KANI)?' (9 April 2014) DevpolicyBlog, Blog of the Development Policy Center, Australian National University <http://devpolicy.org/a-sinking-atoll-nation-and-quarter-million-dollar-nurses-where-to-next-for-the-kiribati-australia-nursing-initiative-kani-20140409/> accessed 14 July 2015.
83. Interview with several of Kiribati's Ministry of Labour workers on 20 April 2011 in Bairiki, in one of the Ministry's meeting rooms. In 2015 the negotiations were still ongoing.
84. Interview with Baatetake Tatoa, on 18 May 2015, section head in Kiribati's Ministry of Labour in Bairiki, South Tarawa, Kiribati.

strategy of the Kiribati government.[85] Both donors, Australia and New Zealand, are supporting the Marine Training Centre (MTC), which has a successful and unique history of having educated *I-Kiribati* seafarers since the 1960s.[86] Apart from supporting the education system in Kiribati, both countries provide a growing number of scholarships for tertiary education at universities in New Zealand and Australia, and for the University of the South Pacific (USP) at the central campus in Suva, Fiji.[87]

In interviews conducted during 2011 and 2015, Kiribati government officials described these migration and education programmes as climate change adaptation strategies, but the host countries explicitly refuse to acknowledge any link between the labour programmes and environmental migration. The official homepage of New Zealand's Department of Foreign Affairs assertively denies that any admissions are made on the basis of climate change: 'New Zealand does not have an explicit policy to accept people from Pacific island countries due to climate change. … New Zealand has no such arrangement with any … Pacific Island'.[88] Nevertheless, this official denial shows how pressing the debates around environmental migration and the hosting of future migrants in the Pacific are, even if no official agreements have been made with New Zealand and Australia under the label 'climate or environmental migration'.

In the realm of financial claims, the aid budget has grown significantly in Kiribati, especially due to the numerous adaptation projects in the country. The resources obtained from the major donors, Australia and New Zealand, have nearly doubled in the last decade, from 12 million Australian dollars to 20 million for AusAid, and from 4 million dollars to 10 million dollars for the New Zealand Aid Programme.[89]

There are certain critical aspects of the project of 'up-skilling'[90] the population for foreign labour markets that the government of Kiribati is pursuing vigorously. Several interviewees in the research informing this article believe that the 'migrate with dignity' strategy is likely to become an elite programme that will work only for a small percentage of young, educated, middle- and upper-class *I-Kiribati*.[91] Although for some individuals it could be an emancipatory prospect to migrate to Australia and New Zealand with the help of different migration programmes, the host countries are criticized for exploiting migrants as cheap labour without granting them sufficient rights.[92]

It must also be emphasized at this point that there are often a number of different, frequently complex reasons why *I-Kiribati* move from outer islands to the capital of

85. Interview with Antoine Barnaat, principal of the KIT, on 15 February 2015 in his office at KIT, Betio, South Tarawa, Kiribati.
86. Interview with Captain Boro, director of the MTC, on 20 May 2015 at MTC in Betio, South Tarawa, Kiribati.
87. Interview with Michael Hunt, Deputy High Commissioner of Australia in Kiribati, on 4 June 2015 in his office in Bairiki, South Tarawa.
88. New Zealand Ministry of Foreign Affairs and Trade, 'New Zealand's Immigration Relationship with Tuvalu' <http://www.mfat.govt.nz/Foreign-Relations/Pacific/NZ-Tuvalu-immigration.php> accessed 14 July 2015.
89. Interview with Michael Hunt, Deputy High Commissioner of Australia in Kiribati, on 4 June 2015 in his office in Bairiki, South Tarawa.
90. S Baptiste-Brown, 'Behind the Words: Migration with Dignity in Kiribati' in F Gesing, J Herbeck and S Klepp (eds), *Denaturalizing Climate Change: Migration, Mobilities and Spaces*, artec paper No. 200 (University of Bremen, Bremen 2014) 44–54, 48.
91. Ibid. Also see eg interview with Reverend Maleta, Kiribati United Church, on 22 May 2015 at the headquarters of KUC in Antebuka, South Tarawa, Kiribati.
92. C Brickenstein, 'Impact Assessment of Seasonal Labour Migration in Australia and New Zealand: A Win-Win Situation?' (2015) 24(1) Asian and Pacific Migration Journal 107–29.

Tarawa or to foreign countries. These include better education, health care or the ability to send remittances to families. Climate change is a growing problem on the islands but nowadays it is certainly not the main reason for moving. Besides, many *I-Kiribati* would certainly prefer to stay in their home country[93] and some view the 'migrate with dignity' strategy of the government critically, because it reinforces the image of Kiribati as a 'climate change poster child' and symbolic 'sinking island state'.[94] Nevertheless, comparing the results obtained from the interviews of 2011 and 2015, 'migrate with dignity' has certainly gained momentum. The catchphrase initiated by the President of Kiribati has definitely spread, and today many refer to it. The slogan can be understood as a motto with advertising appeal, as a development policy and as a strategy to find viable solutions for environmental migrants. In 2011 representatives of aid donors and the High Commissions of New Zealand and Australia were eager to explain that they did not see climate change as a potential motivation to migrate to New Zealand or Australia. In 2015, individuals working in education, such as the principal of KIT, underlined a close connection between climate change and migration. As migration in this context has been an issue since 2011, the government officials of Kiribati in 2015 also had a more concrete understanding of what 'migrate with dignity' means and which policy components could be part of this strategy, namely community relocation alongside individual labour migration and the 'up-skilling' of the population.[95]

4.1.3 Pacific solidarity – towards new models of citizenship?

During the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) in Copenhagen 2009, representatives of the Republic of Fiji announced that the island state would be willing to host citizens and whole communities from Kiribati.[96] During a state visit of Fijian President Ratu Epeli Nailatikau to Kiribati in 2014 he explicitly renewed this invitation: 'if all else fails you will not be refugees'.[97] Pacific solidarity and mutual support in order to be more self-reliant also played a key role in the speech of the Fijian President in Kiribati.[98]

One advantage of community relocation to Fiji could be the protection of some of Kiribati's cultural dimensions, even outside the state's borders. The importance of a similar climate and standard of living has been repeatedly highlighted by the *I-Kiribati*, as such a move could also help to protect their cultural rights.[99]

93. Smith (n 64) at 33.
94. Supra (n 50); C Farbotko and S Klepp, 'Small Island States and the New Climate Change Movement: The Case of Kiribati', in M Dietz and H Garrelts (eds), *Routledge Handbook of the Climate Change Movement* (Routledge, London and New York 2014) 308–19.
95. In June 2015 the draft of a national labour migration policy prepared by an ILO consultant included the 'migrate with dignity' motto prominently. It is likely that the strategy will become more and more officially defined. At the moment it is still up to observers such as the researchers to 'join the dots together', as one of my interview partners described it.
96. R Bedford and C Bedford, 'International Migration and Climate Change: A Post-Copenhagen Perspective on Options for Kiribati and Tuvalu', in B Burson (ed), *Climate Change and Migration – South Pacific Perspectives* (Institute of Policy Studies, Wellington, New Zealand 2010) 90.
97. Fiji Sun, 'Kiribati, You are Welcome to Stay', 12 February 2014, pp. 1–2.
98. Ibid.
99. Interview with Rimon Rimon, speaker of the President of Kiribati Anote Tong, on 21 May 2015, in Bairiki, Kiribati.

In 2012 negotiations began for the acquisition of 6000 acres of land on Vanua Levu, the second largest island of Fiji.[100] High Commissioner Reteta Rimon has stated that in the near future, the land will be earmarked for 'food security, in order to grow fruits and vegetables and raise animals, which will be exported to Kiribati'.[101] She has also emphasized that the government of Fiji was closely consulted on the land-buy. All officials appear to have agreed that in the long term the land could also be used for resettlement from Kiribati to Fiji. How these plans will be carried out, however, remains to be seen.

Besides being a forerunner in the field of rhetorical political concessions to environmental migrants from Kiribati, Fiji is also the first country in the world actively developing climate change relocation guidelines for its own country. These guidelines were until recently discussed under the umbrella of risk and disaster management, but the Climate Change division of the Ministry of Foreign Affairs is now developing them in an effort actively to include as many stakeholders as possible, while referring also to the historical example of Banaba, the only raised coral island of Kiribati.[102] In January 2014 the first village in Fiji was officially relocated in response to climate change: Vunidogoloa Village in the Koroalau District of Vanua Levu.

In terms of the negotiations with the Fijian government, Kiribati's strategy partially connects to historical migration movements that were initiated by the British colonial government, as well as with recent post-colonial discourses in Oceania. Banaba or Ocean Island, which belongs to Kiribati, was exploited for its phosphate resources to a point where its inhabitants were relocated by the colonial government to Fiji's Rabi Island in 1945.[103] The emigrants from Kiribati living on Rabi (an island of volcanic origin) still have a special status, for example they have a representative in the parliament in Kiribati.[104] Banabans who live in Tarawa, the capital of Kiribati, refer to Rabi in particular as an option for relocation, especially since their co-nationals have now been living there for many years.[105]

In terms of recent post-colonial perspectives, the leading post-colonial thinker in the Pacific,[106] Epeli Hau'ofa, has conceptualized pre-colonial Oceania as a meeting space for skilled seamen, a 'sea of islands',[107] where the islanders' freedom of movement would not be hindered by national borders. Historically, the Pacific was a region

100. One co-author visited this remote piece of land close to the city of Savusavu in May 2015 and talked to the Kiribati High Commissioner in Fiji, who had facilitated the deal, and to several government officials and parliamentarians in Kiribati about its purpose.
101. Interview with Reteta Rimon, High Commissioner of Kiribati in Fiji, on 6 May 2015 at the High Commission in Suva, Fiji.
102. Interview with Peter Emberson, Director of the Climate Change Division, Ministry of Foreign Affairs, on 23 April 2015 in his office in Suva.
103. W Kempf and E Hermann (2014) 'Uncertain Futures of Belonging: Consequences of Climate Change and Sea-level Rise in Oceania', in E Hermann, W Kempf and T van Meijl (eds), *Belonging in Oceania: Movement, Place-Making and Multiple Identifications* (Berghahn, New York and Oxford 2014) 189–214.
104. J Campbell, 'Climate Change and Population Movement in Pacific Island Countries', in B Burson (ed), *Climate Change and Migration – South Pacific Perspectives* (Institute of Policy Studies, Wellington, New Zealand 2010) 40.
105. Kempf and Hermann (n 103) at 205.
106. T Wesley-Smith, 'Epeli's Quest: Essays in Honor of Epeli Hau'ofa' (2010) 22(1) The Contemporary Pacific 101–3.
107. E Hau'ofa, 'Our Sea of Islands', in V Naidu and E Waddell (eds), *A New Oceania: Rediscovering our Sea of Islands* (University of the South Pacific, Suva 1993).

characterized by various interconnections among the islands, but active travel and resettlement activities were stifled by the migration and mobility restrictions of the colonial powers. This development transformed the common image of Oceania – up to the present day – into a set of isolated, vulnerable and distant island states, or 'islands in a far sea'. According to Hau'ofa, since the 1990s the idea of a 'new Oceania' has gained traction. This perspective views the ocean as a medium of connection between islands, questions the border demarcations between nation-states created by the colonial powers and promotes a new, post-colonial self-image of Oceania.[108]

Inspired by similar thoughts and taking the approximate form of a pre-colonial trans-regional movement into a post-colonial mode, a growing number of voices in the Pacific area, in the context of the debates around climate justice, are calling for a new transnational solidarity and unity to reduce the effects of climate change. One example of the new movements taking up this argument is Pacific Voyaging. In this case, traditional cross-border sea voyages are used to create large sailing groups from various countries in the Pacific in order to raise awareness about the effects of unsustainable industry, climate change, and other environmental problems.[109]

A speech by *I-Kiribati* representative Pelenise Alofa to the UN Human Rights Council in Geneva in July 2015 shows that other progressive forms of transnational solidarity and new models of citizenship could also emerge from negotiations around environmental migration in the Pacific region. The unique features associated with migration in the context of global climate change include aspects of climate justice, responsibilities that are difficult to ascribe, vexed, as they are, by uncertainties about climate change science and questions of intergenerational justice – all of which could bring into question 'the model of citizenship of the Peace of Westphalia', as one representative of the EU aid programme in Suva, Fiji put it.

Pelenise Alofa spoke in Geneva as a representative of the Kiribati Climate Action Network (KiriCan), which is an umbrella organization for NGOs in Kiribati and is financially supported by the Australia-based NGO Edward Rice Centre. Alofa stated that climate change is endangering the very existence of Kiribati and argued that the mitigation of emissions was therefore a question of basic human rights. She referred to the fact that it would be intolerable for *I-Kiribati* to fall into the refugee category and called for new, innovative ways of dealing with the nation-state system, currently so challenged by environmental migration: '[W]e do not accept the word refugee so we've come up with words like climate or environmental citizens!'[110]

In Kiribati, during the interview stage of the research part informing this article, we had intense conversations about which innovative forms of citizenship Kiribati could call for and which duties and which rights should be connected to possible new forms of citizenship. Alofa and her allies are thinking of the provision of a land with its own boundary that could accommodate Kiribati people and provide an autonomous government to guarantee cultural sovereignty.[111]

108. W Kempf, 'A Sea of Environmental Refugees? Oceania in an Age of Climate Change', in E Hermann, K Klenke and M Dickhardt (eds), *Form, Macht, Differenz. Motive und Felder ethnologischen Forschens* (Universitätsverlag Göttingen, Göttingen) 194.

109. C Farbotko, 'Skilful Seafarers, Oceanic Drifters or Climate Refugees? Pacific People, News Value and the Climate Refugee Crisis', in K Moore, B Gross and T Threatgold (eds), *Migrations and the Media* (Peter Lang Publishing, New York 2012).

110. Quoted from Pelenise Alofa's Facebook account, posted on 2 July 2015.

111. For a discussion of environmental citizenship and climate change migrants see Baldwin (n 25). To date environmental citizenship has been used and discussed quite differently than

5 CONCLUSION – DECENTRING AND POLITICIZING ENVIRONMENTAL MIGRATION

The debates in Kiribati and Fiji show that current and anticipated environmental migration movements raise far-reaching questions. In order to cover the current and future needs of environmental and climate migrants, several legal fields are drawn upon, such as human or indigenous rights, but also segments of soft law such as humanitarian appeals and declarations. Furthermore, various political instruments such as adaptation and refugee funds, or regional programmes for labour migration are under discussion.

The dynamic negotiation process taking place in the Pacific region shows that the discussion in Kiribati and Fiji has not become caught up in the otherwise widely deployed abbreviations of developmental and security policies, but rather concerns itself with concrete, local, social and connective questions around climate justice. It includes decidedly concrete migration-'friendly' perspectives, and some actors are promoting a post-colonial questioning of national state borders. At the same time, some of the labour programmes negotiated in Oceania can easily be connected to discourses concerning the 'usefulness' of migration for the regions of origin in the global South, as well as for the developed economies of the Organisation for Economic Cooperation and Development (OECD) countries.[112]

It remains to be seen whether and how regional answers and solutions for environmental migrants – as currently advocated in the Pacific region – offer the best migration opportunities. The debates touched upon above repeatedly underline the originally global character of anthropogenic climate change and its social repercussions.[113] That means that regional solutions could be perceived as arbitrary or unfair in the future. Yet, current South Pacific negotiation processes appear to inaugurate more connective, post-colonial responses into the discussion on environmental migration, visible in some fora of negotiation. Kiribati has gained influence on the global stage and instead of merely accepting the role of victim of climate change, the government there is successfully obtaining results through negotiated migration programmes. These could have positive effects on the situation of the *I-Kiribati*, such as through the new resources of the GEF and the remittances from labour programmes, which are already under way.

In the future it will be necessary for Kiribati and other islands in the Pacific to review a number of migration and adaptation strategies in order to find long-term alternatives for their citizens.[114] As in the current circular labour programmes that Kiribati is negotiating with New Zealand and Australia, clearly not all of the pursued strategies are emancipatory from the outset. Additionally, at this stage the proposal for a migration programme is limited to the elites of the *I-Kiribati* population – a problematic surely in need of addressing. Nonetheless, the visionary aspects of Kiribati's

in the ways suggested by Alofa, with the environmental citizen being linked to environment protection duties in the Global North. Also see A Dobson and D Bell (eds) *Environmental Citizenship* (MIT Press, Cambridge MA 2005).

112. R Felli and N Castree, 'Neoliberalising Adaptation to Environmental Change: Foresight or Foreclosure?' (2012) 44 Environment and Planning A 1–4.

113. P Boncour and B Burson, 'Climate Change and Migration in the South Pacific Region: Policy Perspectives', in B Burson (ed), *Climate Change and Migration – South Pacific Perspectives* (Institute of Policy Studies, Wellington, New Zealand 2010).

114. Bedford and Bedford (n 96) at 93.

migration strategy and the future possibilities and nascent legal practices it creates should be acknowledged.[115]

In the context of countries and institutions that have the tendency to frame the subject of climate change and future migration through development and security policies and discourses, and in the light of the efforts made by Kiribati, it is important to address sensitive questions of power and to consider different perspectives on, and interpretations of, climate change.

In particular, climate justice must be linked to important post-colonial arguments concerning the political nature of the crisis faced by islands such as Kiribati. This applies to the debates and research around climate change and migration as well as to discussions and studies of adaptation to anthropogenic climate change. In the context of climate change, structural and economic aspects often assume an apolitical and apparently objective guise that makes them appear non-negotiable. Seen from a post-colonial, decentralizing perspective though, these aspects must be explicitly taken into account, made visible and re-politicized. The analysis offered by the present article, drawing on its background research story, suggests that one way to destabilize the 'neutrality' of climate change discourse involves turning attention to legal and decision-making processes, not only in the context of its pressing exigencies, but – in particular – by attending to arguments from the global South and from non-expert actors. A broadening of epistemic receptivity in this area should ideally have a decentring and broadening effect on research in the context of climate change in order to address the complex subject of environmental migration fairly. In particular, a post-colonial sensibility would imply that research should aim to reveal the tendency of countries of the global North not to acknowledge responsibility for the social consequences of climate change. Such epistemic expansion – which can be read as a form of post-colonial methodological commitment to the reversal of past injustices (including the epistemic) might just open up new options for 'hearing', action and manoeuvring space in the search for accountable and responsible migration and climate policies.

115. B de Sousa Santos and C Rodríguez-Garavito (eds), *Law and Globalization from Below: Towards a Cosmopolitan Legality* (Cambridge University Press, Cambridge, UK 2005).