Office of the Minister of Foreign Affairs

Chair,
Cabinet Environment, Energy and Climate Committee

Pacific climate change-related displacement and migration: a New Zealand action plan

Proposal

1 This paper proposes, for Cabinet approval, early New Zealand action on climate change-related displacement and migration in the Pacific Islands region.

Executive summary

2 This paper builds a case for early, calibrated and transparent New Zealand action on Pacific climate change-related displacement and migration ("Pacific climate migration"). It describes how the impacts of climate change could drive Pacific migration within this century, the state of existing international law, and canvasses a range of perspectives, highlighting New Zealand interests and risks. The paper seeks Cabinet agreement to core values underpinning New Zealand’s approach, alongside a set of foreign policy and development actions constituting early New Zealand action on Pacific climate migration. These actions include: utilising Official Development Assistance (ODA) to avert and delay climate-related displacement and prepare for Pacific climate migration; facilitating a regional dialogue and exploring a regional instrument through the Pacific Islands Forum; strengthening international language and frameworks through multilateral action; championing the progressive development of international law to protect Pacific Island countries’ coastal state rights over maritime zones in the face of sea-level rise; and commissioning robust research to better understand future trends as well as social and economic impacts on New Zealand and Pacific Island countries.  

A longer-term approach from 2024, including further consideration of immigration options by the Minister of Immigration, would be developed from the outcome of these early actions, once the scale and potential impact of Pacific climate migration is clearer.

Background

3 Action on Pacific climate migration is proposed as an element of the Government’s refreshed approach to the Pacific. It also reflects the Government’s ambition for New Zealand to become a global leader on climate change.

---

1 This approach is described in the “New Zealand in the Pacific“ paper confirmed by Cabinet on 26 February (CAB-18-MIN-0054).
Comment

For the purposes of this paper, "Pacific climate migration" refers to current and future displacement or migration of Pacific peoples in response to the impacts of climate change. The term "migration" is interpreted broadly to include relocation within borders; temporary and circular movements of people across borders, such as labour mobility schemes; and permanent migration across the Pacific or further afield.

While risk profiles vary across individual countries, Pacific Island countries as a group are acutely vulnerable to the impacts of climate change and poorly resourced to respond effectively. These impacts include sea-level rise, prolonged drought, increasing precipitation, changes in ocean temperature, ocean acidification and coral bleaching, and increased frequency and intensity of storms and cyclones. Secondary impacts include reduced availability and quality of potable water, emergence of infectious and vector-borne diseases, changing fisheries stock, impacts on livelihoods; damage to infrastructure, increasing invasive species and pressure on natural resources, increasing likelihood of internal conflict and political instability and population movement within or across borders.

A variety of social, political, economic, cultural and environmental factors, overlaid with individual, family and community vulnerabilities and capacities, influence population movement. Climate change as a driver for migration is intertwined with this wide range of migration drivers.

The Intergovernmental Panel on Climate Change (IPCC) concluded in 2014 that with current levels of adaptation and only 2°C warming, by 2080-2100 there is a "high risk" of climate change impacts leading to loss of livelihoods and economic stability and decline of coral reef systems, and a "very high risk" of coastal inundation in small island countries (Annex II, Table 1). The World Bank published a report in March 2018, "Groundswell: Preparing for Internal Climate Migration", predicting significant global internal climate migration by 2050. In the Pacific, it is expected that the 180,000 people living in the low lying countries of Kiribati, Tuvalu and the Republic of the Marshall Islands—alongside inhabitants of Tokelau and atolls in some larger Pacific Island countries—will be most significantly affected by climate-related internal and cross-border migration.

Public discourse has focused on sea-level rise as an "existential" threat to low-lying Pacific Island countries, potentially driving cross-border migration. This future risk is most relevant to Kiribati and Tuvalu, both of which lack options for internal migration as well as free migration access to larger countries. In addition to potential loss of land, these countries and others in the region rely heavily on fisheries for their livelihoods and could lose access to resources under international law if maritime zones, including exclusive economic zones, diminish due to sea-level rise.

However, sea-level rise is one aspect of a vastly more complex regional challenge. Any country in the Pacific region, including New Zealand, could experience a severe weather event leading to internal or—in particularly severe cases—cross-border displacement at any time. Fiji, Papua New Guinea and Bougainville and the Solomon
Islands, collectively representing 85 percent of the total Pacific population, are already struggling to manage internal climate-related displacement and resettlement. Additionally, any form of climate displacement could affect national and regional stability.

10 It is not currently possible to estimate reliably the social and economic impacts of Pacific climate migration on New Zealand. There is a dearth of data and considerable academic debate over future Pacific climate migration trends.

In considering the potential impacts on New Zealand, it is important to acknowledge that migration is not a new response to Pacific viability challenges. There are already established patterns of migration across the Pacific, including to New Zealand, Australia, Europe and the United States.

International law

11 There are no instruments of international law that provide unequivocal binding direction to countries to assist citizens of other states displaced as a result of climate change. There are also no legally binding regional conventions or treaties that prescribe obligations for developed countries towards Pacific Island neighbours in the climate change context. Climate migrants will not fall within the protections available to refugees fleeing persecution through the 1951 Refugees Convention and their plight is not covered specifically by the major international human rights instruments. The United Nations (UN) Guiding Principles on Internal Displacement elaborate standards for protection before, during and after displacement but these are not applicable to all Pacific Island countries. While some international initiatives touch on climate migration, more work is needed to determine what protections are needed, for whom and where.

12 Climate migration also raises provocative questions of international law: for instance, how to maintain self-determination, governance and nationhood (including cultural identity and language) when a country’s landmass dwindles due to sea-level rise or where it continues to exist physically but is unable to sustain a population. International legal solutions are needed to preserve states’ legal rights to their maritime zones and the resources they contain in the face of sea-level rise and the associated loss of territory on which maritime zones are calculated.

13 New Zealand was the first country in the world to be

---

2 One prominent example is the Carteret Islands in Bougainville where rising sea levels and inundation have resulted in climate-related displacement and relocation over several decades.

4 For instance, the Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction, the World Humanitarian Summit, the New York Declaration for Refugees and Migrants, the draft Global Compact on Migration and the Nansen Initiative and its successor, the Disaster Displacement Platform.
tested by “climate refugees” seeking protection and resettlement in another country. Responding to several cases from Tuvalu and Kiribati, New Zealand courts rejected arguments that a person displaced by the impacts of climate change meets the definition of a “refugee” under domestic law implementing the UN Convention on Refugees.

Pacific perspectives

14 Pacific Island countries face a broad array of challenges, which in some cases they are not well equipped to tackle. Against this backdrop, the prospect of climate migration can appear overwhelmingly complex and intractable, especially where it could represent a threat to state viability. Emotive elements and lack of representative dialogue on these issues to date have made climate migration a politicised and sensitive issue.

Three consistent Pacific perspectives have emerged from regional discussions:

- In the Niue Declaration on Climate Change (2008), Pacific Islands Forum Leaders recognised “the importance of retaining the Pacific’s social and cultural identity, and the desire of Pacific peoples to continue to live in their own countries, where possible”;
- Pacific Island countries and communities have no wish to relieve the international community of its obligations and commitments to global action to reduce emissions by accepting large-scale migration from low-lying atolls as a solution; and
- If necessary, climate migration should be a planned, coordinated process. It should involve choices and reflect the resilience of Pacific peoples who have been adapting to and resettling in new environments for centuries.

15 As the impacts of climate change are experienced differently by each Pacific Island country, so too Pacific perspectives on climate migration vary.

---

5 In international law, the word “refugee” describes people fleeing their country of nationality because of persecution for their race, religion, nationality, membership of a social group or political opinion. The UN High Commissioner for Refugees has cautioned against using the term “climate refugee” to describe persons displaced due to the effects of climate change. The Nansen Initiative refers to “people displaced across borders in the context of disasters and the effects of climate change.”

6 These challenges are described in paragraph 8 of the "New Zealand in the Pacific" Cabinet paper.

6a The Pacific Islands Forum is the preeminent regional political body with 18 members: Australia, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
Strategic context

16. The Pacific is an increasingly contested strategic space, with more external partners competing for influence. s6(a)
New Zealand interests

20 Over the past decade, New Zealand has recognised the potential for climate migration, acknowledged Pacific Island countries’ expressed desire to remain in their own countries, and focused on practical investments to enable them to do so. New Zealand has assisted Pacific Island countries in their efforts to achieve effective global action on climate change, mitigate emissions and adapt to the impacts of climate change. We are at the forefront of helping the Pacific to prepare for, and respond to, natural disasters, assisting Pacific Island countries to become more resilient to natural disasters and responding to requests for humanitarian assistance when such disasters occur. However, there is more that New Zealand can do to assist Pacific Island countries to adapt to the impacts of climate change and prepare for internal or cross-border climate migration.
Core values

23 This section proposes a set of core values that would underpin New Zealand action on Pacific climate migration:

- Honour Pacific Leaders’ recognition of ‘the importance of retaining the Pacific’s social and cultural identity, and the desire of Pacific peoples to continue to live in their own countries, where possible’.
- Respect and uphold Pacific Island countries’ sovereignty and the right to self-determination.
- Encourage transparent, inclusive dialogue on Pacific climate migration domestically, regionally and internationally, advocating for Pacific priorities:
  - Internationally, recommend that any solution be led and owned by those countries most significantly impacted, with support from partners; and
  - In the regional context, advocate for a Pacific-led response through the Pacific Islands Forum as the preeminent regional body.

Early New Zealand action

24 This section outlines, for Cabinet agreement, a set of early New Zealand actions on Pacific climate migration. s6(a).

I: Utilise ODA to avert and delay climate-related displacement and prepare for Pacific climate migration. New Zealand provides ODA through a range of multilateral, regional and bilateral mechanisms and initiatives. Currently 60 percent of New Zealand’s ODA (NZ$1.7 billion over three years) is directed to the Pacific. We are on track to deliver on the NZ$200 million commitment made in 2015 at the 21st Conference of the Parties to the UN Framework Convention on Climate Change (COP21) for climate-related assistance over four years (2015-2019), most of which benefits the Pacific (NZ$33.8 million in the 2016/17 financial year). This support has been directed towards building stronger, more resilient infrastructure, strengthening disaster preparedness, response and recovery and supporting low-carbon economic growth, including through New Zealand’s significant contribution to improving access to clean, affordable energy.

In development terms, supporting Pacific peoples’ desire to remain in their own countries translates into prioritising regional and country-level initiatives that build resilience and adaptation to climate change, aimed at averting and delaying climate-related displacement. This includes disaster preparedness and planning as well as continuing support for Pacific Island countries to achieve their Nationally Determined Contributions under the Paris Agreement, which typically include emissions reduction and adaptation commitments.
At the same time, the interrelated nature of climate change impacts and migration drivers calls for a multi-sectoral response to prepare for climate migration through migration-readiness. A significant portion of New Zealand’s ODA contributes to building resilient Pacific populations and economies through supporting health, education, law and justice, tourism, sustainable fisheries and agriculture. The particular vulnerabilities of Kiribati and Tuvalu to climate change, alongside migration pressures, suggests a need for country-level investment in migration-readiness to promote better settlement outcomes in case of future cross-border climate migration.

A proposal to increase New Zealand’s development programme, which has a substantial Pacific focus and will include an increase in climate-related assistance, is being considered through the Budget 2018 process. Following this, the Ministry of Foreign Affairs and Trade will advise the Minister of Foreign Affairs on the direction and scope of climate-related assistance for the new funding triennium.

**II: Facilitate regional dialogue and explore a regional approach.** Facilitating a formal regional dialogue that poses open questions would elicit a clearer picture of current Pacific perspectives, needs and priorities. Utilising the Pacific Islands Forum mechanism as the preeminent regional body \( s6(a) \) would help to ensure a robust and inclusive process whilst promoting effective regional architecture.\( s6(a) \)

Domestic stakeholder consultations, including with Pasifika communities, Māori leadership, civil society and academics, would inform New Zealand’s contribution to regional dialogue. International dialogue would complement and support this action.

New Zealand could also explore the possibility of a Pacific-led regional instrument (framework, declaration or statement) that outlines a collective response to Pacific climate migration (internal and intra-regional) through the Pacific Islands Forum. \( s6(a) \)

While complex to negotiate, the benefits could be significant, providing clarity, purpose and a sense of unity. It could also position the Pacific and the Forum as first movers: while several regional instruments refer to climate displacement (for example the African Union’s Kampala Convention 2009), none is specifically dedicated to responding to climate migration. If Ministers agree, officials would consult bilaterally with Pacific Island countries and other stakeholders and advise the Minister of Foreign Affairs.

**III: Strengthen international language and frameworks through multilateral action.** As small states, New Zealand and Pacific Island countries rely on functional multilateral frameworks. This has led to active pursuit of effective multilateral responses on issues of national importance, including climate change.\( s6(a) \) there are several initiatives through which New Zealand and Pacific interests could be advanced.
The Geneva-based Platform on Disaster Displacement (the Platform) is an intergovernmental body relating to global climate migration, focused on addressing knowledge gaps and promoting policy coherence and development. New Zealand supported its predecessor, the Nansen Initiative, and in 2016 endorsed the Platform.  

Initiating engagement with the Platform and exploring avenues for New Zealand membership could generate opportunities to share experiences, access expertise and advocate for Pacific priorities.

New Zealand is engaging in negotiations within the UN on the Global Compact on Migration, co-led by Ministers of Foreign Affairs and Immigration. This is an opportunity for New Zealand to help shape international discussion and agreed language on climate migration.

A taskforce under the UN Framework Convention on Climate Change’s (UNFCCC) Warsaw International Mechanism for Loss and Damage (WIM) is developing recommendations on how to avert, minimise and address climate displacement. The recommendations will be presented for consideration at the next Conference of Parties meeting (COP24) in December 2018.

The Ministry of Foreign Affairs and Trade will advise Ministers before COP24.

It will be important to work with Pacific Island countries to share information on safe and legal migration options. Supporting more active Pacific participation in work streams associated with the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) would help to deter people smuggling. There might also be scope for New Zealand action through the Asia Dialogue on Forced Migration, the Global Forum on Migration and Development, and the International Organization for Migration.

IV: Champion progressive development of international law. The Ministry of Foreign Affairs and Trade is considering the state of the current international law and options for progressively developing the law to protect coastal state rights in respect of maritime zones in the face of sea-level rise. Officials will provide further advice to Ministers on a strategy for New Zealand in championing the progressive development of international law in this area.
V: Commission robust research. Lack of reliable data impedes the Government’s ability to adequately prepare for and respond to the needs of Pacific climate migrants. More work is needed to map hazards and vulnerabilities, enabling Pacific Island countries to better plan and prioritise responses to climate change, including anticipating and responding to internal and potentially, outward displacement. The Ministry of Foreign Affairs and Trade proposes to commission research to better understand patterns of future Pacific climate migration (internal and cross-border) as well as social and economic impacts on New Zealand and Pacific Island countries.

Longer-term action

25 A commitment to taking action on Pacific climate migration would involve a long-term, concerted policy effort across New Zealand agencies. Initial actions sit within the foreign policy and development portfolio but questions would inevitably arise around New Zealand’s domestic immigration settings.

26 A longer-term New Zealand approach would arise from the outcomes of the early actions outlined above, specifically regional dialogue, stakeholder consultations and research. New Zealand efforts to strengthen multilateral language and frameworks and progressively develop international law would likely endure into this longer-term phase.

27 It is recommended that further consideration of immigration options, including any humanitarian visa category, for instance, be addressed in this longer-term approach. Once a clearer picture of Pacific needs and priorities emerges, there might be scope to increase the climate change focus of existing policies\(^\text{13}\) or consider expanding labour mobility opportunities, alongside a risk assessment.

28 By 2024, towards the end of the next two ODA funding trienniums, officials would be equipped to advise Cabinet on a longer-term New Zealand approach. This advice would also present the outcomes and findings from early New Zealand actions and update Cabinet on progress in utilising ODA levers to address Pacific climate migration as outlined above. Officials will report back on early progress as part of the update about New Zealand’s refreshed approach to the Pacific to Cabinet by the end of 2018.

29 Separately, the Minister of Immigration is considering advice on policy development around the Government’s wider, more immediate aims for Pacific migration. This includes reviewing New Zealand’s visa settings to ensure that they are accessible for Pacific peoples and are working for New Zealand. The Minister of Immigration is consulting with Ministers this month on a proposed immigration policy work programme and will be submitting a paper to Cabinet seeking agreement to that work programme.

\(^{13}\) While New Zealand does not currently target immigration policies to Pacific climate migrants, we do maintain a long-standing and close migration relationship with the Pacific through existing immigration policies. These include the Samoan Quota (SQ), the Pacific Access Category (PAC), the Recognised Seasonal Employer (RSE) scheme (a temporary labour mobility policy) and general visa categories, which attract Pacific migrants.
Consultation
30 The following Departments and Agencies have been consulted in the preparation of this paper: the Civil Aviation Authority, the Department of Conservation, the Department of the Prime Minister and Cabinet (Policy Advisory Group, Ministry of Civil Defence and Emergency Management, National Assessments Bureau, National Security Policy), the Ministry of Transport, the Ministry for Pacific Peoples, the Ministry for the Environment, the Ministry of Business, Innovation and Employment, the Ministry for Primary Industries, the Ministry of Defence, the New Zealand Defence Force, The Treasury and the Parliamentary Counsel Office.

Financial implications
31 While this paper does not ask Cabinet to take decisions with direct financial implications, the Minister of Foreign Affairs has submitted a bid under Vote Official Development Assistance for consideration through the Budget 2018 process to increase New Zealand’s development programme, including Pacific climate-related assistance.

Human rights
32 This paper presents no inconsistencies with the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990. However, there are significant human rights implications associated with Pacific climate migration, which would be considered through the approach outlined in this paper.

Legislative implications
33 This paper has no legislative implications. Advice would be provided if any arise.

Regulatory impact analysis
34 This paper does not require regulatory impact analysis.

Gender implications
35 This paper does not require a gender implications statement. A focus on gender elements of Pacific climate migration is envisaged in the approach outlined in this paper.

Publicity
36 A draft press release and media talking points are attached (Annex I). A detailed communications and stakeholder engagement plan would be developed after this Cabinet discussion. There would be opportunities throughout 2018 and beyond to describe the approach outlined in this paper, including during planned Ministerial travel to the Pacific Islands region.

Recommendations
37 The Minister of Foreign Affairs recommends that the Committee:
1. **Agree** that the New Zealand Government adopt early, calibrated and transparent action on climate change-related displacement and migration in the Pacific Islands region.

2. **Agree** that the following core values should underpin this approach:
   
   2.1. Honour Pacific Island Leaders’ recognition of “the importance of retaining the Pacific’s social and cultural identity, and the desire of Pacific peoples to continue to live in their own countries, where possible”;

   2.2. Respect and uphold Pacific Island countries’ sovereignty and the right to self-determination;

   2.3. Encourage transparent, inclusive dialogue on Pacific climate migration domestically, regionally and internationally, advocating for Pacific priorities:
       
       2.3.1. Internationally, recommend that any solution be led and owned by those countries most significantly impacted, with support from partners; and

       2.3.2. In the regional context, advocate for a Pacific-led response through the Pacific Islands Forum as the preeminent regional body.

3. **Note** that a proposal to increase New Zealand’s ODA programme is under consideration as part of Budget 2018.

4. **Agree** that New Zealand should implement the following early actions:

   4.1. Consider how ODA initiatives can avert and delay climate-related displacement and prepare for Pacific climate migration when making decisions on the scope and direction of climate-related assistance for the new funding triennium;

   4.2. Facilitate a regional dialogue and explore a regional instrument on Pacific climate migration through the Pacific Islands Forum;

   4.3. Work to strengthen international language and frameworks through multilateral action, advancing New Zealand and Pacific interests;

   4.4. Develop a strategy for New Zealand in championing the progressive development of international law to protect coastal state rights in respect of maritime zones in the face of sea-level rise; and

   4.5. Commission robust research to better understand future climate migration trends and the social and economic impacts on New Zealand and Pacific Island countries.
5. **Note** that officials would report back on progress made in implementing these early actions as part of the update to Cabinet by the end of 2018 on New Zealand’s refreshed approach to the Pacific.

6. **Note** that officials would report again on early actions in 2024 and advise Cabinet on a longer-term New Zealand approach to Pacific climate migration that might also involve consideration of immigration options.

7. **Agree** that immigration options, including any humanitarian visa category, be considered as part of a longer-term approach, once the scale and potential impact of Pacific climate migration is clearer.

8. **Note** that the Minister of Immigration is separately leading work considering the Government’s wider aims for Pacific migration and will submit a paper to Cabinet outlining a proposed immigration policy work programme.

Rt Hon Winston Peters

Foreign Affairs
s6(a)

s9(2)(g)(i)

s6(a)
Talking points

- Pacific Island countries are uniquely vulnerable to the impacts of climate change. Climate migration is a real and pressing concern in the Pacific. We see an opportunity for the Pacific to demonstrate global leadership in taking early action on this challenging issue.

- Our response to Pacific climate migration is underpinned by core values:
  - We honour Pacific Leaders’ recognition of the "importance of retaining social and cultural identity”.
  - We acknowledge the desire of Pacific peoples to “continue to live in their own countries where possible”.
  - We respect and uphold Pacific Island countries’ sovereignty and the right to self-determination.
  - And we want to start a conversation and listen to other perspectives, in the Pacific, at home and further afield.

- Through that conversation we want to explore new options, for instance, what a Pacific-led regional response to climate migration might look like.

- We also want to utilise Official Development Assistance to avert and delay climate-related displacement but also to prepare people for climate migration (including within their own countries), in case this becomes necessary.

- A proposal to increase New Zealand’s development programme, which has a substantial Pacific focus and will include an increase in climate-related assistance, is being considered through the Budget 2018 process.

- New Zealand will be actively looking for opportunities to contribute to emerging international language and understandings on climate migration, highlighting Pacific priorities.

- We will also be looking at opportunities to progressively develop international law to protect coastal state rights in respect of maritime zones in the face of sea-level rise. This will help to ensure that Pacific Island countries retain access to resources within their exclusive economic zones.

- We recognise that resettlement or migration might become necessary as Pacific peoples are affected by the impacts of climate change. In that scenario, New Zealand’s immigration policies might be sufficiently flexible to form part of a future solution, if that is what Pacific peoples want and need.

- But we need better research and inclusive, transparent dialogue before considering adjustments to our immigration settings. The Government will commission robust research to support better predictions of future trends as well as the economic and social impacts on New Zealand and Pacific Island countries.