THE NEW ATLANTEANS: FORCED MIGRATION, STATELESSNESS AND JUSTICE

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Abstract:
With the well-documented predicted continuation of rising sea-levels as a result of man-made climate change over the next century, two interrelated issues have emerged in international law and global policy discussions: what to do about both those who are displaced due to climate change, those whose homelands are entirely physically eradicated due to climate change, and those whose homelands remain geographically/ physically intact but who nonetheless experience forced migrations, and what transnational duties exist in both cases. This article will explore the interrelated but separate nature of these two issues, and the salient features of appropriate transnational responses, particularly the gendered dimensions of forced migration in both cases. It builds upon the existing literature of statelessness, forced migration, displacement and gendered aspects of the transnational obligations in all of these, whilst forging new ground by advancing a new thesis for how the twentieth-century paradigms of forced migration and statelessness must be modified in the wake of this new reality, of climate-crisis-induced forced migration and statelessness.

Keywords: migration, climate change, gender aspects.

1. Introduction

There is probably no greater challenge facing humanity today than that of the climate crisis. (IPCC, 2021). It is not an abrupt change or an immediate threat, such as if there was an asteroid hurtling towards earth. Rather, it is gradual, taking place over the scope of many years, and thus does not have the overwhelming immediacy of the asteroid situation. However, the consequences for humanity might become ever as catastrophic as in the case of an asteroid collision with earth. The temporal scope of the change has made it excruciatingly difficult to muster support for taking action to slow or halt it. However there is an upside to this temporal aspect as well and that is there is time, both to prepare for the effects and to change our ways in order to minimise them. But the time for action is now.

But what are the effects of climate breakdown? Nobody really knows for sure, however, the last time the world was 4 degrees Celsius warmer than it is today, there was no ice at the poles and the sea level was 80 metres higher than it is today, (Brannen, 2017). The Paris Agreement on Climate Change, aims to keep the global temperature rise this century below 2 degrees Celsius above pre industrial levels, however, it is far from certain that will be achieved and eventual warmings of 10 °C are quite feasible and even 20 °C is theoretically possible, (Sherwood & Huber, 2010) completely eradicating our way of life, if not humanity itself.

Two things are however quite certain with rising temperatures: rising sea levels and the rendering of large areas of land uninhabitable by desertification and the overextension of the limits of heat humans as a species can potentially tolerate without a significant increase in counteracting remedies such as air-condition and protective wear.

This means that some or even many of the current areas for human habitat will become uninhabitable, either due to being submerged or becoming too arid and warm. There are also other scenarios that might render areas uninhabitable, for instance the increased frequency of extreme weather events, but the consequences are obviously those that people will be forced to migrate, either within states or across borders.

This paper will pursue the questions of what is being done already to tackle the issue of displacement due to the climate crisis. How are these “environmentally displaced persons” handled by the state structures already in place? Will they be allowed to resettle somewhere when it comes to their homelands becoming uninhabitable? Will somebody pay their way? Will they become stateless if their homelands are lost to climate change? And what is being done in the case of internally displaced persons due to the climate crisis? They are in a different situation, potentially less vulnerable, since one would expect the existing state structure to be an implementer of mitigation plans. However, the climate crisis is global, but it will affect states differently. How are we as humans mitigating for that fact? Are the richer and perhaps less impacted countries helping those poorer and potentially more affected?

We will look at two cases in particular -- Kiribati and Bangladesh -- as examples of where the phenomena we are describing are already taking place. We acknowledge that the state is still a very relevant actor when it comes to the responses to the effects of the climate crisis. In the Pacific, the role of Australia and New Zealand are of particular interest as affluent states and potential destinations for those who are mainly affected by the crisis. However for the purpose of our analysis here the main focus will be on supra-national organisations and their legal

mechanisms and policies and to what extent they accommodate this new phenomenon we call “The New Atlanteans”, i.e. those who are forced to migrate due to rising sea levels where their nation state is under existential threat.

Finally we will review the gender aspect of the impacts and the responses to the crisis and assess how it is possible to take into account the different impact the crisis has on men and women.

2. The New Atlanteans - Literature Review

Small, low-lying island nation-states are at the forefront of the adverse effects of anthropogenic climate change. Significant effects of climate change include an increase of GHG emissions, temperature rise, sea-level rise, increased salinity, loss of biodiversity and/or total extinction of plant and animal species, erosion, degradation and disappearance of entire landmasses. We have also seen evidence of irregular and severe weather patterns such as droughts, cyclones, heavy rainfall and drastic storms.

In particular, sea-level rise is an immediate danger to these island nations. Entire countries and landmasses will disappear, and, as a result: many cultures will be left submerged. The IPCC’s latest Special Report on the Ocean and Cryosphere in a Changing Climate presents shocking data that projects global sea levels will most likely rise between 0.29m and 1.1m by the end of the 21st century (Oppenheimer et al., 2019). More specifically, in a low GHG emission scenario, sea-level rise is projected to increase by 30 cm before 2050 and 69 cm before 2100. On the other hand, a high GHG emission scenario will result in a 34 cm seal-level rise before 2050 and a 111 cm rise by 2100 (Bamber et al., 2019).

This leads us to the remarkable fact that by the year 2100, global sea-level rise will increase by as much as 2 meters; resulting in displacement of up to 187 million people and a loss of 1.79 M km2 total landmass due to the high GHG emission sea-level rise (Nicholls et al., 2011).

Sea-level rise will destroy living space, commercial space, infrastructure such as harbors, streets, fertile lands, and deplete water resources (Roschmann, 2013). In turn, the probable deterioration of these fragile land and coastal zones will lead to an inevitable overexploitation of remaining natural resources- especially in the most populated of areas. Sea-level rise then leads to more arduous adverse effects such as increased salinity; which will consequently threaten river ecosystems and salinise agricultural lands to an extent that will make them unusable (Roschmann, 2013). The outcome of sea-level rise will leave the homelands of small island nations uninhabitable; forcing their residents to migrate to a new land.

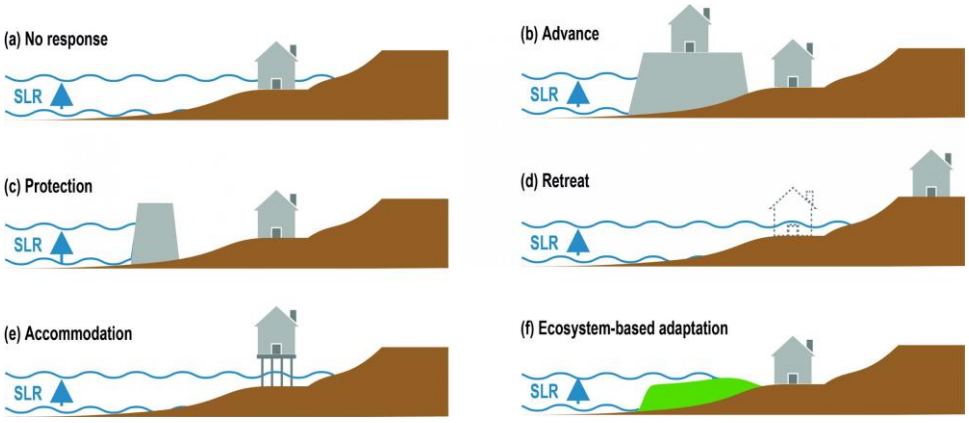
The archipelagic country of Kiribati is a prime example of a disappearing low-lying island nation. Kiribati is made up of 33 atoll islands located in the equatorial Pacific Ocean; with a total land area of 811 sq km and a total coastline measurement of 1,143 km. The 2020 population census of Kiribati is estimated to be around 119,500 people with a population density of 147 people per square kilometer (United Nations, Department of Economic and Social Affairs, Population Division, 2019). A majority of the land of Kiribati is no more than 3 meters above sea-level (America, 2019). Furthermore, Kiribati is expected to be the first country to lose almost all of its land territory to the global climate crisis (OECD, 2015). This brings us to the devastating reality that if sea-levels continue to rise as the IPCC projected: a 1 meter sea-level rise predicts that only one-third of Kiribati’s landmass will even be above

water before the year 2100. Consequently, sea-level rise is endangering the very existence of this nation; making the inhabitants a victim to their own homeland.

How is the current population of Kiribati going to face the daily challenges of living on the frontlines of climate change and cope with a rising sea for the time being? The ocean is the primary natural resource critical to the Kiribati peoples' livelihood and sustainability. Encompassed by water, Kiribati has limited terrestrial land resources which leads the nation to rely heavily on the sea for providing all coastal and marine ecosystem services for survival. Kiribati's culture and community is deeply connected to the ocean. Paradoxically, the sea that is Kiribati's most valuable ecosystem is at the same time the biggest threat to their delicate ecosystem services. Any disruption or disturbance to a community's natural resource supply will result in devastating consequences to the entire nation. Kiribati is positioned within the Pacific Island region, in which there are seven crucial ecosystem services vital to the sustainability and survival of coastal and marine ecosystems: (i) subsistence seafood, (ii) commercial seafood, (iii) minerals and aggregate, (iv) tourism and recreation, (v) coastal protection, (vi) carbon sequestration, and (vii) environmental research, management, and education (Salcone et al., 2016).

Therefore, even a small rise in sea-level will negatively impact the shorter-term sustainability of the entire nation and affect every aspect of their everyday life. As the level of the sea is undoubtedly increasing, the sources for freshwater and food are simultaneously diminishing. Drinking water harvested from groundwater sources will be contaminated with a higher salinity due to the saltwater intrusion into freshwater aquifers. Soil and shoreline erosion is killing most of the crops and trees- and a higher salinity is creating a difficult environment for the remaining crops to survive due to saltwater sensitivity; thus, making it problematic to sustain any farms. In turn, Kiribati is losing the ability to harvest subsistence and commercial seafood. With a decreasing landmass, they will not be able to mine for minerals and aggregates; or be able to accommodate for tourism or recreation. For the people of Kiribati, it is not only about losing their physical territory, but losing their heritage, identity, and economy.

How are these nations at risk currently responding to sea-level rise? The 2019 Special Report- IPCC/Intergovernmental Panel on Climate Change categorized six responses to sea-level rise:



(a) No response; (b) Advance response: Land reclamation above sea level by landfilling; (c) Protection response: Reduces coastal risk by blocking (dikes, sealwalls, barriers); (d) Retreat response: Moving exposed people and assets out of the hazard zone through migration, displacement, or relocation- and may result from limited choices or just involuntary adaptation; (e) Accommodation response: Reducing the vulnerability of residents despite increasing levels of hazard occurrence such as raising house elevation, floating houses/gardens; leads to changes in land use and salt-tolerant crops; and (f) Ecosystem-based adaptation response: Conservation or restoration of coastal ecosystems such as wetlands and reefs using nature-based solutions such as building up of organic matter, green infrastructure, raising elevation and reducing rates of erosion through trapping and stabilizing coastal sediments.

Kiribati has responded to sea-level rise using various approaches shown above. Kiribati has applied the protection approach by constructing physical barriers such as sea walls using sediment and coral rock. Additionally, Kiribati has implemented an ecosystem-based adaptation approach by mangrove planting and land conservation. To stabilize the coastlines, saplings are being planted to reduce land erosion and provide protection to the shoreline.

To combat the nation's vulnerability to climate change, the World Bank and the government of Kiribati introduced two concurrent plans: the Kiribati Adaptation Program (KAP) and the National Adaptation Program of Action (NAPA) in 2003. KAP addressed the long-time issues; while NAPA's coinciding focus was on the existing essential needs of the nation to compliment the long-term needs and planning of the KAP national strategies. KAP consists of 3 phases: (i) Preparation (2003-2005), (ii) Pilot implementation (2006-2011), and (iii) Expansion (2012-2016). The beginning preparation phase was prepared in parallel to NAPA and involved an extensive process of national consultation and mainstream adaptation into national economic planning and identified priority investments for phase 2. In the 2nd phase of pilot implementation, Kiribati launched activities including mangrove planting, ecosystem monitoring, community awareness and training, and a climate adaptation community consultation. In phase 3, the objective of expansion aimed to increase the resilience of Kiribati to the impacts of climate change on freshwater supply and coastal protection as a priority by the government of Kiribati. Overall, KAP aimed to raise awareness of climate change by assessing and protecting available water resources, reduce susceptibility to climate change, and implement coastal management preservation actions. Additionally, KAP highlighted 3 problems commonly associated with international aid- (i) aid competition, (ii) pressure on local human resources, and (iii) changing money flows and priorities—which together can slow project implementation and compromise the goal of making optimal adaptation decisions (Donner & Webber, 2014).

In 2016, the Kiribati 20-year Vision (KV20) was established as Kiribati's long term development plan for the 2016-2036 time period. The KV20 provides the framework for a meaningful development outcome and identifies four pillars that will enable implementation of the vision: (i) Wealth, (ii) Peace and security, (iii) Infrastructure, and (iv) Governance. (Government of Kiribati, 2016). The tourism and fisheries sectors are two of the main focuses of the pillar one strategy: Wealth. These sectors have been a main source of revenue for Kiribati, so making this a primary focus will contribute to a sustainable and economic growth during the span of KV20. Pillar two, Peace and Security, will strengthen strategic national and

international partnerships to ensure a safer homeland to the people of Kiribati. Pillar three, Infrastructure, aims to improve connectivity and accessibility such as improving air, land, and sea transport and with the development and implementation of tourism authorities and acts. The final pillar, Governance, will create a corruption-free society by promoting good governance principles in the educational and public service systems. Out of all the policies to date, the KV20 had the largest focus on climate change.

Following the KAP and the KV20, the Kiribati Joint Implementation Plan for Climate Change (KJIP) was developed with a goal to increase resilience through sustainable climate change adaptation and disaster risk management using a whole-of-country holistic approach throughout the next nine years (2019-2028). The KJIP is made up of twelve key strategies and management risk actions based on existing policies: (i) Strengthening good governance, policies, strategies, and legislation, (ii) Improving knowledge and information generation, management, and sharing, (iii) Strengthening and greening the private sector, including small and medium-sized enterprises, (iv) Increasing water and food security with integrated and sector-specific approaches and promoting healthy and resilient ecosystems, (v) Strengthening the health-service delivery to address climate change impacts, (vi) Promoting sound and reliable infrastructure development and land management, (vii) Delivering appropriate education, training, and awareness programs, (viii) Increasing effectiveness and efficiency of early warnings and disaster and emergency management, (ix) Promoting the use of sustainable renewable sources of energy and energy efficiency, (x) Strengthening capacity to access finance, monitor expenditures and maintain strong partnerships, (xi) Maintaining the sovereignty and unique identity and cultural heritage of Kiribati, and (xii) Enhancing resilience through strategic partnerships for community participation and engagement, ownership and inclusion of vulnerable groups (Government of Kiribati, 2019).

The situation of lost homeland territories leads us to the issue of forced migration as a result of climate change. Climate change is already impacting small island nations such as Kiribati; and they must prepare for a large-scale migration. Over 70% of Kiribati households feel that migration will be a likely response if agricultural production becomes more difficult or if sea level rise, flooding or saltwater intrusion worsens (Oakes et al., 2017).

The Government of Kiribati's Integrated Land and Population Development Program, as part of the 2005 Climate Change Adaptation (CCA) strategy, aimed to stabilize the population at 125,000 before the year 2025 to prevent overpopulation and overexploitation of resources. With the current population being over 119,000 people, we can see that there has been little progress on meeting this goal. In 2014, Kiribati purchased twenty square kilometers of land in the village of Naviavia, Fiji, for the purpose of relocating the majority of Kiribati's population during the climate crisis. In the meantime, the land can be used for pisciculture and agricultural projects to prepare for a mass migration.

Which migration patterns currently in place for the inhabitants of Kiribati? Are the opportunities limited? There are a number of significant phenomena worth noting with reference to the host countries of Kiribati: Australia, Fiji, and New Zealand. For instance, aid programs have been developed in Australia to help address high-priority climate change adaptation needs in small island developing states. Australia's aid programs have helped to implement economic reforms, improve basic

education, strengthen environmental resilience, and address issues of gender equality.

Secondly, it is worth noting that New Zealand also has a long-standing partnership with Kiribati. The aim of this cooperation is to have a healthy, educated and resilient population in a well-governed country. However, Ioane Teitiota, a Kiribati native, sought asylum in New Zealand pleading for the life of his family. Teitiota stated he was unable to grow food or access a potable water source in his home in South Tarawa due to the rising sea levels and saltwater intrusion. In 2013, New Zealand officials rejected his claim for protection as a "climate refugee". In 2015, Teitiota was placed in police custody and deported back to Kiribati. His story gained international attention as the first environmental migrant.

This raises the significant question of whether Australia and New Zealand allow open migration for ''climate refugees''. Overall, Kiribati and its partner countries have prepared a vast amount of environmental plans; but the execution has been very limited. The implementation of environmental legislation presents a number of common difficulties found amongst small island nations; such as a lack of education and knowledge of global problems, cultural traditions, human resource capacity and funding. Kiribati uses the traditional method of building sea wells with coral rock and sediment but this is in fact contributing to the problem of land erosion and opposes the legislature. In addition to a low human resource capacity, a lack of workforce skills, experience, and expertise exists throughout the populations of small island nations.

3. Old Problems, New Context - Research objectives

Migration is not a new phenomenon; people have migrated for centuries, due to several reasons and a variety of circumstances. However, the imminent threat that climate change is posing exacerbates the need of millions of people to flee from their homes as they are not safe or habitable anymore. It is hard to predict the amount of people that are going to be forced to migrate due to environmental causes but the IPCC estimates that by 2050 at least 150 million people are going to be displaced (IPCC, 2001). In some scenarios, migration will mostly be internal, such as it is estimated in Bangladesh, but in many other scenarios, migration will be cross-border and cooperation between states is going to be necessary.

For the purpose of this paper we will mainly focus on environmental migration that is defined as "the movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border" (International Organization for Migration (IOM), 2019). In order to analyze if there is any existing legal instrument that protects migrants in the cases of environmental displacement it is necessary to first establish the most appropriate applicable term to define them.

In order to draw attention to the problematic of this issue many actors have in the past used the term 'climate/environmental refugee'. However, that could suggest that individuals who need to migrate for environmental reasons can be protected under the Convention Relating to the Status of Refugees ((adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137), which in most cases they are not. It has been widely accepted that the terms 'environmentally displaced people' or 'internally displaced people' are more accurate to describe the situation.

The naming is, in this case, relevant because when using the term 'refugee' it leads to the idea that people displaced by environmental reasons could be protected under refugee law. However, that isn't the case in most situations.

According to Art. 1 of the Refugee Convention a refugee is a person that "...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".

Therefore, in order to be granted international protection as a refugee several criteria have to be met. To begin with, there is a need to prove persecution. In the case of environmentally displaced people it is really complicated to prove persecution as in most cases people don't even want to leave their lands, they are forced to in order to survive. A claim could succeed if the secondary effects of a natural disaster would turn into the creation of discriminatory policies restricting assistance to certain groups of the population, but that's not the usual scenario under analysis. As case law in New Zealand shows, the duty from the government to protect their own people might create human rights problems but that does not entail that persecution, as understood in domestic and international law regimes applies in this instance (McAdam, 2006). In addition, the Convention provides a closed list of reasons for which persecution can turn into refugee protection and climate change and environmental disasters are not part of it.

Secondly, only migrants that cross a border would be able to be protected under the Refugee Convention. As anticipated before, in some cases migrants are unwilling or unable to cross any borders and the resettlement is internal.

So, if refugee law can't provide protection, is there any branch of international law that could? It has been widely debated if environmental law or human rights law can provide a framework that protects environmentally displaced people.

With regards to human rights law, some of its principles could be applied -- the main issue is its application.

In addition, in cases such as Bangladesh where most of the displacement is estimated to be internal, other mechanisms such as the Guiding Principles on Internal Displacement could apply. They are a set of non-binding legal principles that apply inter alia to people fleeing their home; They were created after international human rights and refugee law became binding principles (Mcadam, 2012)

In the case of Bangladesh, for instance, a country where disasters are successive and most of the people can't afford to migrate to other countries, the government set up in 2009 a Climate Change Strategy and Action Plan based on three long term action goals to address both internal and crossborder migration. The plan includes the development of a migration monitoring mechanism both internal and external, a protocol to provide support for resettlement and rehabilitation and a building capacity mechanism to ease resettlement (McAdam, 2012)

A good example that could be extrapolated to other regions is the Kampala Convention that was created by the African Union. So far it's the only regional binding legal instrument for the protection of internally displaced people. It aims to address forced displacement by what they call responsibility to protect, which includes not only the obligation to take measures to protect and assist people that have been displaced but also includes the responsibility to take preventive measures when

appropriate. According to it's Article 1 it protects "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized State border" (Soares, 2018).

In the case of cross-border displacement especially, besides the lack of willingness of States to sign a new instrument, it would be premature to do so because States first need to create responses regionally and nationally as every situation is different. The fact that there isn't a unique instrument that can be applied doesn't imply that existing principles in international law cannot be used at all. Not only could the Kampala Convention be a good starting point, but in addition, the Nansen Initiative showed that action has to be taken from the very bottom by implementing national and regional regulations that can maybe be translated into international laws or customs afterwards when it crystallises.

The Nansen Initiative is "state-led, bottom-up consultative process, it sought 'to build consensus on a protection agenda addressing the needs of people displaced across borders by natural disasters in the context of disasters and the effects of climate change'". (McAdam, 2006). The Nansen Initiative was concluded but its work continued as the Platform on Disaster Displacement which aims to encourage the development of national and regional policies that

The tasks within the Platform on Disaster Displacements are to encourage the development of law and policy at the domestic and regional levels; the creation of bilateral/regional frameworks on admission, stay and non-return of cross-border disaster-displaced persons; and ensure that relevant research and analysis is conveyed to policy and decision makers. Also, "help to promote policy coherence" through the Warsaw International Mechanism for Loss and Damage Task Force.

Would environmental law and the United Nations Framework Convention on Climate Change (UNFCCC) then be able to provide an umbrella framework under the Loss and Damage Mechanism? As anticipated before the creation of a new treaty doesn't seem to be the solution as they require long processes and States do not usually like to cede their competences. (Warren, 2016). Instead, the creation of regional agreements with the already existing principles such as the non-refoulement principle from human rights law and the common but differentiated responsibilities from international environmental law could be of use. In addition, planned migration could be helpful. (Kuusipalo, 2017).

The UNFCCC tried to include the notion of environmentally displaced people in the Paris Agreement in the context of negotiations of the loss and damage mechanism. As it currently stands, there is no 'climate change displacement coordination facility' as proposed in the drafts but the UNFCCC is presenting The Task Force on Displacement under the Warsaw International Mechanism on Loss and Damage as a way to include the displacement issue in the negotiations. (https://unfccc.int/sites/default/files/resource/TFD_brochure_29102019.pdf)

Even though according to customary law, each State is responsible to protect the people who reside within their borders, expanding the responsibilities of the States due to "climate-induced responsibilities" could call for shared but common responsibilities in the sense of international environmental law. (Kuusipalo, 2017). This raises a number of interrelated relevant questions. Can the UNFCCC provide an umbrella framework under the Loss and Damage adaptation? Should one

instrument be created (The United Nations System's Mandates with Respect to Averting, Minimizing and Addressing Displacement Related to Climate Change, n.d.) Inability to provide for the creation of obligations of States as against individuals?

Moreover -- what about the relationship of the above to the Guiding Principles on Internal Displacement as a mechanism that could work for governments such as Bangladesh where most of the expected displacements are going to be local. Implementing it in the domestic regime? (Accomodating Migration in Climate Change Adaptation, n.d.). It is also worth noting that there is also the UN mandate to tackle climate crises displacement issues. (The United Nations System's Mandates with Respect to Averting, Minimizing and Addressing Displacement Related to Climate Change, n.d.).

4. Gender and Forced Migration

As noted in the sections above, the climate crisis and its consequences are perhaps the largest threat to future generations and human activity is the biggest reason for that. It will affect all individuals over the world, and people living in Pacific region are already experiencing these impacts and women are mostly affected more due these changes since women are in a vulnerable position.

They are very often both poorer than men and more likely than men face hunger. Women often eat last and least in countries facing conflict, famine and hunger. Of the 821 million people who are food insecure in the world right now, the majority are women and girls. Due to patriarchal societal structures and traditions, reinforced by modern state practices, being or identifying as female comes with certain characteristics and disadvantages. For instance -- they usually are less educated than men; girls are more likely to never enter primary school than boys; less than 40% of countries provide girls and boys with equal access to education. Only 39% of countries have equal proportions of boys and girls enrolled in secondary education. Moreover, the completion rates and learning levels of girls are lower than those of boys. Participation of girls in school decreases as they progress through the education system.

In addition, of the world's 774 million illiterate adults, 2/3 are women. The share of illiterate women has not changed for the past 20 years. Among the world's 123 million illiterate youth, 76 million are female. These gender disparities remain persistent, with little change over time.

Growing migration is one of the results of climate change and over the past years we have witnessed this issue specially in pacific states. Women in these situations have to deal with increasing emigration (male migration) since most often women are the ones who are left behind. Climate migrant's perspectives, needs and issues can be different according to gender. And these variations must be taken into account.

Three decades back, international migration was primarily perceived as a male issue. This assumption was particularly prevalent when attention was focused on the economic aspects of migration, because of the fact that women's participation in international labour migration was insignificant. However Feminisation of migration has become a core dimension of the new age of international migration and globalisation. (Ullah, 2017)

Women who are left behind, while their husbands or male family members are working in other countries to save and become economically stable, are mostly responsible for the whole family and children and it's not just coping with male

migration but also with the impact on natural resources such as; difficulties in growing food, increasing disease and health issues less access to clean water, which it's mostly a responsibility for women to gather the water for the whole family. Women play an important role in managing natural resources and collecting water for their families and homesteads, they globally spend 140 million hours each day to secure clean water used for essential cooking and drinking. (Andersen, 2015)

Persistent gender inequalities and power differences in the Pacific region include high rates of sexual and gender-based violence, limited participation of women in politics and decision-making, lack of employment opportunities for women, the unequal share of unpaid work done by women, and limited access to resources and opportunities. This means that without substantial changes in policy, behaviour and thought across all sectors, the Pacific region will be confronted with the same challenges. (UN Women Gender Report: Why Is Climate Change A Gender Issue, 2019).

Women and children are fourteen times more likely to die or be injured during a disaster than men. (Asia Development Bank (ADB), 2013. The Economics of Climate Change in the Pacific.)

In response to the impacts of damage to schools, girls are more likely than boys to be pulled out of school to help with domestic chores after a disaster, making the achievement of universal primary education more difficult. (8 UN Women, 2013. The 2012 Fiji Floods: Gender Sensitivity in Disaster Management. A Qualitative Review of Gender and protection issues in disaster response).

5. What needs to be done? – Discussion

In the first instance, more Pacific-specific research is needed to analyse both climate change, and gender and the relation between.

The new report by UN Women finds that the climate emergency, conflict and the alarming rise of exclusionary politics all threaten future progress towards gender equality. (UN Women: Gender Equality in Review 25 Years After Beijing). The report states that adopting gender-responsive approaches makes environmental interventions longer-lasting and more transformative, from policies and programming related to the impact of climate change to issues around access to energy, water, sanitation, land and other natural resources.

At national and subnational levels, important steps forward include the design and planning of policies, programmes and projects, as well as financing, implementation, and monitoring and evaluation.In particular, investing in participatory, multi-stakeholder and multi-sectoral Climate Change Gender Action Plans can help countries to develop comprehensive action that integrates gender concerns and builds on women's unique knowledge and perspectives.

It is important to ensure equal space and resources for women and men to participate in climate change decision making and action at all levels. Climate finance should be accessible to both men and women and designed to generate mutual benefits, not exacerbate patterns of inequity. (Issues brief: IUCN Gender and Climate Chan.

6. Conclusion

This paper has surveyed the issue of forced migration, statelessness and justice, and looked at whether and to what extent the frameworks currently existing

in international law, international institutions and the academic and policy literature on forced migration can account for and accommodate this new reality of 'climate refugees' and 'climate crisis-induced forced migration'.

As outlined in Parts 1 and 2 of this work, while there is an extensive body of literature that clearly documents the reality of the climate crisis, and similarly an extensive body of both legal frameworks and academic literature on the issue of refugees and forced migration particularly in the aftermath of the Second World War and creation of the UN system, there has been much less exploration of what is entailed and what legal and moral obligations of both state and non-state actors arise from the new phenomenon we will sadly increasingly likely witness in the coming decades -- what happens when a person is made a refugee by virtue of the fact the physical landmass of their state no longer exists, such as due to rising sea levels.

This raises important questions for both those concerned about the climate crisis, and those concerned about forced migration; in the sections above we have juxtaposed the experience of Kiribati with the experience of forced migration as a result of climate change in a nation-state with a landmass that will remain intact -- i.e Bangladesh. Our investigation into this issue and comparative analysis of these two experiences demonstrates that there need to be more mechanisms on the level of international law to deal with the new and emerging phenomenon of 'New Atlanteans' and similarly the conceptual, NGO and academic frameworks and understandings of forced migration must be adjusted in light of these new phenomena.

The UNFCCC process is the undisputed international process leading the global response to climate change. There is also an either direct or indirect reference to displacement and migration issues due to climate change in over half of the forty UN entities' recent strategic policy documents and several UN entities specifically highlight climate change, displacement and migration-related issues in their strategy documents (ESCAP, FAO, ILO, IOM, OHCHR, UNHCR, UNESCO, UNFCCC and UNU-EHS). Many others have priorities regarding the assistance to displaced people in disasters where climate change is recognised as a contributing factor. (The United Nations System's Mandates with Respect to Averting, Minimizing and Addressing Displacement Related to Climate Change, n.d.)

Aside from the UN system, there are other initiatives, such as The Platform on Disaster Displacement, whose main objective is to follow-up on the work undertaken by the Nansen Initiative consultative process, started in 2011, and to implement the recommendations of the Nansen Initiative Protection Agenda, endorsed by 109 governmental delegations during a Global Consultation in October 2015. (Our Response – Disaster Displacement, n.d.) There are also the national and regional initiatives, such as the ones in the cases we have in particular been looking at in this paper, Kiribati and Bangladesh.

Our findings point to the lack of support by key actors in the international arena and that more needs to be done to coordinate the efforts of the international community. Our findings also point to the importance of taking gender related issues into account, as displacement impacts the genders in a different manner. As noted in Part 3 of this work, the durability of gender differences and gender discrimination means that any 'gender blind' approaches to forced migration and the climate crisis will not fully address the human rights and social needs of those affected by climate change as they experience the world differently due to patriarchal power structures and gender-unequal laws and social norms.

As a result, one area for future research that our work highlights is the need for how to build responses to the climate crisis that factor in the multi-dimensional social realities of those directly affected by it, particularly the 'New Atlanteans', who, as Part 2 of this work has outlined, face a new kind of threat and crisis -- not merely the normal historical experience of forced migration, but the entire loss of their homelands and all this entails physically, socially and psychologically. The urgent issue of those who will lose their homelands raises a moral imperative and pressing human rights concern incumbent upon all of us to address as global citizens. As noted in the introduction the role of the nation states, in particular Australia and New Zealand, will no doubt come to bear upon the way in which this crisis unfolds in reality and we acknowledge the continued durability of the nation state as a significant actor as responding to this crisis and highlight that as a significant area for future research.

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