### THE FIRST 'CLIMATE REFUGEE': TEITIOTA V. NEW ZEALAND

#### A STEP FORWARD OR BACKWARD?

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#### WHO IS THE 'CLIMATE REFUGEE'?

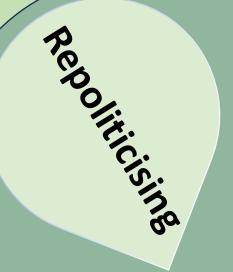
One of the most emblematic examples is people living on 'disappearing islands' in the Pacific, where climate change impacts are threatening habitability of their homelands and eventually forcing cross-border movements of people.

'climate refugees' present, internationally definition accepted and effective international legal protection.

This ambiguity feeds into racialisation and depoliticisation towards climate refugees, dually constructed by Global North narratives:

- As threats to the national security that justify border securitisation
- As **victim-commodities** that legitimise Western laboratories for research and policy making – as in the recent Falepili Union

Re-thinking the 'Climate Refugee' Beyond **Borders** 



#### THE NEED FOR A PARAGIDM **SHIFT**

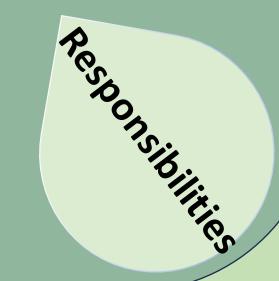


- protection as burden-sharing on states
- To protection as responsibility-sharing: a form of acknowledgement for Global North injustices present past and and responsibilities.

Mobility must be seen as part of the solution, rather than the inherent problem and threat.

Re-reading and re-thinking climate induced mobility needs to be grounded in decolonial thinking and kinopolitics.







Borders

# Colonial Histories

Human Rights



## IN SEARCH OF PROTECTION: **TEITIOTA** V. NEW ZEALAND

The Teitiota case, although renowned as a step forward for the protection of the first 'climate refugee', demonstrated:

- The international legal framework remains illequipped to provide adequate protection to 'climate refugees'
- The improbability of extending the 1951 Refugee Convention spectrum to 'climate refugees'
- limitations of the human rights legal framework - the right to life and principle of non-refoulement
- The **political vacuum** of the international community to respond to climate mobilities

is aggravated by the **Eurocentrism** and coloniality intrinsically rooted in the international human rights and refugee regimes.





Constructing Climate 'Refugee'

#### A STEP BACK: AMBIGUITY AS A RACIALISING TROPE

The HRC decision created further ambiguity and uncertainty on the extent to which international human rights law may provide a protection pathway for 'climate refugees'.

For example:

- What is the tipping point at which nonrefoulement obligations are triggered?
- Is there a requirement of **imminence** of risk to life upon deportation?

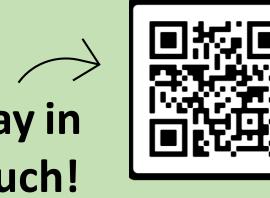
This ambiguity originates from a colonial matrix of power that contributes to the creation of othering narratives, depoliticising and racialising the unrecognisable 'climate refugee'.













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