

Victims, Security Threats or Agents? - Framing Climate Change-related Mobility in International Human Rights Documents

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Abstract

Climate change-related human mobility is a contested issue. For over a decade, UN human rights bodies have contributed to international discussions on displacement, migration and other forms of mobility associated with climate change. This contribution will analyze how climate change-related mobility is framed by UN human rights institutions. The findings show that UN human rights bodies primarily rely on a victim/protection-frame, which understands mobile persons in the context of climate change first and foremost as victims in need of human rights protection. However, other frames are used as well. In particular, the framing of mobile persons as political and social agents, which focuses on active entitlement, participation and empowerment, is also a recurring frame. Frames, such as the conceptualization of environmental migration as a security-threat or an adaptation-frame, which understands human mobility in the context of climate change as a viable adaptive strategy and emphasizes the benefits of mobility, are infrequently used. This article will use a frame-analytical approach, a variation of discourse analysis, in order to discuss to what extent and how these four different frames are invoked in documents published by UN human rights bodies and in what specific way these narratives are shaped and perpetuated by the international human rights discourse.

Keywords: climate change, mobility, human rights, frame analysis, United Nations

1. Introduction

Climate change will have far-reaching consequences for the enjoyment of human rights and it will also have repercussions on human mobility. In 2009, the Office of the United Nations High Commissioner for Human Rights (OHCHR) drafted a report on the relationship between climate change and human rights.¹ The report discusses the implications of observed and

projected impacts of climate change on the enjoyment of human rights and on the obligations of States under international human rights law (UNHRC, 2009). The report marks a starting point for UN human rights institutions to discuss human rights in the context of climate change. The report also includes a section on displacement outlining different forms and dimensions of climate change and mobility and their impact on human rights. Since then, the Human Rights Council (HRC) as well as other UN human rights bodies and stakeholders have frequently highlighted the challenges climate change-related mobility poses for the human rights of people affected.

Climate-induced migration is ‘an essentially contested concept’ (White, 2011, p. 13). This is reflected by the on-going debate on the appropriate use of (legal) terminology. It is also indicated by political, public and academic discussions on how to govern and legally regulate this complex mobility issue. There are many terms and concepts that are used to refer to different forms of mobility in the context of climate change: displacement, migration or mobility are some of the terms used to grasp the many dimensions of the multi-faceted phenomenon of migration in the context of climate change. In addition, there are collectively organized forms of movement – the evacuation of communities before or following a so-called ‘natural disaster’, or their relocation in response to long-term environmental degradation such as inundation as a result of rising sea levels. The discussion of terminology and the ‘nature’ of the movement are not trivial issues, but have profound consequences for the legal status of affected persons, especially when crossing international borders.

Mobility in the context of climate change, thus, is an issue that is open for interpretation, controversies and contestations. This is reflected in different narratives, so-called frames, which are used in academic, political and legal discourse to refer to this issue. Frames are concepts such as specific narratives, metaphors or myths that allow us to attach meaning to social and political issues and processes. They are

a way of selecting, organizing, interpreting, and making sense of a complex reality to provide guideposts for knowing, analyzing, persuading, and acting. A frame is a perspective from which an amorphous, ill-defined, problematic situation can be made sense of and acted on’ (Rein & Schön, 1993, p. 146).

A frame analysis is a ‘variation of discourse analysis’ (O’Brien et al., 2011, p. 6). It aims at scrutinizing different meanings and substances, underlying ‘narratives’ and ‘structures of belief, perception and appreciation’ (Rein & Schön, 1996, p. 85), which are influential in policy and legal processes and documents. Frame-theoretical approaches are used in many disciplines

(Entman, 1993; Lakoff & Johnson, 2003; Lindekilde, 2014; Reese et al., 2008; van Hulst & Yanow, 2016). Recently, frame analysis has also been applied by academics carrying out research on the environment and climate change (Atapattu & Schapper, 2019; Djoudi et al., 2016; Lakoff, 2010; O'Brien et al., 2011; Xie, 2015) and climate change-related mobility (Baldwin & Fornalé, 2017; Oakes et al., 2020; Ransan-Cooper et al., 2015). The common starting point of these contributions is the identification of different narratives and frames used to discuss climate change and climate change-related mobility and the analysis of the impacts of these frames on policy making as well as on academic, political and legal perception and interpretation of these issues.

Frames are also used in the legal context.

By selectively picking favorable words and arguments, frames establish a common language ... frames in the legal sphere operate in a similar fashion to the public opinion realm. An established frame influences ensuing discussions, decision making, and policy outputs. (Wedeking, 2010, p. 618; see also Luchjenbroers & Aldridge, 2007; Faber & Reimerink, 2019)

Thus, framing in the legal discourse 'is about focusing attention on certain aspects of reality and simultaneously ignoring others' (van Hulst et al., 2014, p. 457) through the selective use of words, terminology and metaphors by legal actors and other stakeholders. Frame analysis examines the linguistic choices stakeholders make in the context of a legal discourse, what these choices of specific words and terminology emphasize and what they omit. In addition, it analyzes, which larger network of associations are triggered by the chosen words and terminology (Luchjenbroers & Aldridge, 2007, p. 341).

This contribution will analyze how climate change-related mobility is framed by UN human rights institutions. The article will start with discussing the most important dimensions of frame analysis and its relevance for research on climate change and mobility and present the most important frames on climate change-related mobility as discussed in the academic literature. It will in particular distinguish between four frames: a victim/protection-frame, a security-frame, an adaptation-frame and a political and social agent-frame (section 2). The article will then concentrate on discussing the emergence of climate change-related mobility as an international human rights issue. It will focus, in particular, on UN institutions and policies. Based on a presentation of these developments (section 3), the contribution will elaborate on how climate change-related mobility is framed by UN human rights bodies (section 4). For this purpose, more than 50 documents published by UN human rights bodies were reviewed and it was analyzed to what extent and how these four different frames are invoked and in what

specific way these narratives are shaped and perpetuated by these documents. The last section will present a conclusion (section 5).

2. Framing climate change-related mobility

Climate change is not only an environmental issue it is also a social, political, economic and legal issue. How climate change and its impacts are understood, interpreted and talked about has far-reaching consequences on how the challenges associated with climate change are regulated and addressed. Frames play an important role in this context. Frames are concepts, narratives, myths and metaphors that are used to describe and understand an issue. They ‘define the scope for debates and actions’ (O’Brien et al., 2011, p. 5). Frames are assumed to be selective as they highlight ‘some aspects of a perceived reality and make them more salient in a communication text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation’ (Entman, 1993, p. 52). Thus, frames indicate how a social situation and/or problem is named and defined, they refer to stories and/or assumptions individuals tell about the world and which give meaning to their experiences. Frames ‘construct particular meanings concerning issues by their patterns of emphasis, interpretation, and exclusion’ (Carragee & Roefs, 2004, p. 217) and have powerful consequences (see also Hertog & McLeod, 2008, p. 142). They have, as Lakoff and Johnson put it, ‘the power to define reality. They do this through a coherent network of entailments that highlight some features of reality and hide others’ (Lakoff & Johnson 2003, p. 115). Frames, thus, have implications for human action, including political and legal action. On the one hand, frames are characterized by some degree of stability, they are ‘organizing principles that are socially shared and persistent over time, that work symbolically to meaningfully structure the social world’ (Reese, 2008, p. 11). On the other hand, frames are also alterable, actors in the political, legal and social arena can (re)frame a certain issue, e. g. when a frame is not adequate any longer or a frame is changed or dismissed in the course of a political and social process. This is also the case for legal discourses:

if a legislator describes or interprets a legal act differently, reality can change. The specialized knowledge in a legal text is, on the one hand, contained in the document itself as the language object that represents the act, and, on the other, in the legal system as a whole in which the legal act takes place and produces an effect. (Faber & Reimerink, 2019, p. 16)

Faber and Reimerink have further pointed out that ‘a legal text is a “many-splendored entity” with various layers, which are organized in “frames”’. At ‘the heart of legal frames are

events and actions in the real world, which humans have the need to evaluate, describe, and regulate in some way.' (Ibid.) As with other frames, frames in a legal context can be identified by analyzing the selection of specific terminology and words that are associated with specific frames.

The discussion on mobility in relation to climate change is also characterized by competing frames. The Intergovernmental Panel on Climate Change (IPCC), for example, has, so far, mainly used a 'security-frame', which understands migration and displacement as a risk and threat to human security. As early as 1990, in its First Assessment Report, the IPCC noted that migration and resettlement may be the most threatening short-term effects of climate change on human settlements. People may decide to migrate in any of the following cases: loss of housing ..., loss of living resources ..., loss of social and cultural resources. (IPCC, 1990, pp. 5-9)

Twenty-four years later, the IPCC dedicates in the chapter on 'Human Security' a whole section on 'Migration and Mobility Dimensions of Human Security' in its Fifth Assessment Report (IPCC, 2014, pp. 766-771) and includes subsections on migration in other chapters, for example in the Chapter on 'Emergent Risks and Key Vulnerabilities':

climate change will bear significant consequences for migration flows at particular times and places, creating risks as well as benefits for migrants and for sending and receiving regions and states While the literature projecting climate-driven migration has grown recently ..., there is as of yet insufficient literature to permit assessment of projected region-specific consequences of such migration. (IPCC, 2014, p. 1060)

It is striking that the second quote is formulated in a more cautious way and also includes a reference to 'benefits' of climate change related migration. This is due to the fact that there has been an extensive discussion on the relationship between climate change and migration, drawing from multi- and interdisciplinary research carried out during the last few decades which added new frames to the academic debate on mobility and climate change. One of these new frames, which became quite popular among researchers, is the frame of migration as a form of adapting to climate change. The concept of 'adaptive migration' particularly highlights the benefits and advantages of mobility with regard to adjusting to a changing climate (see, for example, Baldwin & Fornalé, 2017; Barnett & Webber, 2010; Black et al., 2011).

Oakes, Banerjee and Warner (2020) differentiate between three frames that are used with regard to climate change-related mobility: a securitization-frame, a protection-frame and an adaptation and climate risk management-frame. The paper published by Ransan-Cooper et al.

(2008) distinguishes between four frames, three of which – the victims-frame, the security threats-frame and the adaptive agents-frame – match the three frames presented by Oakes, Banerjee and Warner (2020). In addition, they identify a so-called political agent-frame. My analysis of the UN human rights documents on climate change-related mobility is based on the insights of this research and will distinguish between four frames. Thus, in the following, I will shortly present the main characteristics of these four frames.

The protection- or victims-frame (hereafter, the victim/protection-frame) is based on the narrative that people migrating in the context of or displaced by environment- and climate change-related events are vulnerable, helpless and passive victims

in need of “saving” through foreign donor financial assistance and even asylum. ... The victim framing tends to create an impression that external humanitarian, legal and even financial assistance is required, sidelining how mobile people themselves understand their experience. (Ransan-Cooper et al., 2008)

The discursive emphasis of this frame is on the suffering and abuses of specific persons and groups and on policies and regulations that offer them protection. Oakes, Banerjee and Warner claim that human rights play a crucial role within the victim/protection-frame, as human rights are often presented as the remedy in order to save and protect vulnerable people moving in the context of climate change (Oakes et al., 2020, p. 254).

The securitization/security threat-frame (hereafter, the security-frame) emphasizes, as already indicated above, the risks and threats that migration as well as ‘masses’ of migrants and displaced persons will pose to their home countries and – in case of being displaced or migrating across international borders – to the host countries. Environmental migrants – and migration and displacement as such – are presented as being a security or other fundamental risk to the national, regional or global level, for example, to the safety of people and communities or to legal and institutional systems. Increased border control but also development interventions are policies associated with this frame (Ransan-Cooper et al., 2008, p. 110).

The adaptive agents/adaptation and climate-risk management-frame (hereafter, the adaptation-frame) understands migration in the context of climate change as a solution and as one of many adaptation strategies in order to address increasingly difficult living conditions in a deteriorating environment. The frame emphasizes the benefits and positive outcomes of migration for the host countries as well as for the countries and regions of origin. The frame stresses ‘the need for people who move as a result of climate change to be recognized’ and

promotes ‘the need to include migration as part of a suite of climate change adaptation strategies to help solve the climate change “problem”’ (Ransan-Cooper et al., 2008, p. 111). Migration as an adaptive strategy is conceptualized as being an option actively and preventively chosen to cope with the consequences of climate change-related impacts. It is assumed not only to contribute to the ability or the potential of a system to react successfully to environmental change but also to enable individuals, groups or organizations to benefit from climate change. The benefits may concern the individual and local level but also have an effect on the national and community level. Promoting mobility strategies with migrant and seasonal workers schemes or relocation programs are policies associated with this frame.

The last frame, which conceives environmental migrants as political and social agents (hereafter, the political and social agent-frame), is a rather new frame (Ransan-Cooper et al., 2008, p. 111). This frame concentrates on socio-economic, political and institutional structures and processes, which are shaped by unequal power relations. It highlights the positions of environmental migrants within such a system. Mobile persons are perceived as political and social agents. The narrative concentrates on

how institutions could be reformed and/or new governance designed to provide potential migrants or non-migrants with a greater degree of choice in their mobility decisions, in areas such as labour law, land tenure reform, access to adequate resources (e.g. for relocation) and improving access to decision-making processes. (Ransan-Cooper et al., 2008, p. 112)

Self-determination of migrants, rights-based approaches to governance and law and the strengthening of agency by introducing accessible and comprehensive consultation- and participation-processes are key categories of this frame.

In the following section, first, main documents published by international human rights bodies will be presented. Secondly, it will be analyzed which frames are used in these documents and which ones are the dominant frames.

3. Climate change-related mobility as a human rights issue

For the purpose of this study, more than 50 documents published by UN human rights bodies (e.g. documents, studies, resolutions published by the United Nations Human Rights Council (hereafter, HRC), the United Nations Office of the High Commissioner for Human Rights (hereafter, OHCHR), various treaty-based bodies and Special Rapporteurs) on the topic of climate change were reviewed and those focusing either partly or entirely on mobility were

selected for a detailed analysis. The following overview indicates the main sources that were chosen for the analysis.

In 2008, the HRC adopted its first resolution (Resolution 7/23) that explicitly focuses on human rights and climate change, where it voices its concern ‘that climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights’ (UNHRC, 2008). Resolution 7/23 also requested the OHCHR to carry out a detailed analytical study of the relationship between climate change and human rights. The *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (UNHCR, 2009) was drafted after a consultation process with States, intergovernmental and non-governmental organizations, national human rights institutions and individual experts. The report was adopted on 15 January 2009 and outlines main aspects of the relationship between climate change and human rights (UNHRC, 2009). The report dedicates a section to the topic of displacement. Furthermore, the document also mentions the issues of migration, displacement, eviction and relocation in the sub-section on response measures, in the sections on effects on specific rights and effects on specific groups, in the section on conflict and security risks, in the section on human rights obligations and in the concluding section (UNHRC, 2009).

Since then, the HRC has adopted many resolutions (UNHRC, 2008, 2009a, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020) and published several reports and other documents focusing on climate change and human rights in general and climate change, human rights and mobility in particular. In March 2009, the *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, Protection of Internally Displaced Persons in Situations of Natural Disasters* was published (UNHCR, 2009b). The report discusses relevant legal frameworks and analyzes ‘human rights protection challenges which would seem to be symptomatic of disaster-induced displacement’ (UNHRC, 2009b, para 8). The report further lays down how the protection of affected persons can be strengthened. In August 2009, the UN General Assembly adopted the *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* (UNGA, 2009). The report dedicates a section to ‘Climate change and human mobility’ emphasizing the complex linkages between climate change and human mobility and the significant role of the right to housing in this context. In 2011, the then Special Rapporteur on the human rights of migrants, Jorge Bustamante, submitted a report to the HRC, which outlined, inter alia, possible themes for

further study (UNHRC, 2011a). One of the two topics mentioned in this section is ‘Migration in the context of climate change’. The successor of Jorge Bustamante, François Crépeau dedicated the thematic section of the 2012 *Report of the Special Rapporteur on the human rights of migrants* to the impacts of climate change and some of its consequences for migration (UNGA, 2012). The report reviews the international engagement concerning migration and climate change and discusses the challenges of defining climate change-induced migration. The report also identifies people and places ‘vulnerable to climate change-induced migration’ (UNGA, 2012) and examines the role of international law in this context. The report also discusses the potential for political engagement on this issue at national as well as at international levels and outlines recommendations in order to develop appropriate responses.

In the run-up to the Conference of the States in Paris in 2015 (COP 21), the HRC organized a full-day panel discussion with representatives from UN Member States, intergovernmental organizations, civil society organization and academia. The results of the panel discussion including key messages on human rights and climate change were submitted to COP 21 by the OHCHR. In addition, the OHCHR published specific *Key Messages on the issue of human rights, climate change and migration* highlighting ‘the obligations and responsibilities of States and other duty-bearers to address the human mobility challenges created by climate changes’ (OHCHR, n.d.). The latter also contains recommendations for policies and negotiations with regard to the *Global Compact on Safe, Orderly and Regular Migration* (UNGA, 2018) and concerning the work of the *Task Force on Displacement of the Warsaw International Mechanism on Loss and Damage* under the *United Nations Framework Convention on Climate Change* (UNFCCC).

Other reports and studies, published in the UN human rights context, which include references to climate change-related mobility are, for example, the 2016 *Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health* (UNHRC, 2016a), the 2017 *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child* (UNHRC, 2017a), the 2017 *Report of the Special Rapporteur on the rights of indigenous peoples* on the impacts of climate change and climate finance on indigenous peoples’ rights (UNHRC, 2017b) and the 2019 *Report of the Special Rapporteur on extreme poverty and human rights* (UNHRC, 2019a). In addition, the 2019 *Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women* (UNHRC, 2019b) as well as the 2020 *Analytical study on the promotion and*

protection of the rights of persons with disabilities in the context of climate change (UNHRC, 2020a), both published by the OHCHR, contain a section on human mobility.

As the first treaty-monitoring body, the Committee on the Elimination of Discrimination against Women (CEDAW Committee, 2018) adopted *General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change* (GR 37) in February 2018. GR 37 contains a chapter on the ‘Right to freedom of movement’, which deals with migration and displacement in the context of climate change.

In 2018, UN Special Rapporteur on Human Rights and the Environment John H. Knox published the *Framework Principles on Human Rights and the Environment* which define ‘the basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment’ (Knox, 2018).

Two other important reports of the United Nation High Commissioner for Human Rights and the OHCHR focusing exclusively on climate change-related mobility were published in 2018: the report on *The slow onset effects of climate change and human rights protection for cross-border migrants* (UNHRC, 2018a) and the report *Addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the adverse effects of climate change and supporting the adaptation and mitigation plans of developing countries to bridge the protection gaps* (UNHRC, 2018b). The first report outlines implications of slow onset events for human rights and legal protection gaps in human rights law, refugee law, law on statelessness and environmental law and discusses legal obligations and policy solutions concerning the protection of persons moving in the context of slow-onset disasters. The second report raises the question of human rights protection gaps in the context of migration and displacement of persons across international borders in relation to climate change. The report discusses the relationship between climate change and human mobility as well as the human rights risks posed by climate change-related human mobility. With regard to closing human rights protection gaps concerning climate change-related cross-border movement, the report discusses international law and policy frameworks that specifically address human mobility and/or climate change as well as international human rights law. As part of closing the protection gaps for climate change-related cross-border movement, the report also stresses the role of the mobilization of the means (financial resources and technology) of implementation for climate change adaptation and mitigation.

In July 2020, the *Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary*, was published (UNGA, 2020). The report

examines ‘internal displacement in the context of the slow-onset adverse effects of climate change’. It discusses the impacts of this kind of movement on the human rights of internally displaced persons and analyzes the obligations and responsibilities of States and other relevant national and international stakeholders and gives recommendations.

4. Framing climate change-related mobility in the UN human rights context

All four frames presented above, the victim/protection-frame, the security-frame, the adaptation-frame and the political and social agent-frame, are invoked by the documents published by UN human rights bodies on the topic of climate change and mobility. However, the frames are employed to considerably varying degrees and in different ways. In the following, each frame will be discussed in detail with specific examples cited from the analyzed documents.

4.1 Victim/Protection-Frame

The victim/protection frame is the most prevalent frame concerning climate change-related mobility in all human rights documents reviewed for the purpose of this analysis. The topos of suffering and vulnerable victims of climate change who are ‘forced’ to move and in need of protection is a permanent point of reference throughout all documents. For example, Principle 14 of the *Framework Principles on Human rights and the Environment* (Knox, 2018) lays down that

States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities. (...) Natural disasters and other types of environmental harm often cause internal displacement and transboundary migration, which can exacerbate vulnerabilities and lead to additional human rights violations and abuses. (Knox, 2018)

The narrative frequently invoked in the analyzed documents is that of a chain of (potential or actual) harm, abuses and sufferings faced by individuals and groups: firstly, human rights are at stake due to climate change – especially of those individuals who already face disadvantages and marginalization. Secondly, in case individuals and groups are displaced or have to migrate they are confronted with even more violations of their human rights: ‘Movement away from areas affected by climate change ... can ... generate new risks and result in exploitation, discrimination, or exacerbate existing vulnerabilities, especially when safe and legal avenues for migration are lacking’ (OHCHR, undated, para 5; see also, for example, UNGA, 2012, para 36). This ‘double’ risk concerning the human rights of people affected is also illustrated by the

following quotes taken from the 2009 *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons* and the 2018 report on *Slow onset effects of climate change and human rights*:

Disastrous events not only displace an increasing number of persons, but all too often insufficient attention is paid to the multiple human rights challenges they may face in these situations. ... in the aftermath of natural disasters, pre-existing vulnerabilities and patterns of discrimination and human rights violations are often exacerbated, putting already marginalized and vulnerable groups at an increased risk of human rights abuses. (UNHRC, 2009b, paras 2 & 3)

[W]hile the impacts of slow onset events are indiscriminate, those already in vulnerable situations are at the greatest risk of suffering human rights harms as a result of their adverse effects. These risks are linked to human mobility in at least two general ways. First, risks to human rights in situ contribute to vulnerability, which in turn can act as a driver of migration or displacement. Second, there are specific impacts to the human rights of migrants and displaced persons that need to be addressed. This includes a lack of protection of their human rights at all stages in their journey, in particular in countries of transit and destination and in the context of access to entry and protection from return to harmful situations. (UNHRC, 2018a, para 5)

The narrative is based on the assumption that this vicious circle can only be interrupted with the application of human rights in order to protect the people affected: ‘States have duties to protect and assist migrants, whether internal or international, in accordance with their human rights obligations. This requires taking steps to reduce existing vulnerabilities and build resilience.’ (OHCHR, n.d.) Also the UNHRC (2018) report *Addressing human rights protection gaps in the context of migration and displacement of persons across international borders resulting from the adverse effects of climate change and supporting the adaptation and mitigation plans of developing countries to bridge the protection gaps*, which also relies primarily on a victim/protection frame throughout the document, emphasizes the outstanding role of human rights for the protection of migrants:

In the context of climate change-related cross-border movement, international human rights law, norms and standards offer the most

comprehensive, people-centred and flexible framework for the protection of all migrants in vulnerable situations, including those affected by climate change. (UNHRC, 2018, para 37)

The widespread use of the victim/protection narrative invokes a frame that is not a new motive in the human rights context, indeed, it is rather a long-standing and characteristic narrative of the human rights discourse (see, for example, Mutua, 2001; Kapur, 2002, 2006). The images repeatedly invoked by this frame are the specific sufferings of certain groups or individuals belonging to specific groups who are in danger of an increased risk of marginalization, abuse, disadvantage and distress. For example, the HRC recognized ‘that the world’s poor are especially vulnerable to the effects of climate change’ (UNHRC, 2008), that ‘women are susceptible to gender-based violence during natural disasters and during migration’ (UNHRC, 2009, para 45) and that ‘Girls’ security and bodily integrity can also be threatened by climate change-related displacement’ (UNHRC, 2017a, para 22). The groups frequently mentioned are women, children, indigenous peoples and communities, persons with health problems, migrants and non-nationals, persons with disabilities, the poor, older persons and minorities. They are those who ‘often suffer the most’ (UNHRC, 2009b, para 3; see also UNGA, 2020, paras 29-33).

The victim/protection-frame is widely used in the analyzed documents creating images of the sufferings of vulnerable, marginalized and disadvantaged groups and individuals that are even more affected by harm and abuses when migrating or displaced in the context of climate change. The ‘solution’ offered to victimized individuals and groups are an adequate protection by States which ‘have ratified at least one international human rights treaty.’ (OHCHR, n.d.)

4.2 Security-Frame

Understanding displacement and migration as a threat to national, international or regional security is another frame that is traceable in the human rights discourse on climate change-related mobility. This frame is not often used in the documents analyzed, although climate change as such is usually conceptualized as a threat, however, predominantly as a threat to the enjoyment of individual rights and for ‘people and communities’ (UNHRC, 2008; UNGA, 2020, paras 6, 22 & 29).

Yet, occasionally the security-frame, as indicated above, that conveys the notion of climate change-related mobility as a threat to communities, regions and countries and their institutional and legal systems is also invoked in the human rights context. Climate change-related migration is assumed to have negative impacts in several ways, for example, it is said to ‘aggravate economic problems in receiving areas’, to increase ‘pressure on urban infrastructure

and services’ (UNGA, 2009, para 28) and ‘to pose major challenges to public health systems and access to health goods and services.’ (UNHRC, 2016a, para 28)

Direct connotations with the typical security terminology are made when claiming that ‘barriers to entry and practices that put migrants at risk have emerged. This has resulted in border governance and immigration measures that include the use of violence, pushbacks, the erection of fences, and administrative sentences.’ (UNHRC, 2018a, para 6) Other examples with an explicit security framing are the reference to resource scarcity linked to climate change, which can lead to migration and displacement (UNHRC, 2018a, para 8) and violent conflict. (UNHRC, 2018b, para 9; UNGA, 2020, paras 20-23)

A remarkable peculiarity of the human rights debate on climate change-related mobility as a threat is the occasional framing that climate-related mobility might be a threat to rights, to refugee protection and to international law: for example, the 2009 Report published by the OHCHR indicates – in line with the argument of other international bodies such as IOM or the UNHCR – that using the term ‘climate refugees’ or ‘environmental refugees’ ‘should be avoided in order not to undermine the international legal regime for the protection of refugees’ (UNHRC, 2009, para 57). Furthermore, the report *The slow onset effects of climate change and human rights protection for cross-border migrants* points out that the ‘mobility—and immobility—associated with slow onset effects is a global phenomenon that will test the limits of international law and cooperation.’ (UNHRC, 2018a, para 6) Thus, forced migration and displacement – internally and externally – is not only presented as being a threat to individual rights, which is a topos that overlaps with the victim/protection-frame – it is suggested to be a threat or at least a challenge to legal systems and international cooperation.

Although the security-frame is not widely used in the human rights discourse, nevertheless it is invoked from time to time pointing out several ways climate change-related mobility may be threatening the community, the national level and even institutional and legal systems.

4.3 Adaptation-Frame

Although the adaptation-frame is widespread in academic literature on climate change related-mobility, it is quite rare in international human rights discussions and documents. Instead, climate change-related mobility is often seen as a failure to adapt to climate change when the climate change-related causes of (forced) migration are not adequately addressed:

People are more likely to leave their homes if they are not provided adequate protection and assistance to adapt to climate harms. Efforts to address the causes of forced migration in the context of climate change should seek to protect rights, strengthen social protection systems, reduce

disaster risk and exposure, and increase adaptive capacity. (OHCHR, undated, para 3)

In the 2009 report, the OHCHR, however, also emphasizes that ‘climate change adaptation covers a wide range of actions and strategies’ and mentions the relocation of ‘populations from flood-prone areas’ as one example of adaptation strategy (UNHRC, 2009, para 15; see also UNHRC, 2011a; UNGA, 2012). Other examples are the *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context* explicitly quotes the IPCC, which states that

in many cases migration is a longstanding response to seasonal variability in environmental conditions, it also represents a strategy to accumulate wealth or to seek a route out of poverty, a strategy with benefits for both the receiving and original country or region. (UNGA, 2009, para 22).

It also points out that ‘peoples might move voluntarily, in search of a better life’ (Ibid., para 23) and refers to return migration and seasonal migration as a livelihood diversification strategy and the opportunity of migrating seasonally and sending remittances as an example of migration as an adaptation strategy (Ibid., para 26, with reference to Warner et al., 2009). In addition, the 2018 report on human rights protection gaps mentions the promotion of migration as a form of climate change adaptation in some countries as best practice. The report further points out the significance of reaching bilateral migration agreements in order to ‘facilitate safe, orderly and regular movement provided such agreements are non-discriminatory and comply with international human rights obligations’ (UNHRC, 2018b, para 62). Framing climate change-related movement as an adaptive strategy emphasizes the potential of migration to guarantee the human rights of people choosing this option (UNHRC, 2018a, para 10) and ‘to be a solution to cope with climate change’ (UNGA, 2012, para 88).

However, the adaptation-frame used in the human rights documents has some noteworthy characteristics: whenever the possibility is mentioned in the documents that climate change-related mobility may be an adaptive strategy, it is frequently directly countered by an argument highlighting the negative consequences of climate change and climate change-related movement. That means, although the documents occasionally emphasize the opportunities of movement, the role of remittance to increase resilience and the proactive nature of the ‘decision to move’ (UNHRC, 2018b, para 6), they often explicitly connect migration as adaptation with a negative context: ‘People may also move as a way to adapt or to proactively avoid severe impacts’ (UNHRC, 2018b, para 12; see also UNGA, 2020, para 15). The discursive emphasis is not primarily laid on the positive outcome but on the avoidance of negative impacts. The

OHCHR in its *Key Messages on Human Rights, Climate Change and Migration* says that ‘relocation can take advantage of opportunities to plan for the predicted impacts of climate change and move individuals and communities away from unsafe areas.’ (OHCHR, n.d.) Thus, the adaptation frame is not only used rather scarcely compared to the victim/protection frame, often it is mentioned and immediately modified by a victim/protection frame, using formulations such as ‘although migration can be a strategy for adapting to climate change’ (UNHRC, 2016a, para 28) followed by phrases or wordings that indicate a victim/protection-frame. Paradigmatic examples are the following quotes:

Movement away from areas affected by climate change is a fundamental right and may provide individuals and communities the opportunity to avoid climate impacts and improve resilience. Yet it can also generate new risks and result in exploitation, discrimination, or exacerbate existing vulnerabilities, especially when safe and legal avenues for migration are lacking. (OHCHR, undated, para 5)

Although many women may migrate into situations of greater empowerment or assume leadership roles in the response to climate change, human mobility poses unique risks to women. Women on the move are more likely to suffer from sexual and gender-based violence. (UNHRC, 2019b, para 23)

The benefits of mobility in the context of climate change are indicated, however, they are often immediately juxtaposed with the problematic and negative impacts associated with climate change-related mobility.

4.4 Political and social agent-frame

Perceiving people migrating or displaced in the context of climate change as social and political agents who exercise their human rights, who articulate their experience and participate in the economic, political, cultural and social sphere is also an increasingly recurring frame in the human rights discourse. This frame can be identified in several regards; firstly, there is a repeated emphasis of human rights documents on the importance of enhancing the right to participating in decision-making:

Participation in decision-making is of key importance in efforts to tackle climate change. For example, adequate and meaningful consultation with affected persons should precede decisions to relocate people away from hazardous zones. (UNHRC, 2009, para 79)

In particular, the right to information and participation has been stressed with regard to indigenous communities, including the importance of their traditional knowledge for tackling the challenges of climate change (UNHRC, 2009, para 52; Knox, 2018; UNGA, 2020, para 35) but also concerning affected population, including migrants, in general (UNGA, 2009, OHCHR, n.d.; UNGA, 2020, para 34-37). It is not only emphasized that ‘participatory rights will be particularly important for any planned relocation’ (UNGA, 2009, para 48) but also that the participation of concerned communities in decision-making must be ensured when planning and implementing mitigation and adaptation projects (UNGA, 2009, paras 73 & 75).

Furthermore, the structural dimension of climate change that enables and restricts decision-making and mobility choices is also a factor mentioned repeatedly. An example in this regard is the category of gender in the context of climate change-related mobility: ‘Gender-based stereotypes, household responsibilities, discriminatory laws, lack of economic resources and limited access to social capital frequently restrict the ability of women to migrate.’ (CEDAW Committee, 2018, para 76) Consequently, the participation of women in decision-making is repeatedly stressed, for example

the participation of migrant women, including those who have been displaced as a result of disasters and climate change, in the development, implementation and monitoring of policies designed to protect and promote their human rights at all phases of migration. Particular efforts must be made to involve migrant women in designing appropriate services in areas including; mental health and psycho-social support, sexual and reproductive health, education and training, employment, housing, and access to justice. (CEDAW Committee 2018, para 78(b))

Secondly, an important momentum in this context is the focus on active entitlement by human rights instead of a focus on passive protection against potential or actual violation of human rights. This issue is closely connected with the focus on empowerment: ‘A participatory approach to climate change should also ensure access to education on environmental issues, to empower individuals and their communities in decision-making processes that will impact their lives’ (UNHRC, 2018a, para 47). The emphasis of the political and social agent-frame in the human rights documents is reflected by a shift in the language of the narrative that stresses that persons affected ‘are entitled to access information, consultation, and participation in all stages of decision-making’ (UNHRC, 2018a, para 46) or that they have the right to access to information. It also emphasizes that ‘freedom of movement, including movement away from climate change-affected areas, is a fundamental right’ (UNHRC, 2018a, para 46). The

‘protection of the rights of specific vulnerable groups and individuals’-language is replaced by a ‘people have a right to’-language. In the later approach, people are active subjects, who proactively use their rights and influence individual as well as collective living conditions through choices, action and policies, instead of being passive objects in need of protection.

A third indication of the political and social agent-frame in the human rights context is the insistence on the right to access to justice for those affected by climate change and the provision of ‘effective mechanisms to prevent and redress human rights harms resulting from the adverse effects of climate change, and from climate change mitigation and adaptation’ (UNHRC, 2018a, para 46). The focus is on the right to use the legal system, to actively address injustice, to claim entitlements and hold governments and other entities accountable for climate change-related issues and harms.

Fourthly, some human rights documents explicitly underline the position of affected persons as agents: ‘Those disproportionately affected by climate change — including migrants — ... must be recognized as agents, actors and leaders in addressing climate change and its impacts including those related to human mobility’ (UNHRC, 2018b, para 22; UNHRC, 2018a, para 57). Yet, this quote also indicates a problematic issue: sometimes when the political and social agent-frame is invoked in the documents it is rather added on to the victim/protection-frame instead of a continuous framing of the issue. The assertion that ‘persons who are disproportionately affected by climate change are not simply passive victims’ and that they ‘can be agents, actors, and leaders’ (UNHRC, 2018a, para 57; see also UNGA, 2020, para 34-37) is often made after continuously framing climate change-related mobile persons with a victim/protection-narrative. This practice considerably undermines a political and social agent-framing.

5. Conclusions

This article started from the premise that it matters how we talk about issues such as climate change and climate change-related mobility. The narratives, metaphors, attributions and concepts – in other words, the frames – we use, for example, in legal texts have far-reaching implications. The assumption that climate related-mobility in the international human rights context is predominantly discussed by using a victim/protection-frame was confirmed by the analysis of UN documents focusing either partly or entirely on mobility in the context of climate change. This means, the main narrative and, subsequently, reference point for legal and political action suggested by these documents, is the narrative of climate change-related mobile persons as suffering and vulnerable victims in need of protection. Frequently, the vulnerable

victim-narrative is collectively attached to specific groups such as women, children, girls, the elderly, disabled persons, the poor, indigenous communities or minorities. This practice not only hampers a more precise and accurate analysis of the interrelation between climate change-related mobility and inequality structures, but also contributes to a stereotypical representation of these persons and groups. This is reinforced by the protection-metaphor frequently used with relation to human rights, which invokes images of weak, helpless and passive individuals. As was pointed out by academics, the extensive recourse to a victim rhetoric has problematic consequences and may enforce gendered, and racist stereotypes and images of the victimized 'Other' as well as protectionist political agendas (Kapur, 2002, 2006; Mutua, 2001).

Although the victim/protection-frame is the most prevalent frame in the documents analyzed for this study, there is not an exclusive reliance on this frame. A narrative that has recently gained momentum is the political and social agent-frame. This frame emphasizes the right to participate in decision-making as well as structural factors, which influence the exercise of individual rights. The focus is on active entitlement and empowerment by enhancing participatory approaches and the right to access to justice. However, as this approach is often used as an add-on to the victim/protection-frame its impact is considerably weakened and sometimes appears to be a mere window-dressing exercise. A continuous application of the political agent-frame with a focus on empowerment, entitlement and participation would require a complete reformulation of the discourse.

Another finding of this study is that the two remaining frames, the security-frame and the adaptation-frame, are used rather infrequently in the analyzed documents. This is a promising result from a human rights perspective as the security-frame is a rather problematic approach to mobility. When the security-frame is invoked in the documents mobility is not only seen as a threat to political and economic systems and institutions but also to the law and to the rights of (other) individuals.

The analysis also shows that the adaptation-frame, which is usually widely used in academic debates on climate change-related mobility, is seldomly used in the human rights discourse and when it is used, it is often juxtaposed by a victim/protection frame. This practice not only hampers a more comprehensive understanding and addressing of the issue at stake, it also prevents a more positive and benefit-oriented framing of mobility in the context of climate change. In addition, it avoids opportunity to accommodate and address the complexity of climate change-related mobility.

The Special Rapporteur on the human rights of migrants has pointed out 'that some of the definitional complexities around climate-change-induced migration are telling of the

limitations of the current paradigm in which migration is largely framed within the context of international law' (UNGA, 2012, para 59). The analysis of international human rights documents has demonstrated that how mobility in the context of climate change is framed is not inevitable, it is a choice. As was mentioned at the beginning of this contribution, if legal stakeholders describe or interpret legal acts differently, reality can change (Faber & Reimerink, 2019, 16). If policy and legal actors in the international human rights context frame climate change-mobility differently, the reality for mobile persons can change as well. In other words, it matters if people are perceived as passive and weak victims of climate change who need to be protected (victim/protection-frame) or if they are seen as social and political agents who need to be involved in decisions making (political and social agent-frame). It also makes a difference if climate change-related mobility is framed as a threat or as solution. Against this background, a profound and comprehensive discussion of the frames and narratives used by human rights bodies in discourses on climate change-related mobility and the political and practical consequences of these frames is necessary. Subsequently, a deliberate, coherent and continuous reformulation of the discursive and narrative approaches adopted by international human rights bodies towards climate change-related mobility is needed.

End Note

1. The report was requested by UNHRC (2008), *Resolution 7/23. Human rights and climate change*. UN Doc A/62/276, annex 1.

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