

IN SEARCH OF RECOGNITION:  
ENVIRONMENTAL CHANGE AND POPULATION DISPLACEMENT

by

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## ABSTRACT

Twenty-four years have passed since Essam El-Hinnawi of the United Nations Environment Programme warned of a coming crisis of ‘environmental refugees.’ Yet, there is still no international legal framework protecting persons who have been displaced by environmental change. The current and expected exacerbation of climate- and environmental change indicate that environmentally induced displacement may already be occurring. Impoverished persons and states will suffer most, and responses to environmental displacement will largely be determined by states’ capacities for adaptation. Terminological, empirical, and other barriers have prevented the widespread acceptance of the concept of environmental displacement, but suggestions for modifying the existing international refugee regime are problematic. Despite the popularity of the term ‘environmental refugees,’ the majority of environmentally displaced persons in fact remains within their own borders. Thus, a modification of the Guiding Principles on Internal Displacement to acknowledge environmental change as a legitimate cause of human displacement should be applied as a short- to medium-term step toward broader recognition of the emerging issue. The application of the precautionary principle must replace the current business-as-usual attitude of the international community with respect to this emerging issue. The establishment of a proactive international regime to prevent and mitigate environmental displacement, and to offer protection to would-be environmentally displaced persons, will be crucial in sparing as many people as possible from forcible migration. Under a nascent protection regime, those who must move will at least have the legal recognition needed to better meet the challenges of adapting to their new and changing environments.

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## Introduction

*The impacts of climate change are already causing migration and displacement...the scope and scale could vastly exceed anything that has occurred before. People in the least developed countries and island states will be affected first and worst.*<sup>1</sup>

Nearly twenty-five years have passed since the term ‘environmental refugee’ first entered the vocabulary of the United Nations.<sup>2</sup> The growing attention being paid in recent years by nongovernmental organisations (NGOs) and the global media to the anticipated effects of climate change has begun to lend weight to the concept of ‘climate refugees’ as one potential—and potentially major—impact of climate change. Yet, little has transpired to determine whether such persons exist, ought to be legally recognised, and, if so, how and to what degree protection should be extended to them. It is also salient to note that climate change is but one aspect of broader environmental changes that are occurring, and providing protection for persons displaced by other forms of environmental deterioration—though less sensational—is equally important.

These considerations lead to the following questions: one, what is the context within which the discourse on environmentally induced displacement is identified or ignored? Two, what evidence is there that environmentally related migration is already taking place or is expected to take place in future? Three, what are the barriers to, and possibilities of, establishing a legal category of protection for persons displaced by environmental causes? Despite the popularity of the term ‘environmental *refugees*,’ most environmentally displaced persons in fact remain within the confines of their own borders,<sup>3</sup> meaning that the states that

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<sup>1</sup> Koko Warner, Charles Ehrhart, Alex de Sherbinin, Susana Adamo, and Tricia Chai-Onn. In search of shelter: mapping the effects of climate change on human migration and displacement. Geneva: CARE International, Columbia University, and United Nations University, 2008. iv.

<sup>2</sup> Essam El-Hinnawi. Environmental Refugees. Geneva: United Nations Environment Program, 1985.

<sup>3</sup> Oli Brown. “Migration and Climate Change.” IOM Migration Research Series No.31. Geneva: International Organization for Migration, 2008.14.; and Graeme Hugo. “Environmental Concerns and International

need to deal with the majority of such persons will be their home states. Environmentally induced displacement is hence an impending matter of concern for individual states and the international community alike, yet has thus far generally been ignored.

A business-as-usual (BAU) approach on environmental displacement risks completely bypassing an opportunity to forestall the matter and to keep as many people as possible in their homes. On the other hand, an alarmist attitude emphasising the worst possible scenario may lead, amongst other prospects, to two extremes: one, a defeatism resulting in a situation similar to that of the BAU scenario, or two, a widespread panic, especially amongst industrialised states, that results in the building of ever-more restrictive barriers, perhaps even internally, against the migration of persons. The withholding of recognition and protection for environmentally displaced persons runs contrary to the spirit of the 1972 Declaration of the United Nations on the Human Environment (Stockholm Declaration), which advocates for humankind's "fundamental right to freedom, equality and adequate conditions of life in *an environment of a quality that permits a life of dignity and well-being*."<sup>4</sup> The continued compartmentalisation of displaced persons into those who do and do not 'deserve' protection is troubling, and steps must be taken at the international level to extend care to environmentally displaced persons.

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Migration." International Migration Review 20.1 (1996): 105-131. 105.; and Fabrice Renaud, Janos J. Bogardi, Olivia Dun, and Koko Warner. "Control, Adapt or Flee: How to Face Environmental Migration?" InterSecTions, Publication Series of UNU-EHS. 5 (2007). 3-44. 17.; and Angela Williams. "Turning the Tide: Recognizing Climate Change Refugees in International Law." Law and Policy 30.4 (2008): 502-529. 510-3.  
<sup>4</sup> Declaration of the United Nations on the Human Environment, United Nations Environment Programme. 16 June 1972. 10 June 2009 <<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=97&ArticleID=1503>>. Principle 1. Emphasis added.

Numerous traditional theories of migration<sup>5</sup> are ill at ease with the notion of forcible displacement. “Neoclassical” and “new economic” theories, for example, often employed by states to justify closing their borders, cannot account for human movement that has not been primarily prompted by rational choices based on economic considerations.<sup>6</sup> Under circumstances of environmental change, however, one or more members of a household may migrate because of an erosion of the carrying capacity of their environment. Critics may dismiss such an occurrence as an economic motivation to move and, hence, ‘voluntary’ and undeserving of international support. However, if a habitat has become so degraded that it no longer supports human life, it becomes increasingly difficult to label movement from such a place as voluntary. In spite of the very real vulnerability that such a situation would impose, provisions for the care of environmentally displaced persons are glaringly absent in the international legal system, and there is moreover considerable division among researchers regarding many aspects of the emerging concept. A host of discursive barriers currently prevents environmentally displaced persons from being legally recognised, and the current international system inefficiently and unfairly compartmentalises different ‘types’ of displacement, deeming some persons worthy of protection and others not. From an ethical perspective, environmentally displaced persons need to be extended the immediate protection of the international community. Movement in this direction will entail both acknowledging and trying to prevent the environmental causes of human displacement.

The Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) suggests with increasing confidence that, amongst many other consequences, climate

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<sup>5</sup> Douglas S. Massey, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor. “Theories of International Migration: A Review and Appraisal.” Population and Development Review. 19.3 (1993): 431-466. 433-440.

<sup>6</sup> *Ibid.*, 433-44.; and George J. Borjas. “Economic Theory and International Migration.” International Migration Review 23.3 (1989): 457-485.

change will heighten the frequency and intensity of extreme weather events,<sup>7</sup> and that “relocating populations, economic activity, and infrastructure would be costly and challenging.”<sup>8</sup> There would also be significant other tangible and intangible costs borne by the displaced persons themselves. The report thus indicates the impending contribution that climate- and environmental change will play in the creation of environmentally displaced persons. Findings such as these support the argument for an anticipatory approach to environmentally induced displacement, since a BAU attitude will result in unforeseeable and most likely enormous costs for all levels of state and non-state actors involved.

An adaptation of Thieleman and Dewan’s classifications of refugee burden sharing is useful here. They categorise “proactive” commitments as preventative actions such as peace-keeping and -making, while “reactive” ones offer protection after displacement has occurred. In the case of environmental displacement, proactive ‘burden’ sharing efforts could be classified as those that attempt to mitigate or prevent displacement-inducing environmental change, while reactive offerings would be those granting *ex post* protection and aid.<sup>9</sup> In any discussion on environmental displacement, both kinds of burden sharing should be taken into account, in order to acknowledge the different contributions that agents can make through “common but differentiated responsibilities.”<sup>10</sup> Care should simultaneously be taken that pressure on states to shoulder more reactive responsibilities will not hinder or replace their

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<sup>7</sup> Intergovernmental Panel on Climate Change. “Summary for Policymakers.” Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Ed. M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson. Cambridge, UK: Cambridge UP, 2007. 7-22.17.

<sup>8</sup> IPCC, 17.

<sup>9</sup> Eiko R.Thieleman, and Torun Dewan. “The Myth of Free-Riding: Refugee Protection and Implicit Burden-Sharing.” West European Politics, 29 2(2006): 351–369. 354-6.

<sup>10</sup> Kyoto Protocol to the United Nations Framework Convention on Climate Change. UNFCCC. 1998. <<http://unfccc.int/resource/docs/convkp/kpeng.pdf>>. Article 10.



broader commitments to proactive measures.<sup>11</sup> The coming challenges of environmental displacement will be much more complex and controversial if advanced efforts have not been made to address the issue. Although an international regime dedicated to confronting environmental displacement will be neither perfect nor complete, the alternative, of doing nothing in a wait-and-see manner, poses many more substantial risks for humanity.

Politically and conflict-driven displacement in the wake of the First and Second World Wars demonstrates the extent to which the international community has historically been unprepared to handle massive fluxes of forcibly displaced persons, especially when a pre-established protection system has been absent. The continued neglect by state and non-state actors to anticipate and prevent the impacts of environmental and climate change on population displacement could similarly result in a delayed and inadequate response to environmentally induced humanitarian crises. Due to the incredible complexity of ecological systems and their interface with social systems, the linear causal nature of environmental change and population movement cannot be established in many cases. Notwithstanding, migration precipitated by environmental change could impose unacceptable costs upon states and individuals alike. The proactive establishment of an international regime dedicated to environmental displacement is critical, given the potential for the crises that may transpire if business continues as usual. Environmental change must be recognised as a legitimate cause of forcible displacement, and it is imperative that, through the international legal system, the international community prepares to proactively anticipate, mitigate, and prevent the impacts of environmental change on human population displacement.

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<sup>11</sup> Thieleman and Dewan, 366-7.

## I. Terminological Confusion and Discursive Barriers to Recognition

The term ‘environmental refugees’ was first made prominent in international academic and policy-making circles following the publication of a report under the same name by Essam El-Hinnawi for the United Nations Environment Program (UNEP) in 1985.<sup>12</sup>

In this publication, El-Hinnawi defined ‘environmental refugees’ as those individuals

who have been forced to leave their territorial habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardised their existence and/or seriously affected the quality of their life [*sic*]. By ‘environmental disruption’ in this definition is meant any physical, chemical, and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently, unsuitable to support human life.<sup>13</sup>

Based upon this definition, it is unclear whether El-Hinnawi intended to distinguish between internal and transborder ‘environmental refugees.’ However, given his discussion of natural disasters and especially of environmental accidents, it seems that he did in fact extend his definition to include internal environmental displacement.<sup>14</sup> In contrast, the definition of a ‘traditional’ refugee, enshrined in the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, stresses the crossing of an international border as well as the factor of persecution. These documents stipulate that a refugee is someone who, “owing to wellfounded [*sic*] 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.”<sup>15</sup>

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<sup>12</sup> Stephen Castles. “Environmental change and forced migration: making sense of the debate.” New Issues in Refugee Research: Working Paper No. 70 (2002): 1-16. 2.

<sup>13</sup> El-Hinnawi, 4.

<sup>14</sup> El-Hinnawi, 6-22, 35-7.

<sup>15</sup> Convention and Protocol Relating to the Status of Refugees. United Nations High Commissioner for Refugees. 1951 and 1967. 19 February 2009 <<http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>>. Article 1(A) 2.

The realisation that environmental change can drive population movements has gained an increasing number of supporters in academic and nongovernmental circles.<sup>16</sup> It has even attained enough currency to spark a two-year research project funded by the European Commission,<sup>17</sup> and, most recently, Refugees International has announced plans to establish a centre for the study of climate displacement.<sup>18</sup> Yet, even among supporters, the acceptability of the term ‘environmental refugee’ remains contested. The Norwegian Refugee Council, for example, champions the extension of rights to persons displaced by environmental degradation, yet strongly opposes the use of the term ‘refugees’ to refer to them.<sup>19</sup>

As the idea of refugees produced by environmental change holds no standing in international legal structures, it is not only misleading, but also, as argued by the Office of the United Nations High Commissioner for Refugees (UNHCR), potentially dangerous for ‘traditional’ refugees. Although the term has a catchiness that is lost with more ‘neutral’ terms such as ‘environmentally induced displacement’ or ‘environmentally displaced persons,’ the legal standing of refugees is so precise and, perhaps more importantly, so precarious that extending the label to new causes of displacement risks the deterioration of states’ willingness to abide by their existing refugee obligations.<sup>20</sup>

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<sup>16</sup> Diane C. Bates. “Environmental Refugees? Classifying Human Migrations Caused by Environmental Change.” *Population and Environment*. 23.5 (2002): 465-477. 473.

<sup>17</sup> EACH-FOR. “Preliminary Findings from the EACH-FOR project on Environmentally Induced Migration.” Environmental Change and Forced Migration Scenarios Project. 1 October 2008 . 24 June 2009 <<http://www.each-for.eu>>.

<sup>18</sup> “Refugees International to Establish New Center on Climate Displacement.” *Refugees International*. 10 August 2009. 15 August 2009 <<http://www.refugeesinternational.org/press-room/press-release/center-climate-displacement>>.

<sup>19</sup> Norwegian Refugee Council. “NRC’s Position.” *Norwegian Refugee Council*. 23 June 2009 <<http://www.nrc.no/?did=9407141>>; and United Nations High Commissioner for Refugees, Norwegian Refugee Council, Representative of the Secretary General on the Human Rights of Internally Displaced Persons, and the United Nations University. “Forced Displacement in the Context of Climate Change: Challenges for States Under International Law.” *United Nations High Commissioner for Refugees*. 20 May 2009. 19 June 2009 <<http://www.unhcr.org/4a1e4d8c2.html>>.

<sup>20</sup> This argument is echoed by Tan and Wang, who define ‘environmental migration’ as “the purposeful, planned, organised, and orderly mass involuntary displacement and resettlement of the population,” but

Arguments against using the term ‘refugee’ are certainly warranted, since there is a very real danger that reopening the terms of the Convention would result in the degradation of the quality of protection offered by states. With some 10.5 million traditional refugees remaining unsettled and millions of other displaced ‘persons of concern,’<sup>21</sup> it is unlikely that states would agree to guarantee care for even more ‘refugees’ than they have already committed to. Moreover, in the current international climate preoccupied with terrorism and the global economic downturn, many states would presumably use the opportunity of reopening the Convention to restrict or even negate many of their responsibilities toward ‘uninvited’ displaced persons, both at home and abroad.<sup>22</sup> Disagreements at international fora to alleviate the ‘burden’ on states of caring for traditional refugees already constitute a significant source of contention amongst members of the international community.<sup>23</sup>

Despite the fact that the majority of such persons remains within their own regions, usually in neighbouring impoverished countries, developed states have largely shut down their borders to asylum seekers under the auspices of state security concerns.<sup>24</sup> Developing states have repeatedly requested aid from industrialised ones, since the former generally uphold the lion’s share of international asylum obligations to refugees. According to Betts, impoverished host states attempt to link refugee issues to broader concerns such as migration, development, and international security in order to secure financial aid, but are

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carefully classify such a phenomenon as “similar to another category of involuntary migration produced by development projects such as dams, reservoirs, urban expansion and transportation infrastructure...but...*essentially different from refugees.*” Yan Tan and Yi Qian Wang. “Environmental Migration and Sustainable Development in the Upper Reaches of the Yangtze River.” *Population and Environment* 25.6 (2006): 613-636. 616. Emphasis added.

<sup>21</sup> United Nations High Commissioner for Refugees. “Figures at a Glance.” UNHCR. 2009. 15 July 2009 <<http://www.unhcr.org/pages/49c3646c11.html>>.

<sup>22</sup> Castles, 10.

<sup>23</sup> Thieleman and Dewan, 351.

<sup>24</sup> Alexander Betts. “North-South Cooperation in the Refugee Regime: The Role of Linkages.” Global Governance 14 (2008): 157-178. 159.; and Thieleman and Dewan, 352.

frequently coerced into accepting what little they can get, lest they receive nothing at all.<sup>25</sup> Displacement-related aid has not been forthcoming, and is unlikely to be given for the care of environmentally displaced persons in the foreseeable future, as long as current levels of terminological confusion remain.

### *Terminologies and Typologies*

A dizzying number of terms is currently in use to describe environmentally related migration. Many terms have been used since the mid-1980s, each of which has its respective supporters and opponents. These have included: environmental refugee, environmental migrant, environmental emigrant, environmentally displaced person, environmentally induced migrant, and environmentally forced migrant. In most, if not all, of these labels, the ‘environmental(ly)’ may be replaced by ‘climate (change),’ leading to a multitude of terminology. In addition, Stephen Castles—who, like many, concludes that ‘environmental refugee’ is misleading—highlights the adoption of ‘ecomigrant,’ since this leaves the ambiguity of the ‘eco’ (whether ecological or economic)<sup>26</sup> open to interpretation.<sup>27</sup> While acknowledging ongoing terminological debates, the use of terms such as “environmentally induced displacement,” “environmentally displaced person,” and “environmental displacement” is the best available attempt at applying as much ‘neutrality’ to the matter as possible. In this discussion, these terms will pertain to persons displaced both internally and across political borders.

Debate also continues over which types of environmental disruptions ought to be considered valid causes of displacement. In his seminal work, El-Hinnawi distinguished

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<sup>25</sup> Betts, 157.

<sup>26</sup> Castles, 9.

<sup>27</sup> This is ironic, given that both words are derived from the Greek ‘oikos’, meaning ‘home’. Thanks are due to Jordan Levine for this insight.

three categories of environmental refugees, based along a continuum: the first type entails temporary displacement due to a sudden stress, such as an earthquake, cyclone, or industrial accident. Secondly, there are those permanently displaced and resettled by (generally) man-made permanent changes to habitats, such as dams. Finally, the third category includes those who migrate either temporarily or permanently to a new habitat in search of a “better quality of life,” due to the deterioration of their surroundings.<sup>28</sup> Building upon this work, Diane Bates, who ultimately promotes the term ‘environmental migrant,’ uses distinctions based on origin, duration, and whether the migration was a planned outcome of environmental disruption.<sup>29</sup> Depending on the interpretation, displacement caused by the building of a dam may be credited as environmental, developmental, or in some cases, both. Likewise, disasters—both natural (like cyclones and floods) and anthropogenic (like Chernobyl and Bhopal)<sup>30</sup>—are seen in some circles as environmental crises precipitating flight.<sup>31</sup> There is also a high degree of overlap between environmentally and climate change-induced displacement, whether the impetus is anticipated sea level rise, desertification, deforestation, prolonged heat waves and cold snaps, or the apparently increasing frequency and severity of extreme weather events.<sup>32</sup>

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<sup>28</sup> El-Hinnawi, 4-5.

<sup>29</sup> Bates, 473.

<sup>30</sup> Both of these events have entailed technological disasters of anthropogenic origin, each with lasting effects on the environment and on the people who lived in their vicinity. The first was the worst nuclear accident in recorded history, at the Chernobyl Nuclear Power Plant in then-Soviet Ukraine in 1986, and the second a toxic gas leak at the Union Carbide plant in Bhopal, India, in 1984. Both of these disasters caused significant human casualties and environmental damage to the extent that the immediate surroundings of the plants were, at least temporarily, uninhabitable. For more, see: Aurelie Lopez. “The Protection of Environmentally-Displaced Persons in International Law.” *Environmental Law* 37.2 (2007): 365-409.; and El-Hinnawi, 35-7.

<sup>31</sup> Lopez, 373.

<sup>32</sup> Renaud *et al.*, 25.

*The (Non-) Existence of Environmentally Displaced Persons*

Migration theories principally revolving around economic considerations prove to be detrimental to asylum seekers, since many ‘refugees,’ including those moving for environmentally related reasons, are frequently framed by receiving states as merely ‘economic’ migrants and even asylum abusers.<sup>33</sup> Distinguishing between those migrants who are forced to flee and those who do so by choice is becoming increasingly complicated and is posing a tremendous challenge for states.<sup>34</sup> Yet, as Khalid Koser declares, “there is a plausible argument that fleeing...[environmental] hazards is often a symptom of a political failure—for example, to predict the hazard, or mitigate or insure against its effects, or provide adequate shelter and protection in its aftermath—and that in this sense these people might also fall within the refugee definition.”<sup>35</sup>

In recent years, Norman Myers and Richard Black have been at the forefront of the argument over the recognition of ‘environmental refugees.’ Myers has defined environmental refugees as “people who [can] no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation and other environmental problems, together with the associated problems of population pressures and profound poverty.”<sup>36</sup> Black, on the other hand, criticises the methodological weaknesses of both the statistics and the logic presented by proponents of the concept.<sup>37</sup> While acknowledging the severe damage that environmental degradation may evoke upon the Earth and human societies, he decries

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<sup>33</sup> Adrian Favell and Randall Hansen. “Markets against politics: migration, EU enlargement and the idea of Europe.” *Journal of Ethnic and Migration Studies* 28.4 (2002): 581-601. 588.

<sup>34</sup> United Nations News Service. “Line between migrants and refugees is blurring, UN official says.” *UN News*. 8 October 2007. 23 February 2009 <<http://www.un.org/apps/news/printnewsAr.asp?nid=24216>>.

<sup>35</sup> Khalid Koser. *International Migration: A Very Short Introduction*. New York: Oxford UP, 2007. 71.

<sup>36</sup> Norman Myers. “Environmental refugees: a growing phenomenon for the 21st century.” *Philosophical Transactions: Biological Sciences*. 357.1420 (2002): 609-613. 609.

<sup>37</sup> Richard Black. *Refugees, Environment and Development*. New York: Addison Wesley Longman, 1998.

the “myth” of environmental refugees.<sup>38</sup> For him, the cumulative causation of migration is far too complex to be disaggregated into isolated environmental push factors that cause involuntary migration. Protestations such as those made by Black are understandable in that it is often incredibly difficult to thoroughly and verifiably trace the link between an environmental event and human displacement. Migration and displacement typically exist along a continuum: on one end lies a (theoretically) rational cost-benefit analysis of the decision to move, while on the other lies a completely panic-stricken and desperation-driven flight to safety.<sup>39</sup> In many circumstances, the causal chain between environmental change and displacement could be nearly impossible to establish, especially on an individual basis, firstly in determining a direct connection between the two events, and secondly in establishing that the environmental change was the predominant reason behind resettlement.

These debates constitute much more than a question of semantics. At its root, the decades-long question over the existence of ‘environmental refugees’ is a deeply normative one, challenging the extent to which the international community is willing to enshrine its commitment to the protection of other displaced ‘persons of concern.’ As McNamara describes, “discourses establish and maintain a limited mandate, and... a limited mandate shapes discourses about refugees.”<sup>40</sup> The acceptance or rejection of terminology within discourses can, and often does, extensively influence international policy decisions taken by the members of an international regime.<sup>41</sup> This is an important task because, as former High Commissioner for Refugees Sadako Ogata states, “‘ideas’ can change law, norms, and even

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<sup>38</sup> Richard Black. “Environmental refugees: myth or reality?” New Issues in Refugee Research: Working Paper No. 34. United Nations High Commissioner for Refugees. Geneva: Evaluation and Policy Analysis Unit, 2001. 1-19.

<sup>39</sup> Hugo, 1996, 107.

<sup>40</sup> Karen Elizabeth McNamara. “Conceptualizing discourses on environmental refugees at the United Nations.” Population and Environment. 29 (2007): 12-24. 20.

<sup>41</sup> Castles, 9.



institutional frameworks...people and ideas matter.”<sup>42</sup> The framing of an issue and its subsequent interpretation by relevant actors is critical in determining how a policy issue will be addressed. In addition, short-term political goals often take precedence over apparently urgent long-term policy necessities.<sup>43</sup> Without workable terms and definitions, it is extremely difficult for multilateral and multi-institutional negotiations to be fruitful in trying to reach agreement over appropriate courses of action for emerging policy issues.

### *Environmental Displacement as Policy Failure*

As Brown argues, migration in the face of environmental degradation and climate change is generally a failure of adaptation, and not a form of it.<sup>44</sup> Irrespective of terminology, displaced persons have come to be seen by many as symbols of disempowerment and victimhood,<sup>45</sup> and environmentally displaced persons, no less than ‘traditional’ ones, have been displaced by external forces over which they likely have little-to-no control. Just as it is difficult to qualify the precise primary drivers of mass relocation, it is unhelpful to compartmentalise environmentally related migration into the seemingly transparent classifications of ‘voluntary’ or ‘forced.’ The abandonment of surroundings which no longer support human life—an act frequently framed as an economic decision—hardly seems to be the result of choice. If habitats erode to such a degree that they are no longer liveable, it is arguable whether the decision to migrate is truly ‘voluntary.’ This is a critical distinction, because the designation of ‘voluntariness’ frequently causes the individual to be labelled as

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<sup>42</sup> Sadako Ogata. “Foreword.” *Internal Displacement: Conceptualization and its consequences*. By Thomas G. Weiss and David A. Korn. New York: Routledge, 2006. xiv-xv.

<sup>43</sup> Deborah Stone. *Policy Paradox: The Art of Political Decision Making*. New York: W.W. Norton & Co., 1997. 1-13.

<sup>44</sup> Brown, 36, 38.

<sup>45</sup> Didier Fassin. “Humanitarianism as a Politics of Life.” *Public Culture*. 19.3 (2007): 499-520. 512.

‘undeserving’ of protection.<sup>46</sup> Refusing to accept the linearity of environmental change as a cause for involuntary migration runs the risk of disregarding altogether the environment’s role in displacement. Such dismissal could have the effect of barring the environment as a topic worthy of serious consideration in displacement research and policy.<sup>47</sup>

Distinctions such as these are important in ensuring that appropriate types of protection are offered to displaced persons, while bolstering the pragmatic efforts of governments to prevent those persons who do pose a threat to state security or who seek to abuse asylum processes from profiting from the genuine predicament of others. The cause, origin, and severity of environmental degradation leading to population relocation thus plays a critical role in determining how much governments are willing to aid populations who have been displaced by environmental change. Meanwhile, numerous examples demonstrate impending environmentally induced displacement in multiple regions of the world, and indicate the need for the international community to recognise environmental change as a valid cause of forced displacement.

## **II. Environmentally Induced Displacement**

Since 1985, an enormous—and contested—range of statistics has been produced regarding estimates of environmentally displaced persons. At one end of the spectrum is Black’s conclusion that effectively totals environmental displacement at zero.<sup>48</sup> At the other is Christian Aid’s calculation of 1 billion persons by the end of the century.<sup>49</sup> Between these extremes, 25 million persons were estimated by the mid-1990s to have been displaced by

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<sup>46</sup> Brown, 17-18.

<sup>47</sup> McNamara, 14-15.

<sup>48</sup> Black, 2001, 1.

<sup>49</sup> “Human tide: the real migration crisis.” *Christian Aid*. May 2007. 31 July 2009 <<http://www.christianaid.org.uk/Images/human-tide.pdf>>. 5.

environmental pressures, a figure that was repeated in 2001 by the International Federation of the Red Cross and Red Crescent.<sup>50</sup> The United Nations University's Institute for Environment and Human Security has since called on the international community to prepare for 50 million environmentally displaced persons by 2010.<sup>51</sup> Meanwhile, Myers' 2002 estimate of 200 million environmentally displaced persons by the end of the century<sup>52</sup> has, according to Brown, "become the accepted figure—cited in respected publications from the IPCC to the Stern Review on the Economics of Climate Change."<sup>53</sup> Such varying figures illustrate a fundamental problem in this debate: it is difficult to measure something if one cannot even define it.<sup>54</sup> In spite of these limitations, numerous geographical locales demonstrate that large numbers of persons are, in fact, vulnerable to environmentally induced displacement, which is sure to have international consequences.

*The People's Republic of China: "Developmental," or "Ecological," Migration?*

According to Hugo, "some of the most substantial migrations induced by environmental deterioration have occurred in China."<sup>55</sup> The People's Republic of China (PRC) has experienced significant environmentally induced migration within its borders, and stands to encounter several 'types' of primarily internal environmental displacement, including that precipitated by extreme weather events, gradual environmental change, and government-spurred development projects.<sup>56</sup> This is due to several factors. One is China's

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<sup>50</sup> Brown, 11.

<sup>51</sup> *Ibid.*

<sup>52</sup> Myers, 2002, 609.

<sup>53</sup> Brown, 11.

<sup>54</sup> Anna Barnett. "Report Disperses Climate Myth." *Nature Reports Climate Change*. 11 June 2009. 26 June 2009 <<http://www.nature.com/climate/2009/0907/full/climate.2009.56.html>>.

<sup>55</sup> Graeme Hugo. "Migration, Development and Environment." *IOM Migration Research Series No.35*. Geneva: International Organization for Migration, 2008. 24.

<sup>56</sup> Alec Crawford, Oli Brown, and Van Yang. *Growing into Risk: Emerging environment and security issues in China*. Winnipeg: International Institute for Sustainable Development, 2006. 8.

stunning rate of economic and demographic growth. Another is severe environmental degradation in several forms, each driven to a greater or lesser degree by human activity. These include expansive dust storms,<sup>57</sup> the threat of rising seas, and other consequences of climate change. China experiences enormous levels of internal migration on a daily basis: some 225 million people are thought to be migrants within the country.<sup>58</sup> Of these, Myers estimates that approximately 6 million can be called ‘environmental refugees,’<sup>59</sup> while Economy states that 20-30 million farmers were displaced by environmental deterioration in the 1990s alone.<sup>60</sup> This second figure has been repeated by Renaud *et al.*, who cite a 2002 estimate of 30 million persons displaced by climate change.<sup>61</sup> Calculations published by both Chinese and non-Chinese researchers have identified environmental degradation as a significant cause of rural-to-urban migration, and Beijing reportedly expects the environmentally related displacement of some 30-40 million people by 2025.<sup>62</sup>

Nevertheless, accurate estimates of the number of persons who have had to move because of environmental pressures remain sparse and difficult to confirm, with the exception of some agreement regarding the impact of the Three Gorges Dam. Also, those figures that have been made available generally do not disaggregate the specific types of environmental pressures driving these movements, or differentiate responsibility for ‘natural’ versus ‘state-orchestrated’ causes of displacement. It has thus been a challenge to determine how many persons have been, and will be in future, subjected to natural forces of

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<sup>57</sup> British Broadcasting Corporation. “Dust storm migration begins in China.” *BBC News*. 17 December 2004. 23 June 2009 <<http://news.bbc.co.uk/2/hi/asia-pacific/4103059.stm>>.

<sup>58</sup> “China’s rural migrant workers top 225 million.” *People’s Daily Online*. 25 March 2009. 19 August 2009 <<http://english.people.com.cn/90001/90776/90882/6622313.html>>.

<sup>59</sup> Myers, 2002, 609.

<sup>60</sup> Elizabeth Economy. *The River Runs Black: The Environmental Challenge to China’s Future*. Ithaca: Cornell UP, 2004. 59-90. 82.

<sup>61</sup> Renaud *et al.*, 17.

<sup>62</sup> Economy, 82.

environmental change as opposed to state-induced ones. Statistics regarding Chinese environmental displacement remain speculative and tentative, similar to the empirical evidence behind global environmentally displaced persons more broadly.

Substantial environmental pressures in western China (many of which have been the by-products of government planning) have led the government to encourage rural outmigration, and in 2002 “ecological migration”—and thus acknowledgement of “ecological migrants”—became part of the PRC’s official policy.<sup>63</sup> Increasingly, agricultural workers are thought to be moving to cities not for economic opportunities, but because of environmental degradation in the countryside.<sup>64</sup> China has even planned to build new cities for some 300 million rural residents,<sup>65</sup> and has targeted for relocation, amongst others, nomadic herders in Inner Mongolia.<sup>66</sup> Ecological migration has also removed the former inhabitants of what is now the Three Gorges basin, but relocation assistance has only been given to legal, and not ‘illegal,’ residents.<sup>67</sup> Also, the policy thus far has not targeted the majority Han Chinese, although politically, Beijing explains the ‘ecological’ migration of minority populations as a method to relieve pressures on, and rehabilitate, the environment, as well as to fight poverty among rural residents.<sup>68</sup> Thus, several minority groups have been subjected to what Crawford *et al.* characterise as the government’s ‘poorly planned and -

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<sup>63</sup> This policy has generally been used to refer to the resettlement of persons as the consequence of major public works projects, including dams. Hugo, 2008, 25.

<sup>64</sup> Economy, 82.

<sup>65</sup> *Ibid.*

<sup>66</sup> British Broadcasting Corporation. “Dust storm migration begins in China.”

<sup>67</sup> Bates, 472.

<sup>68</sup> Hugo, 2008, 25.

executed' resettlement projects,<sup>69</sup> supplementing the pre-existing *hukou*, or Household Registration System, that strictly regulates internal migration.<sup>70</sup>

Such policies may be repeated if additional projects, like the ambitious South-North Water Transfer Project,<sup>71</sup> continue as planned. A new dam near Namcha Barwa is expected to generate twice the electricity of Three Gorges; such projects will have serious consequences not only for the Chinese peoples in the dam's immediate area, but also for regional relations.<sup>72</sup> Millions of people living downstream near the mega-deltas of Asia, especially in India and Bangladesh, could lose access to nutrient-rich sediment and be at China's mercy for the release of sufficient quantities of water.<sup>73</sup> There would also be increased risk of seismic activity and flash flooding as an outcome of reconfiguring the Earth.<sup>74</sup> These consequences would be very difficult to circumvent when implementing construction plans, and growing social unrest<sup>75</sup> and the sudden exodus of unplanned "ecological migrants" may overwhelm the Chinese government's ability to respond.

Of course, whether such projections occur in reality has yet to be seen. The degree to which environmental change will impact human security and migration will largely be determined by capacities for successful coping and adaptation. China is now a significant source of greenhouse gas emissions, and has resisted binding international climate change mitigation processes. Simultaneously, it is poised to experience a massive internal

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<sup>69</sup> Crawford *et al.*, 10-11.

<sup>70</sup> Yan Tan, Graeme Hugo, and Lesley Potter. "Rural Women, Displacement and the Three Gorges Project." *Development and Change* 36.4 (2005): 711-734. 714-5, 718, 726-7.

<sup>71</sup> Economy, 88-89.

<sup>72</sup> International Organization for Migration. "Expert Seminar: Migration and the Environment." *International Dialogue on Migration*. Geneva: Migration Policy, Research and Communications Department, 2008. 1-107. 92.

<sup>73</sup> IOM, 93.

<sup>74</sup> IOM, 92-3.

<sup>75</sup> Displacement of, and insufficient governmental support for, persons relocated by the dams at Three Gorges and in Sichuan have led to growing social unrest and violent uprisings. For more, see Crawford *et al.*, 10-11.

environmental displacement of its populace, for both directly and indirectly anthropogenic reasons. Nonetheless, propelled by its unparalleled levels of economic growth and a strong state capacity, the PRC will likely be in a better position than other, poorer, developing states to circumvent the effects of environmental change, should its government choose to do so.

The majority of Chinese environmentally displaced persons would conceivably be internal and not transborder. It remains unclear, however, exactly what sort of governmental protection and/or resettlement schemes that these persons would be entitled to. The application of international norms to internal affairs thus raises an interesting question: what would bind a state such as China into treating internal environmentally displaced persons, many of whom may be displaced due to government projects, in a broadly acceptable method? Questions such as these remain unresolved due to the glaring lack of international consensus on environmental displacement. This is one of many issues that will need to be addressed if environmental displacement is to be dealt with in a proactive and timely manner.

### *Bangladesh and South Asia*

In addition to the less-publicised—though conceivably devastating—case of China, one of the most commonly referenced examples of the impacts of environmental and climate change on human settlements is that of Bangladesh. It has been estimated that one-fifth of the land area of Bangladesh may become submerged with a one metre rise in sea level. Currently, at least 30 million Bangladeshis live in low elevation coastal zones (LE CZ), 10 metres or less above sea level.<sup>76</sup> A significant number of these people already confronts

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<sup>76</sup> Department for International Development. “UK launches new plan to support Bangladesh’s fight against Climate Change.” *Government of the United Kingdom of Great Britain and Northern Ireland*. 13 July 2009. 16 July 2009 <<http://www.dfid.gov.uk/Media-Room/Press-releases/20091/UK-launches-new-plan-to-support-Bangladeshs-fight-against-Climate-Change/>>.

annual river flooding,<sup>77</sup> and numerous cities in the region would come under significant stress if required to absorb a massive influx of new residents.<sup>78</sup> An even greater number of people are heavily dependent upon freshwater supplies from the mega-deltas of the Ganges-Brahmaputra-Meghna and the Indus, leaving residents of multiple states vulnerable to environmental disruption.<sup>79</sup>

In addition to domestic pathways of flight from environmental change, reports of Bangladeshi citizens finding their way into neighbouring India to escape environmental degradation have led to fears of further interstate tensions on the Indian subcontinent.<sup>80</sup> If their governments do not act promptly to bolster their institutional resources,<sup>81</sup> Bangladeshi and other South Asian residents may find themselves subject to several causes of environmental displacement. Many expect that the region will experience significant impacts from a range of projected processes: sea level rise, ensuing salinisation of croplands, rainfall-related floods, increasingly severe and frequent cyclones affiliated with climatic and environmental change,<sup>82</sup> and plans for extensive public works projects, including massive hydroelectric developments and related riverine diversions. The kind of environmentally displaced persons created in South Asia could be both internal and transborder, therein raising a slightly different set of questions from the previous case of China. The potential for temporary, permanent, internal, and transborder outflows of persons in and around densely populated South Asian estuaries cannot be taken lightly.

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<sup>77</sup> IOM, 93.

<sup>78</sup> Warner *et al.*, 5.

<sup>79</sup> Williams, 505.

<sup>80</sup> Narottam Gaan, and Sudhansubala Das. Recrudescence of Violence in Indian North-East States: Roots in Environmental Scarcity Induced Migration from Bangladesh. Delhi: Kalpaz, 2004. 13-48,161-70. 35-37.; and EACH-FOR, 13.

<sup>81</sup> Warner *et al.*, 13.

<sup>82</sup> Fred de Sam Lazaro. "After Major Cyclone, Bangladesh Worries About Climate Change." Public Broadcasting Service. 28 March 2008. 12 July 2009 <[http://www.pbs.org/newshour/bb/environment/jan-june08/bangladesh\\_03-28.html](http://www.pbs.org/newshour/bb/environment/jan-june08/bangladesh_03-28.html)>.



*Low-Lying Atoll and Small Island States*

Residents of low-lying atoll<sup>83</sup> or small island states such as Tuvalu, Kiribati, and the Maldives<sup>84</sup> may number among the few persons who could perhaps genuinely be classified as environmental or climate refugees, although their governments themselves have rejected the term.<sup>85</sup> Small island states are at risk of sea level rise, while atoll states face the supplemental problem of a rise in sea temperatures, which may devastate the coral reefs that form them. These three states have approached the issue of environmental displacement from different perspectives, but with the common agreement of holding industrialised states responsible for the environmental change that, they believe, could cause the disappearance of their states. An official of Kiribati has suggested that climate change may be the tipping point for outmigration that may not have happened otherwise, if underlying pressures like overcrowding and unemployment had been isolated.<sup>86</sup> The country has thus requested relocation assistance to be factored into international agreements as acknowledgement by other states of the role that (anthropogenic) climate change will play in the future displacement of I-Kiribati. Tuvalu, on the other hand, does not wish to detract from (its perception of) the responsibilities of industrialised states by focussing attention on other possible reasons for outmigration, or by allowing relocation assistance to become an acceptable ‘solution.’<sup>87</sup> Tuvalu and Kiribati both face the added challenge of having chosen to be amongst the very few countries in the world to hold diplomatic relations with Taiwan

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<sup>83</sup> An atoll is a ring of coral reef which fringes a central lagoon; these rings are initially created by coral growing atop volcanic islands, and as these islands eventually sink, they leave only the reef behind. For more on coral atolls, see Peter Castro and Michael E. Huber. *Marine Biology*. 5<sup>th</sup> Edition. San Francisco: McGraw-Hill, 2005. 298-300.

<sup>84</sup> British Broadcasting Corporation. “Country Profile: The Maldives.” *BBC News*. 6 May 2009. 13 July 2009 <[http://news.bbc.co.uk/2/hi/asia-pacific/country\\_profiles/1168527.stm](http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1168527.stm)>.

<sup>85</sup> Jane McAdam, and Maryann Loughry. “We aren’t refugees.” *Inside Story*. 30 June 2009. 13 July 2009 <<http://inside.org.au/we-arent-refugees/>>.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

(which has funded several infrastructural projects on the islands), and this surely will cause their governments to face China's ire during negotiations at international fora.<sup>88</sup>

Finally, under the "Safer Islands Plan," the newly elected president of the Maldives has proposed the internal resettlement of residents from smaller, low-lying islands to larger ones with stronger natural defenses against rising sea levels.<sup>89</sup> He has also announced that his country will strive to be the world's first carbon-neutral country within the next decade. Though this will cost an estimated \$1 billion US, his announcement relays the degree to which his country takes environmental change seriously, and seeks to serve as both example and rebuke for other states.<sup>90</sup> The Maldivian government also reportedly has begun a contingency plan to purchase land from India or Sri Lanka in a bid to maintain control over its own state, by physically relocating its population onto new territory if necessary.<sup>91</sup>

This is in contrast to Kiribati and Tuvalu, which have requested special migratory consideration from other countries, notably Australia and New Zealand, and have only lately begun to consider renting islands from Indonesia.<sup>92</sup> There has moreover been widespread confusion about New Zealand's Pacific Access Category agreement for migrants from Kiribati, Tuvalu, and Tonga.<sup>93</sup> The belief has become common that this accord will allow up to seventy-five 'environmental refugees' special immigration status each year.<sup>94</sup> In reality,

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<sup>88</sup> British Broadcasting Corporation. "Country Profile: Kiribati." BBC News. 29 April 2009. 13 July 2009 <[http://news.bbc.co.uk/2/hi/asia-pacific/country\\_profiles/1168527.stm](http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1168527.stm)>; and "Country Profile: Tuvalu." BBC News. 26 February 2009. 13 July 2009 <[http://news.bbc.co.uk/2/hi/asia-pacific/country\\_profiles/1249549.stm](http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1249549.stm)>.

<sup>89</sup> Warner *et al.*, 19.

<sup>90</sup> British Broadcasting Corporation. "Maldives rises to climate challenge." BBC News. 17 March 2009. 13 July 2009 <[http://news.bbc.co.uk/2/hi/south\\_asia/7946072.stm](http://news.bbc.co.uk/2/hi/south_asia/7946072.stm)>.

<sup>91</sup> British Broadcasting Corporation. "Plan for new Maldives homeland." BBC News. 10 November 2008. 13 July 2009 <[http://news.bbc.co.uk/2/hi/south\\_asia/7719501.stm](http://news.bbc.co.uk/2/hi/south_asia/7719501.stm)>.

<sup>92</sup> Steve Holland. "Indonesia's rent-an-island answer to climate change." Australian Broadcasting Corporation News. 3 June 2009. 13 July 2009 <<http://www.abc.net.au/news/stories/2009/06/03/2588165.htm>>.

<sup>93</sup> Immigration New Zealand. "Pacific Access Category." New Zealand Department of Labour. 7 April 2009. 16 July 2009 <<http://www.immigration.govt.nz/migrant/stream/live/pacificaccess/>>.

<sup>94</sup> Williams, 515.

this agreement focuses on labour mobility and was not designed to solve regional environmental displacement issues.<sup>95</sup>

The governments of all three states have thus emphasised the ‘polluter pays’ principle, or the belief that those actors deemed responsible for the creation of environmental degradation ought to provide compensation (be it financial or otherwise) for its associated costs.<sup>96</sup> Regardless of responsibility, if these island states were to become submerged under rising seas, the result is that they would need to abandon their countries in search of higher ground. In this respect, the populations of submerged states would fit one of the major stipulations of the existing definition of refugees, having relocated onto new territory. Nevertheless, as noted above, insofar as the Refugee Convention is concerned, environmental change still does not constitute a legitimate push factor to warrant protection under international law.<sup>97</sup>

### *The Politics of Low Elevation Coastal Zones*

Unfortunately for those involved, it is difficult to ascertain whether the displacement of tiny island populations would concern larger, industrialised states enough to precipitate a response. Rising sea levels have the potential to literally obliterate not only small countries like those in the Alliance of Small Island States (AOSIS),<sup>98</sup> but also to threaten substantial portions of the populations of other states. Some 50% of the world’s population lives in urban areas, and over 3,300 of the world’s cities are situated in LECZs and near coasts,

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<sup>95</sup> Renaud *et al.*, 20.

<sup>96</sup> Bonnie Docherty, and Tyler Giannini. “Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees.” *Harvard Environmental Law Review* 33.2 (2009): 349-403. 367.

<sup>97</sup> Castles, 8.; and Bates, 466-7.; and Williams, 507-8.; and Brown, 13-15.

<sup>98</sup> Alliance of Small Island States. “The Alliance.” 2007. 9 July 2009

<<http://www.sidsnet.org/aosis/index.html>>.

rivers, or deltas.<sup>99</sup> For example, China's heavy concentration of its economic power along its eastern coast has resulted in significant outflows from rural regions to the coast,<sup>100</sup> so that, as of 2008, nearly 80 million individuals have been estimated to live in LECZs in China alone.<sup>101</sup> In absolute terms, then, China is home to the highest number of people in one state who are at risk of forced migration due to sea level rise.<sup>102</sup>

With the incessant flow of persons into coastal areas, sea level rise associated with climate change has the potential to devastate the heart of the world's third largest economy and to displace the ever-increasing urban populations of China.<sup>103</sup> A 2006 report in *Forbes* magazine further highlights that China had become home to all ten of the world's most polluted cities,<sup>104</sup> indicating that an enormous number of people may already be living in unsustainable conditions. The impacts of environmental and climate change, then, may be felt acutely by a significant proportion of the global population, even without the crossing of borders or the dramatic submersion of whole states.

### *Differentiated Adaptation Capacities*

With their vast expanses of coastline and their own well-documented environmental problems, developed countries are no more exempt from the physical challenges posed by environmental change than developing countries. The United States, Canada, Japan, Australia, New Zealand, and western European states face the same tangible vulnerabilities as any other country, yet possess many of the capabilities necessary to meet challenges like

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<sup>99</sup> United Nations Human Settlements Program "Few coastal cities to be spared by climate change according to UN-HABITAT's new *State of the World's Cities Report 2008/9: Harmonious Cities*." UN-HABITAT. 2008. 11 July 2009 <<http://www.unhabitat.org/downloads/docs/presskitsowc2008/PR%204.pdf>>.

<sup>100</sup> Brown, 31.

<sup>101</sup> Hugo, 2008, Figure 8, 36.

<sup>102</sup> *Ibid.*

<sup>103</sup> Warner *et al.*, 5.

<sup>104</sup> Robert Malone. "America's Most Polluted Cities." *Forbes.com*. 22 March 2006. 10 June 2009 <[http://www.forbes.com/2006/03/21/americas-most-polluted-cities-cx\\_rm\\_0321pollute.html](http://www.forbes.com/2006/03/21/americas-most-polluted-cities-cx_rm_0321pollute.html)>.

heat waves and rising sea levels, alleviating them with technology such as air conditioners and shored up coastlines.<sup>105</sup> Adaptation, however, will be most challenging for developing states, which may lack the necessary financial and infrastructural wherewithal to circumvent the negative impacts of environmental change.<sup>106</sup> According to the self-styled ‘sceptical environmentalist,’ Bjørn Lomborg, the ultimate goal is not to sink billions or trillions of dollars into the mitigation of climate change and environmental degradation, but to improve developing countries’ abilities to adapt to their impacts.<sup>107</sup> It will in fact be necessary for the international community to devote considerable energy toward adaptation measures in the near-future. Mitigation efforts alone will be insufficient, as the IPCC has assessed that the impacts of environmental and climate change will be felt throughout the remainder of this century, even with an immediate cessation of carbon emissions.<sup>108</sup> This consideration further supports arguments to prepare for environmentally displaced persons.

Although subject to many environmental drivers, the majority of persons who become affected by severe environmental change in developed states can reasonably expect at least some governmental action to prevent their displacement, or to support them in its aftermath.<sup>109</sup> Environmentally induced population movements in developed states may thus be largely voluntary, and hence a form of environmental ‘migration,’ rather than of forcible displacement. Nevertheless, the recent experiences of the United States following Hurricane

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<sup>105</sup> John Tierney. “‘Feel Good’ vs. ‘Do Good’ on Climate.” The New York Times. 11 September 2007. 15 March 2009 <<http://www.nytimes.com/2007/09/11/science/earth/11tiern.html>>.

<sup>106</sup> IPCC, 12.

<sup>107</sup> “Copenhagen Consensus 2004” and “Copenhagen Consensus 2008.” Copenhagen Consensus Center. 2004 and 2008. 10 June 2009 <<http://www.copenhagenconsensus.com>>.

<sup>108</sup> IPCC, 19-20.

<sup>109</sup> Castles, 4.

Katrina<sup>110</sup> and the estimated tens of thousands of deaths associated with the record-breaking heat wave across Europe in the summer of 2003<sup>111</sup> indicate that, even with the financial means to do so, successfully combating the impacts of environmental change may be beyond the capacity of a single state, like the United States, or even a coalition of industrialised states, like the European Union.

Such divergent examples as these serve to illustrate that the dimensions and degrees of severity of environmentally induced displacement will depend greatly on states' reactions to environmental change. It is also worthwhile to take states' regime types into consideration in any attempt to craft international legal protection for environmentally displaced persons, because the kinds of environmental change that may precipitate displacement vary both across and within states. These variations apply not only to individuals and states' possession of the resources necessary to mitigate and adapt to environmental change, but also to their willingness to do so. Governments face myriad reasons why they may not respond to controversial new issues like environmental displacement, both at home and internationally. Countless institutional constraints and other challenges can bind the hands of governments, preventing them from attending to such matters.<sup>112</sup> Members of the international community may moreover resist committing to the recognition of environmental displacement without a clearer understanding of the consequences it would have on burden sharing responsibilities.<sup>113</sup> The adaptive capacities of industrialised states in many cases vastly

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<sup>110</sup> Peter F. Cannavo. "In the Wake of Katrina: Climate Change and the Coming Crisis of Displacement." Ed. Steve Vanderheiden. Political Theory and Global Climate Change. Cambridge, Mass.: MIT Press, 2008. 177-200. 177.

<sup>111</sup> "2003 European heat wave." Public Health. Europa. 13 June 2008. 14 July 2009  
<[http://ec.europa.eu/health/ph\\_information/dissemination/unexpected/unexpected\\_1\\_en.htm](http://ec.europa.eu/health/ph_information/dissemination/unexpected/unexpected_1_en.htm)>.

<sup>112</sup> Andrew Thompson. "Coercion Through IOs: The Security Council and the Logic of Information Transmission." International Organization. 60(2006): 1-34.10.

<sup>113</sup> Michael Barnett. "Humanitarianism with a Global Face: UNHCR in the Global Undertow." International Migration Review. 35.1 (2001): 244-277. 250.; and Barbara Koremenos, Charles Lipson and Duncan Snidal.

exceed those of the states that are home to the majority of the world's population. However, since their ability to address the many factors that arise from environmental change hinges on political will, the framing of these states' political and policy goals is as important for developed countries as for developing ones.<sup>114</sup>

Even absent a definitive consensus on the issue, the notion that climate change, for example, is causing forcible displacement has steadily crept into the discourse at the United Nations.<sup>115</sup> In June 2008, then-General Assembly President Srgjan Kerim declared that “the topic of climate refugees is no longer a concept – it is a sad fact.”<sup>116</sup> Those individuals most likely to be severely affected by environmental degradation and climate change are those with the fewest resources to adapt to their changing conditions. It is thus not necessarily those who face the greatest physical risk of environmental degradation, but those who are unable or less suited to dealing with its consequences who may be induced to migrate.<sup>117</sup> In fact, many have declared it ironic that the world's poor, arguably the least responsible for causing environmental and climate change, are the persons who will suffer most.<sup>118</sup> The role of the state in responding to migratory stresses plays an enormous part in determining the coping capacities of communities and societies: a strong, efficient state can address

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2001. “The Rational Design of International Institutions.” *International Organization*, 55(4): 761-799. 765.; and Thieleman and Dewan, 351–369.

<sup>114</sup> Ethically speaking, moreover, it may be even more important for developed countries, given their historical responsibility for environmental destruction.

<sup>115</sup> United Nations News Service. “More attention must be paid to underreported conflicts, says top UN refugee official.” *UN News*, 8 January 2009. 24 February 2009 <<http://www.un.org/apps/news/story.asp?NewsID=29494&Cr=unhcr&Cr1=>>; and “UN refugee chief calls for new strategies to tackle global displacement.” *UN News*, 1 October 2007. 23 February 2009 <<http://www.un.org/apps/news/story.asp?NewsID=24093&Cr=refugees&Cr1=>>.

<sup>116</sup> United Nations News Service. “General Assembly President says ‘climate refugees’ are already a reality.” *UN News*, 24 June 2008. 23 February 2009 <<http://www.un.org/apps/news/story.asp?NewsID=27135&Cr=kerim&Cr1=climate>>.

<sup>117</sup> Brown, 9.

<sup>118</sup> *Ibid.*, and 31.

environmental problems much better than a weak one.<sup>119</sup> It is thus not only environmental change itself that determines courses of action but also states' differentiated capacities to take the steps necessary to respond to, and prevent, such environmental disruptions.

### **III. Resistance to Modifying the International Refugee Regime**

The international refugee regime— consisting of state and non-state actors and represented in legal form by the 1951 Refugee Convention and its 1967 Protocol—extends protection to millions of persons who cross borders in search of sanctuary from persecution, usually from their own governments.<sup>120</sup> Since its inception, the regime has evolved to become a “sophisticated system of rights and duties between the individual and the State [*sic*], affecting traditional notions of State [*sic*] sovereignty and behaviour in an unprecedented manner.”<sup>121</sup> Yet it is easy to forget that borders and passports are relatively recent creations in the history of humankind; while the idea of sacrosanct borders was ‘officially’ entrenched at the Peace of Westphalia in 1648, many displaced survivors of World War I lacked national documentation, and were saved only by the invention and acceptance of the League of Nations (Nansen) Passport.<sup>122</sup> The idea of ‘paperless paupers’ thus took root in earnest less than one hundred years ago, although prior to this, there was no systemic network for the care of displaced persons that had been organised and operated

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<sup>119</sup> Castles, 4.

<sup>120</sup> “The 1951 Refugee Convention: Questions and Answers.” UNHCR, September 2007. 26 February 2009 <<http://www.unhcr.org/basics/BASICS/3c0f495f4.pdf>>.

<sup>121</sup> Jane McAdam. “The Refugee Convention as a Rights Blueprint for Persons in Need of International Protection.” Forced Migration, Human Rights and Security. Ed. Jane McAdam. Portland, OR: Hart Publishing, 2008. 263-282. 263.

<sup>122</sup> “Fridtjof Nansen.” Biography. The Nobel Foundation. 21 February 2009 <[http://nobelprize.org/nobel\\_prizes/peace/laureates/1922/nansen-bio.html](http://nobelprize.org/nobel_prizes/peace/laureates/1922/nansen-bio.html)>.



through the cooperation of states.<sup>123</sup> Much of this precedent has arisen from the real and perceived security risks that the uncontrolled migration of persons can pose to modern states. The refugee regime has since expanded to partially encompass a portion of internally displaced persons, although in a non-binding manner.<sup>124</sup>

Given the millennia-long tradition of human migration in search of more favourable climes,<sup>125</sup> the relatively recent development of Westphalian states with the right to create impermeable and secure borders to care for, or persecute, their own peoples is an ideological construct antithetical to the nomadic nature of much of human history. It is also the case that many governments seek to shirk responsibility for the financial, political, and logistical challenge of caring, individually or collectively, for an ever-growing number of displaced persons. Concurrently, with acknowledging the existence of environmentally displaced persons comes the expectation that ‘someone has to pay’ for the care of such people.<sup>126</sup> Thus, many (especially powerful, industrialised) states have continued to deny their responsibility in both cause and consequence of environmental change, and may seek to use arguments refuting the existence of environmentally displaced persons to their advantage. Indeed, these arguments are not dissimilar in many ways to the positions taken by states regarding their responsibilities in the international refugee regime itself.

Many critics of the concept of environmentally induced displacement do not seek to dismiss entirely the possibility of environmental motivations for human movement.<sup>127</sup>

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<sup>123</sup> Emma Haddad. “Refugee Protection: A Clash of Values.” International Journal of Human Rights 7.3 (2003): 1-26. 2-3.

<sup>124</sup> United Nations High Commissioner for Refugees. “Internally Displaced People: Questions and Answers.” UNHCR. September 2007. 25 February 2009 <<http://www.unhcr.org/basics/BASICS/405ef8c64.pdf>>.

<sup>125</sup> Black, 2001, 14.

<sup>126</sup> Docherty and Giannini, 379.

<sup>127</sup> Black, 2001, 14.; and Castles, 5.; and R. McLeman and B. Smit. “Migration as an Adaptation to Climate Change.” Climate Change. 76 (2006): 31-53. 32.; and Vikram Odedra Kolmannskog. Future Floods of

Instead, they highlight the complexity of push and pull factors that affect and effect human mobility. Understandably, they question whether the environment can be isolated as a single or predominant instigator of displacement and, if so, whether such a category can and/or ought to be established within existing or new international frameworks. McLeman and Smit argue that, in many regions, migration has historically been used to deal with changes in climate. At the same time, they emphasise caution in interpreting migration as an automatic response to an isolated risk, whether that risk is climate-related or not.<sup>128</sup> Nonetheless, it is equally problematic to dismiss current or future migrations as simply ‘historical’ in origin, and hence unrelated to contemporary environmental degradation. McLeman and Smit moreover do not acknowledge that the modern territorially defined state system inhibits the movement of people seeking to adapt to local environmental change.<sup>129</sup>

*Environmental Displacement as a Threat to Security*

Myers’ predictions of the creation of hundreds of millions of environmental refugees in this century<sup>130</sup>—while presumably suggested with the good intention of prompting major players into action—may contribute to states’ justification for their policies of containment.<sup>131</sup> Despite the fact that the majority of displaced persons, environmental or otherwise, remains within their region of origin, and the fact that environmental deterioration and climate change are expected to most negatively impact the impoverished, powerful states continue to refuse the extension of protection beyond current stipulations, due in part to the

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Refugees: A Comment on Climate Change, Conflict and Forced Migration. Oslo: Norwegian Refugee Council, 2008.

<sup>128</sup> McLeman and Smit, 32.

<sup>129</sup> *Ibid.*

<sup>130</sup> Norman Myers. “Environmental Refugees in a Globally Warmed World.” *Bioscience*, 43.11 (1993): 752-61.

<sup>131</sup> Robyn Lui. “A Cautionary Note on UNHCR’s Comprehensive Strategy for Refugees.” *Social Alternatives* 21.4 (2002): 28-32. 31.

fear of a ‘flood of environmental refugees’ overwhelming their borders.<sup>132</sup> This fear for state security has been used in conjunction with the argument that the inclusion of additional categories of persons under protection would erode the quality and extent of care for ‘traditional’ refugees, whose plight remains unresolved in numerous protracted situations across the globe, and who continue to number in the millions.<sup>133</sup>

The framing of ‘uninvited’ migrants, in particular refugees, as security threats and unwanted burdens by governments and local inhabitants greatly affects policy responses toward the recognition—or lack thereof—of environmentally displaced persons. The most orthodox definition of environmental security<sup>134</sup> views environmental change as a prospective source of conflict, particularly over the control of resources (be they scarce or abundant).<sup>135</sup> Fears have arisen that the influx of outsiders into a given area could devastate host regions, leaving a trail of environmental damage, sparking conflict with host populations, and endangering regional security.<sup>136</sup> Despite such alarmism, there does not actually appear to be “a convincing case that environmental factors cause major violent conflicts which in turn lead to massive flows of forced migrants.”<sup>137</sup> In contrast, the broad

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<sup>132</sup> Norman Myers. “Environmental Refugees: An Emergent Security Issue.” Paper presented at the 13<sup>th</sup> Economic Forum, Prague. Vienna: Organisation for Security and Cooperation in Europe, 23-27 May 2005. <[www.osce.org/documents/eea/2005/05/14488\\_en.pdf](http://www.osce.org/documents/eea/2005/05/14488_en.pdf)>. 3.

<sup>133</sup> Harald Kleinschmidt. “Migration, Regional Integration and Human Security: Research Developments.” Migration, Regional Integration and Human Security: The Formation and Maintenance of Transnational Spaces. Ed. Harald Kleinschmidt. Burlington, VT: Ashgate, 2006. 61-102. 2.; and Gil Loescher, Alexander Betts, and James Milner. The United Nations High Commissioner for Refugees (UNHCR): The politics and practice of refugee protection into the twenty-first century. New York, 2008: Routledge Global Institutions. 109-115. 110.

<sup>134</sup> Lorraine Elliott. “Harm and emancipation: making environmental security 'critical' in the Asia Pacific.” Ed. Anthony Burke and Matt McDonald. Critical security in the Asia-Pacific. New York: Manchester UP, 2007. 139-151. 144.; and Thomas F. Homer-Dixon. “On the Threshold: Environmental Changes as Causes of Acute Conflict.” International Security 16.2 (1991): 76-116.

<sup>135</sup> States continue to disagree over whether they should accept the concept of human security, which challenges the dominance of traditional state security in favour of a people-first perspective. For more, see United Nations Development Programme. Human Development Report 1994. New York: Oxford UP, 1994. 31 March 2009 <<http://hdr.undp.org/en/reports/global/hdr1994/chapters/>>. 23-24, 28-30, 34-36, 38, 40.

<sup>136</sup> Black, 2001, 2.

<sup>137</sup> Castles, 7.

form of human security entails the provision of protection for persons from environmental degradation. Human security challenges the prevailing perception among many (powerful) states that displaced persons constitute potentially grave security threats. Indeed, the basic tenets of human rights law require that due attention be paid to persons who, irrespective of terminology, face the very real threat of displacement.<sup>138</sup> Such values may be extrapolated to include those who endure involuntary displacement because of environmental change, and thus require the protection of all relevant actors in the international community.<sup>139</sup>

### *International Organisations*

It is important to acknowledge that neither a state nor an international organisation (nor the international community, for that matter) is a monolithic entity, making decisions as an organic whole.<sup>140</sup> “Pragmatists” within UNHCR, for example, argue that the agency ought to become a comprehensive organisation dedicated to the protection of *all* displaced persons, irrespective of their cause of flight, which could include environmental change. “Fundamentalists,” on the other hand, contend that the refugee regime ought not to be expanded, because the stretching of already limited resources ever more thinly will erode the quality of protection that can be offered to traditional refugees. Furthermore, they argue that UNHCR should adhere more strictly to its organising principles and improve upon fulfilling

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<sup>138</sup> United Nations Office for the Coordination of Humanitarian Affairs. “Protection and Displacements.” UN-OCHA. 2008. 19 June 2009 <<http://ochaonline.un.org/HumanitarianIssues/ProtectionandDisplacements/tabid/1202/language/en-US/Default.aspx>>.

<sup>139</sup> Indeed, in the wake of Typhoon Morakot in August 2009, the President of Taiwan has replaced one-quarter of the military’s order of Blackhawk helicopters with orders for relief helicopters. He has even declared that climate change now poses a more fundamental security threat to Taiwan than does the PRC. Morten Andersen. “Taiwan directs military towards climate adaptation.” COP15 United Nations Climate Change Conference Copenhagen 2009. 19 August 2009. 19 August 2009 <<http://en.cop15.dk/news/view+news?newsid=1902>>.

<sup>140</sup> Gil Loescher. “The UNHCR and World Politics: State Interests vs Institutional Autonomy.” International Migration Review 35.1 (2001): 33-56.

its core responsibilities instead of accepting new challenges, especially since involvement with other displaced persons risks the politicisation of its humanitarian ethos.<sup>141</sup>

UNHCR may also risk falling into a trap of “pathological” organisational behaviour similar to that elucidated by Barnett and Finnemore: international organisations seek to survive and thrive within their political spaces. As an agency is granted—or gradually takes for its own—some sense of permanency, it may come to prioritise its own survival and organisational culture over the tasks it was originally designed to fulfil. In a bid to prove its continued relevance or to enhance its budget and prestige, an institution may promote itself into leading operations and pushing for new responsibilities against the wishes of its member states or the best interests of those who need it most. Under these circumstances, an organisation may not actually have the capacity, moral authority, or technical expertise to handle the new role it seeks or accepts.<sup>142</sup>

With millions of traditional refugees remaining,<sup>143</sup> it is understandable that UNHCR would not wish to overextend its severely limited resources. If it were to move beyond an *ad hoc* provision of protection to include other ‘persons of concern,’ the Office may become liable to a challenge to its legitimacy and operability as an apolitical agency. It is also important to remember that UNHCR is not, in fact, a migration agency, but a *refugee* agency. This argument, however, presumes that international regimes ought to be static, timeless concepts that need to be maintained. Given that UNHCR’s original mandate was to provide protection over a three year period only to Europeans who were displaced by World War II,

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<sup>141</sup> Loescher *et al.*, 109-115.

<sup>142</sup> For more, see: Michael Barnett and Martha Finnemore. “The Politics, Powers, and Pathologies of International Organizations.” *International Organization* 53.4 (1999): 699-732.; and *Rules for the World: International Organizations in Global Politics*. New York: Cornell UP, 2004.; and “The Power of Liberal International Organizations.” *Power in Global Governance*. Ed. M. Barnett and R. Duvall. New York: Cambridge UP, 2005. 161-184.

<sup>143</sup> Brown, 21.

the fact that the agency continues to operate today clearly indicates that its mandate has expanded.<sup>144</sup>

In the years immediately following their creation, the Refugee Convention and UNHCR only offered protection to individuals displaced by “events occurring in Europe before 1 January 1951.”<sup>145</sup> The Hungarian refugee crisis of 1956 constituted the first genuine challenge to the restrictions of the Convention, when UNHCR framed the Soviet invasion of that country as being directly linked to World War II.<sup>146</sup> The intertwining of the seemingly unrelated crisis with the rigid stipulations of the Convention served the Cold War interests of the major Western powers, and thus the temporal limits of the regime were expanded.<sup>147</sup> Over the course of a series of crises in ensuing years, states permitted the expansion of UNHCR’s mandate and the gradual extension of protection to persons who did not strictly fall within the Convention’s definition.<sup>148</sup> The onset of crises of environmental displacement may unfortunately be one of the most effective ways to convince members of the international community that recognition must be extended to this issue. However, if displacement caused by environmental change progresses at a slow and steady trickle (as opposed to one dramatic exodus followed by another) and especially occurs within political borders, sufficient levels of international attention may not be forthcoming.

Meanwhile, although UNHCR denies that its mandate should include environmental migrants,<sup>149</sup> the International Organisation for Migration (IOM) has taken active steps to

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<sup>144</sup> For analyses of the evolution of UNHCR’s mandate, see: Gil Loescher. “UNHCR at Fifty: Refugee Protection and World Politics.” Problems of Protection: The UNHCR, Refugees, and Human Rights. Ed. Niklaus Steiner, Mark Gibney, and Gil Loescher. New York: Routledge, 2003. 3-18.; and Guy Goodwin-Gill. “Challenges to Protection.” International Migration Review. 35.1 (2001): 130-142.; and M. Barnett, 244-77.

<sup>145</sup> Convention and Protocol Relating to the Status of Refugees. Article 1(B) 1(a).

<sup>146</sup> Loescher, 2003, 8.

<sup>147</sup> McAdam, 278.

<sup>148</sup> Loescher, 2001, 34-46.

<sup>149</sup> Renaud *et al.*, 34-5.

encourage the acknowledgement of environmentally induced migration. It has offered the following definition of environmental migrants: “persons or groups of persons, who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or chose to do so, either temporarily or permanently, and who move either within their country or abroad.”<sup>150</sup> The IOM has moreover suggested that environmental degradation and climate change are “likely to lead to ever larger waves of internal and international migration, including mass human displacement.”<sup>151</sup>

Nevertheless, the IOM lies outside the umbrella of the UN system and thus, in many ways, lacks the international legitimacy that can be conferred upon an issue through agreement at the United Nations. UNHCR continues to be the agency that has been entrusted by the international community with the task of upholding the forcible displacement regime. There have thus been numerous calls to re-open the international refugee regime—namely the Convention and Protocol—as well as the mandate of UNHCR in order to incorporate and address the plight of ‘environmental refugees.’ There are some who argue that, while the Convention cannot be literally applied to environmentally displaced persons, there is no reason why states could not *choose* to grant refugee status to such people through the Convention’s provisions.<sup>152</sup> There have even been suggestions to change the Geneva Convention to define environmental displacement—whether through deliberate or negligent policy—as a form of persecution.<sup>153</sup>

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<sup>150</sup> Brown, 15.

<sup>151</sup> IOM, 19.

<sup>152</sup> Lopez, 387.

<sup>153</sup> Molly Conisbee and Andrew Simms. Environmental Refugees: The Case for Recognition. London: new economics foundation, 2003. 30.

These are perhaps tenable recommendations from a legal perspective; nonetheless, they do not account for the political and reputational ramifications that could occur if one state (or group of states) were to define environmental degradation as a form of persecution. Blaming particular states for ‘environmental persecution’ would in all likelihood lead to severely damaged relations amongst countries, thereby preventing any fruitful cooperation on multilateral efforts to slow or reverse environmental change. An extension or modification of the existing Refugee Convention—or Geneva Convention, for that matter—is thus an unviable option, no matter how appealing such an option may initially appear to be.<sup>154</sup> Instead, there must be other legal recourse for the recognition and protection of environmentally displaced persons.

#### **IV. Extending the Guiding Principles on Internal Displacement**

Internally displaced persons (IDPs) now rival, and at times have outnumbered, traditional refugees,<sup>155</sup> and Walter Kälin, the Secretary-General’s Special Representative for the human rights of internally displaced persons, has highlighted the contributory role that climate change may play in internal displacement.<sup>156</sup> IDPs frequently face similar causes of displacement as their refugee counterparts, but face the added challenge of being persecuted by forces within their own states. This means that international intervention on their behalf usually entails a violation of sovereignty. Consequently, the international community has

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<sup>154</sup> Black, 2001, 14.

<sup>155</sup> UNHCR, “The 1951 Refugee Convention: Questions and Answers.”

<sup>156</sup> United Nations News Service. “UN expert urges greater help for 26 million displaced people worldwide.” UN News. 13 March 2009. 20 March 2009 <<http://www.un.org/apps/news/story.asp?NewsID=30179&Cr=idp&Cr1=>>.



only managed to agree to the non-binding Guiding Principles on Internal Displacement, created in 1998 and based on international humanitarian and human rights law.<sup>157</sup>

The perhaps surprising fact is that, despite popular enthusiasm for the term ‘environmental *refugees*,’ the majority of environmentally displaced persons remains within their own borders.<sup>158</sup> It may thus make more sense for these persons to be incorporated into the Guiding Principles than to open up the refugee regime. Irrespective of the primary cause of displacement, the international community is increasingly discussing the idea of “sovereignty as responsibility,” and expects national governments to protect their own citizens.<sup>159</sup> In this sense, an application of the terms of the Guiding Principles may prove to be helpful until such a time that a new convention can be agreed upon. The Guiding Principles stipulate that internally displaced persons are:

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.<sup>160</sup>

Legally speaking, then, environmentally displaced persons may fall under the IDP definition if they are the victims of “natural or human-made disasters.” Insofar as environmentally displaced persons are IDPs, there exists at least some legal recourse: since environmental disruptions rarely affect an entire country, it may be expected that many environmentally displaced persons will remain within their borders and (in theory) are to

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<sup>157</sup> “Global Database: Guiding Principles on Internal Displacement.” Brookings-Bern Project on Internal Displacement. 2007. 11 May 2009 <<http://www.idpguidingprinciples.org>>.

<sup>158</sup> Brown, 14.; and Hugo, 1996, 105.; and Renaud *et al.*, 17.; and Williams, 510-3.

<sup>159</sup> Thomas G. Weiss and David A. Korn. Internal Displacement: Conceptualization and its consequences. New York: Routledge, 2006. 3.

<sup>160</sup> Guiding Principles on Internal Displacement. Office of the United Nations High Commissioner for Human Rights. 11 February 1998. 20 April 2009 <<http://www.unhcr.ch/html/menu2/7/b/principles.htm>>. Article 2. Emphasis added.

receive assistance from their own governments. Nevertheless, the protection of IDPs entails critical engagement with the Westphalian principle of state sovereignty: the unsolicited intervention of states or organisations in the domestic affairs of a state undermines one of the enduring tenets of international relations over the past four centuries.<sup>161</sup> This serves to explain the glaring omission of a comprehensive and binding international approach for the protection of IDPs and other non-traditionally displaced persons, including environmental ones.<sup>162</sup> States with significant populations of internally displaced persons already struggle to provide—or in some cases deliberately deny—protection to their own citizens.<sup>163</sup> Even with the drawing up of the Guiding Principles and a gradual extension of protection to IDPs by UNHCR and other international organisations, there remains a relative void where a concrete and binding framework in international law ought to be.

In many cases, it is indigenous and other minority groups that are most adversely affected by environmental change and resettlement, and hence governmental commitment to their protection is critical to ensure the fair treatment of such persons.<sup>164</sup> However, in practice, achieving IDP status for individuals fleeing predominantly for environmental reasons may not actually result in their protection, and there is little likelihood of the establishment of an international court system to hold states to their promises.<sup>165</sup> Given many states' noted and enduring denial that the international community should be involved

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<sup>161</sup> Roberta Cohen. "Developing an International System for Internally Displaced Persons." International Studies Perspectives 7 (2006): 87-101.

<sup>162</sup> Williams, 517.; and UNHCR, "Internally Displaced People: Questions and Answers."

<sup>163</sup> Economist. "A new (under) class of travelers." The Economist Newspaper Limited. 24 June 2009. 9 July 2009 <[http://www.economist.com/world/international/displaystory.cfm?story\\_id=13925906](http://www.economist.com/world/international/displaystory.cfm?story_id=13925906)>.

<sup>164</sup> Elliott, 147.; and Bates, 472.

<sup>165</sup> Anthony M. North and Joyce Chia. "Towards Convergence in the Interpretation of the Refugee Convention: A Proposal for the Establishment of an International Judicial Commission for Refugees." Forced Migration, Human Rights and Security. Ed. Jane McAdam. Portland, OR: Hart Publishing, 2008. 225-261. 226.

in their internal affairs,<sup>166</sup> it is likely that they would oppose an extension of protection for environmentally displaced persons. Indeed, it is presumable that a government—even if willing to extend aid to its citizens who have been displaced by (seemingly) naturally occurring environmental change—may impose distinctions in the quality and kinds of protection it offers. These differences may be based on whether individuals and communities have been displaced by abrupt disasters, gradual environmental decline, or government-run or -permitted development projects that wilfully or neglectfully cause the involuntary movement of persons. The question thus remains whether states can reasonably be expected to care for persons displaced within their borders if much of the responsibility for the environmental change behind the relocation lies with the governments themselves and/or other sovereign entities. Who is responsible for the displacement of such persons and, more importantly, who is responsible for their care?

#### *Encompassing Environmental Internal Displacement*

In order to provide the best and most comprehensive protection possible, international treaties, conventions, and ‘soft’ legal instruments must not be treated as isolated and distinct, but as parts of a cohesive and interconnected whole that, when combined, constitute the full extent to which states and international institutions have committed themselves to the care of displaced persons.<sup>167</sup> Currently, there is already enough divergence in states’ interpretations of their obligations under the Refugee Convention,<sup>168</sup> without risking further complications from potentially contradictory displacement regimes. Thus, a revised set of Guiding Principles or a new international convention dedicated to the care of environmentally

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<sup>166</sup> Cohen, 90-1.; and Weiss and Korn, 1-29.

<sup>167</sup> McAdam, 280.

<sup>168</sup> North and Chia, 225-6.

displaced persons, though far from perfect, ought to have stipulations dedicated specifically to the needs of such persons, in order to avoid any deleterious impact on them and on those who ‘belong’ in other categories of displacement. Modified and emerging frameworks must be thought of as new branches in a web of international protection against displacement, with appropriate and regular fora for actors to share their interpretations of these agreements. The insular compartmentalisation of categories of environmental displacement risks serious inefficiencies and the continuation of a deplorable tradition of allowing displaced persons to fall through the cracks of international protection schema.

Insofar as a Secretary-General can carve out his (or someday her) “political space,”<sup>169</sup> Ban Ki-moon’s emphases on combating the impacts of climate change and on the plight of internally displaced persons may influence the United Nations—including its member states—to reframe the discourse of displacement to incorporate environmentally displaced persons.<sup>170</sup> One definitive step toward the recognition of environmental displacement would be the appointment of a special representative within the UN system, charged with investigating, and recommending solutions for, the issue of environmental displacement. To illustrate, in 1992, then Secretary-General Boutros Boutros-Ghali controversially created the post of the special Representative of the Secretary-General on internally displaced persons.<sup>171</sup> The decision faced considerable opposition from numerous member states, and the position was blocked from receiving any meaningful financial support, causing the first representative to work initially on a voluntary basis while acquiring funding through the Project on Internal

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<sup>169</sup> James Traub. “The Secretary-General’s political space.” Secretary or General? The UN Secretary-General in World Politics. Ed. S. Chesterman. Cambridge: Cambridge UP, 2007. 123-138.

<sup>170</sup> United Nations News Service. “UN launches year-long campaign to highlight, and solve, plight of displaced.” UN News. 18 December 2008. 27 February 2009  
<<http://www.un.org/apps/news/story.asp?NewsID=29358&Cr=IDPs&Cr>>.

<sup>171</sup> Weiss and Korn, 2.

Displacement.<sup>172</sup> Since then, the position has taken leaps and bounds in advancing the cause of the internally displaced, and IDPs have conceptually been widely acknowledged to exist, although significant barriers remain in codifying the matter in a legally binding international agreement. Hence, while not entirely analogous (due to the continuing refusal of many to acknowledge the reality of environmental displacement), the trajectory of the IDP regime demonstrates that the posting of a similar such representative could be used to jumpstart the process of addressing environmental displacement.

Ban has thus far demonstrated a marked focus on the threat of climate change, and current High Commissioner for Refugees Antonio Guterres<sup>173</sup> and other UNHCR staff have increasingly begun to use climate- and environmentally oriented language in their discussions of the Office's current and future challenges,<sup>174</sup> going as far as to state that, with respect to the onset of climate-related displacement, "the future is now."<sup>175</sup> Signals such as these indicate that the international community may be on the cusp of a new effort to move its discourse beyond guaranteeing services only to the 'traditionally' displaced, toward a more comprehensive protection system for persons displaced by a wider variety of causes.

The protection of environmentally displaced persons may be somewhat easier for states to accept if the displacement is framed in a manner that does not assign responsibility, appealing instead to a growing normative expectation that governments must at least express

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<sup>172</sup> NGOs and universities, notably the Brookings Institution, financed the project. Weiss and Korn, 1-10.

<sup>173</sup> United Nations News Service. "UN agency assists highest ever number of refugees and displaced." UN News. 17 June 2008. 27 February 2009 <<http://www.un.org/apps/news/printnewsAr.asp?nid=27053>>; and United Nations High Commissioner for Refugees. "Climate change, natural disasters and human displacement: a UNHCR perspective." United Nations High Commissioner for Refugees. 23 October 2008. 19 June 2009 <<http://www.unhcr.org/refworld/pdfid/492bb6b92.pdf>>.

<sup>174</sup> Yoichiro Tsuchida. "Climate change, natural disasters and human displacement." United Nations High Commissioner for Refugees. 10 October 2008. 19 June 2009 <<http://www.unhcr.org/4901e9bd2.html>>.

<sup>175</sup> L. Craig Johnstone. "Planning for the Inevitable, the Humanitarian Consequences of Climate Change." United Nations High Commissioner for Refugees. 12 November 2008. 19 June 2009 <<http://www.unhcr.org/49256c492.html>>.

their support for sustainable development, environmental protection, and climate change mitigation. Because offering sanctuary may not necessarily challenge state sovereignty, environmentally displaced persons may be perceived as less of a threat to sovereignty and state security than politically persecuted IDPs have been in the past. Until, or unless, a separate convention specifically designed to address the concerns of environmental displacement can be agreed upon, an extension of the Guiding Principles to include environmental change as a ‘legitimate’ reason for displacement may prove beneficial in the short- to medium-term.<sup>176</sup>

## **V. A New International Regime on Environmental Displacement**

A series of issues must be considered in determining how best to proceed with the international challenge posed by environmental displacement. As noted previously, modifying the Refugee Convention poses too many risks, and the Guiding Principles, while important, are a non-binding instrument that cannot guarantee rights to displaced persons. Thus, the building of a new convention, though likely to endure considerable objection, will be a vital step in the process of recognising environmental displacement.

Given the ever-changing global population of displaced persons, it is problematic that those who do not fall within the confines of the 1951 Convention receive negligible international protection, and in some cases have been denied it altogether. Refutations of the

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<sup>176</sup> The exacerbation of the impacts of extreme weather events by wilfully negligent governments is increasingly coming under severe criticism by the international community. Cyclone Nargis, which devastated Burma/Myanmar in 2008, serves as a case in point, wherein the Burmese government refused to provide humanitarian aid to its citizens and rejected international aid for days after the event, for fear of interference in its internal affairs. The emerging responsibility to protect (R2P) norm, although not widely accepted with respect to international intervention, appears to be promoting the notion of ‘sovereignty as responsibility.’ For more, see: United Nations News Service. “Response to cyclone in Myanmar ‘unacceptably slow’—Ban Ki-moon.” 12 May 2008. 10 May 2009 <<http://www.un.org/apps/news/story.asp?NewsID=26634&Cr=myanmar&Cr1>>.

existence of environmentally induced displacement rest in large part on a dismissal of the empirics behind such claims, and critical analysis of estimates of ‘environmental refugees’ is crucial.<sup>177</sup> Strong empirical support is indeed an important method by which any concept or idea can (and perhaps ought to) come to legitimacy, and the ambiguous nature of the evidence behind ‘environmental refugees’ is no exception. Nevertheless, in much the same way that the ‘science’ behind climate change remains contested, irrefutable evidence ought not to be a prerequisite for taking pre-emptive and mitigative action in response to a perceived potential risk. This lies at the very heart of the precautionary principle, most succinctly summarised as a ‘better safe than sorry’ approach, and is no less applicable to environmentally displaced persons than any other consequence of environmental change. A lack of consensus regarding the precise definitions, measurements, and implications of environmental displacement does not excuse the international community from doing what it can to prevent environmentally induced displacement, especially if it has the capability.

#### *A New Convention*

Calls have thus been made for the creation of a new category in international law for environmentally displaced persons.<sup>178</sup> One recommendation has been for a new legal instrument tailored specifically to the needs of ‘climate refugees,’ in the form of a “Protocol on the Recognition, Protection, and Resettlement of Climate Refugees” under the United Nations Framework Convention on Climate Change (UNFCCC), with the financial backing

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<sup>177</sup> Brown, 11-2.

<sup>178</sup> Williams, 517-8.

of a “Climate Refugee Protection and Resettlement Fund.”<sup>179</sup> Another proposal has been the creation of regional frameworks to address localised migrations caused by environmental damage, which may then be extrapolated into a globally tenable framework.<sup>180</sup> Proponents of these categories and instruments argue for the enshrinement of an international legal definition of environmentally displaced persons, along with guarantees for their protection.<sup>181</sup>

The extension of rights, not only to those who remain within borders but also to those who cross them, suggests a change to the overall notion of the existing refugee regime. Yet, as noted above, the international community should not modify the Refugee Convention or the UNFCCC, for these actions contain inherent risks.<sup>182</sup> Moreover, due to its non-binding nature, it is problematic to rely solely on an expansion of the Guiding Principles. These problems indicate the challenges of incorporating environmental change as a legitimate cause of displacement in existing frameworks, and thus highlight the need for a new convention on environmental displacement. Legally speaking, this new convention should not differentiate degrees of protection for internal versus transborder environmentally displaced persons. There is little reason to justify the legalisation of different standards of treatment. Indeed, Biermann and Boas’s argument that “it is difficult to argue that a global governance mechanism for the protection of people who have lost their homes due to climate change should bestow a different status...depending on whether they have crossed a border,”<sup>183</sup> is equally applicable to persons displaced by environmental change more broadly. The fact that environmental change will displace people both internally and across borders is one of the

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<sup>179</sup> Frank Biermann and Ingrid Boas. “Protecting Climate Refugees: The Case for a Global Protocol.” *Environment* 50.6 (2008): 8-17. 12.; and David Hodgkinson, Tess Burton, Simon Dawkins, Lucy Young, and Alex Coram. “Towards Convention for Persons Displaced by Climate Change: Key Issues and Preliminary Responses.” *New Critic*. 8 (2008): 1-6.

<sup>180</sup> Williams, 517-22.

<sup>181</sup> Lopez, 402-409.; and Williams, 503, 517-522.

<sup>182</sup> Docherty and Giannini, 350.; and Renaud *et al.*, 34.

<sup>183</sup> Biermann and Boas, 13.



very reasons why it is crucial for the international community to rethink the way it handles human displacement. Establishing an additional convention for such persons, although an enormous endeavour, would certainly be warranted. This process should account for the various forms of environmental change that can cause displacement, but simultaneously declare that a hierarchy of protection according to such parameters is unjustifiable and, more importantly, unacceptable.

Of course, the creation of a new regime is much easier said than done. In a state-centric global order, the notion of forced environmental migrants cuts to the very core of state sovereignty, and it is difficult to ascertain the degree of influence that a new idea can have if (powerful) states refuse to adopt them. Geopolitical power dynamics play an irrefutable role in influencing international relations. There are at least three types of states that can respond to (or ignore) calls for international involvement in environmental displacement. Vulnerable states, such as the members of AOSIS, with some support from states like Sweden<sup>184</sup> and Norway,<sup>185</sup> have pushed for international accountability and action regarding the prevention of climate- and environmentally induced displacement. Other states also face the possibility of environmental displacement, such as China and Burma, but are unlikely to support international intervention in the matter, especially internally, given their insistence upon the sanctity of state sovereignty.

A third group of states—which may not be as seriously impacted due to their adaptive capacities—may not be inclined to address the matter, since it is likely that environmental displacement as a domestic issue can at least be relatively successfully mitigated. Moreover, states like the United States are resistant to the expansion of their international asylum and

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<sup>184</sup> Brown, 38-39.

<sup>185</sup> Black, 2001, 11.

protection obligations toward more displaced persons.<sup>186</sup> Negotiations may also experience significant cooperation problems because of free riding and the concentration of substantial short-term costs coupled with diffuse and uncertain long-term benefits. These issues are indeed problematic, for, as much as AOSIS may try, without a committed change to the discourse by a sufficient number of powerful actors, expectations for a concerted response to environmental displacement remain low.

### *International Institutions*

Widely accepted, legitimate, and credible commitments to international agreements take years to establish, and thus, while not altogether impossible, it must be stressed that the creation of an entirely new legal framework for the protection of environmentally displaced persons will entail a long and difficult road. Nevertheless, the post-war record of international conventions illustrates that cooperation is possible even in the face of considerable obstacles. Traditional perceptions of decision-making logic would suggest that, insofar as they wish to tackle an issue at all, states would choose to graft a new challenge onto an existing international agency or organisation. The institutional choice “decision-tree” framework proposed by Jupille and Snidal indicates that states will determine whether the involvement of an international organisation is beneficial for tackling an emerging issue and, if so, whether to employ an extant agency or to start anew.<sup>187</sup>

The ideal outcome for proceeding as efficiently as possible is for an obvious focal institution to accept new responsibilities. If none can be satisfactorily found or convinced to accept the issue, the next branch of the decision-tree entails the search for alternate

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<sup>186</sup> Economist.

<sup>187</sup> Joseph Jupille and Duncan Snidal. “The Choice of International Institutions: Cooperation, Alternatives and Strategies.” Washington, D.C.: 101<sup>st</sup> Annual Meeting of the American Political Science Association, 2005. 14.

organisations whose mandates may be adapted. Once again, if this is possible and an organisation consents, the search has finished. However, there are circumstances under which no organisation can accept a new issue, yet states still agree that the matter should be handled by an international organisation. In cases like these, states may consider the creation of a new institution. States thus seek to satisfice, and not necessarily maximise, such needs. Of course, as states progress further down the decision-tree, costs, risks, and uncertainties rise.<sup>188</sup> Generally, it is less costly (in all senses of the word) to extend or alter an existing mechanism than to establish an entirely new one.

The creation of an institution for all displaced persons with a permanent, direct, and formalised mandate of intervening in the affairs of sovereign states may be especially difficult to achieve. Given the previously noted barriers to modifying the current refugee regime, the successful grafting of environmental displacement onto the mandate of existing agencies like UNHCR would indeed be unexpected. Nevertheless, Jupille and Snidal's framework does not preclude—and perhaps even encourages—the establishment of a new convention, although finding an institution to oversee its covenants may not be immediately achievable. The recently drafted Convention on Cluster Munitions, though pending full ratification, is one example of the gradual progress that can be made on emerging matters of international concern.<sup>189</sup>

The creation of a new convention on environmental displacement would be cause for significant encouragement, especially if it is designed to cooperate with extant displacement instruments. While a binding agreement similar to the Refugee Convention would be the ideal legal starting point, the creation even of a 'soft law' covenant in a vein similar to that of

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<sup>188</sup> *Ibid*, 1-44, and Table 2.

<sup>189</sup> Convention on Cluster Munitions. Diplomatic Conference for the Adoption of a Convention on Cluster Munitions. Dublin. 19–30 May 2008. 30 July 2009 <<http://www.clusterconvention.org/index.php>>.

the Guiding Principles would at least serve to recognise the existence and gravity of linkages between environmental change and human displacement. The inclusion of affected communities and global networks of civil society in both negotiations and implementation would moreover strengthen such efforts.<sup>190</sup> The new framework would also benefit from incorporating international humanitarian and human rights law, and establishing a clearly defined, coherent division of labour amongst relevant state and non-state actors.

### *An International Framework on Environmental Displacement*

Although the world may never witness a sudden and massive environmental exodus along the lines of the fabled Atlantis, allowing the continuation of the gradual decimation of habitats, regions, and even entire states is not a risk worth taking, lest they reach the point of utter uninhabitability. The people of atoll states, for example, do not wish to abandon their countries, and will not need to leave because of governmental persecution or negligence. Instead, if they must flee their homes, they are more likely to hold others responsible, in particular industrialised, highly polluting, and carbon emitting states.<sup>191</sup> The government of Kiribati has begun to plan for the gradual migration of some of its citizens, so that if, or when, the complete abandonment of its islands must occur, pre-established networks and communities of I-Kiribati abroad will be able to help in the complex process of environmental resettlement.

Migration can be difficult even when it is a choice taken freely. ‘Forcible’ or ‘involuntary’ displacement is even harsher. For many, the concept of being a ‘refugee’ or ‘displaced person’ holds negative connotations entailing victimhood, passivity, and a lack of agency. This impression—widespread across the globe and throughout various strata of

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<sup>190</sup> Docherty and Giannini, 350, 399.

<sup>191</sup> McAdam and Loughry.

human societies<sup>192</sup>—is an unfortunate one that needs to be changed. Displaced persons, irrespective of their cause of flight, deserve to be treated as more than helpless burdens and security threats.<sup>193</sup> Negotiations must thus begin for a new convention which can be specifically tailored to the needs of environmentally displaced persons, and especially encourages policies that will circumvent their need to move. Efforts must also be taken to minimise as much as possible the creation of perverse incentives for states (like Burma) to intentionally neglect and/or expel their internal environmentally displaced persons, because the international community has committed to contributing to their protection.

Causes of flight will play a critical role in determining the best available solutions to the issue of environmentally displaced persons, but cannot be used as an excuse to establish hierarchies of protection. Individuals and communities who have had time to prepare for their relocation due to gradual environmental change will clearly face different needs from those forced to move by unexpected and acute environmental events. Persons fleeing from different circumstances will require different kinds and degrees of protection, not least determined by whether they remain within their home states or cross borders to another. Yet, although the practical process of receiving sanctuary from governments will vary, in terms of legal recognition, all persons deserve access to the highest and most equitable treatment possible under the circumstances at hand.<sup>194</sup> An expanded Guiding Principles and a new convention must therefore consider environmentally displaced persons in a distinct but simultaneously sensitive and impartial manner. While accommodating for the various causes and circumstances of individual and group displacement, a new regime dedicated to the

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<sup>192</sup> Nancy Scheper-Hughes. “A Talent for Life: Reflections on Human Vulnerability and Resistance.” *Ethnos*. 73.1 (2008): 25-56. 42.

<sup>193</sup> Philip Martin, Susan Martin, and Sarah Cross. “High-level Dialogue on Migration and Development.” *International Migration* 45.1 (2007): 7-25. 11.

<sup>194</sup> UNDP, 13.

prevention and mitigation of environmental displacement ought to be codified and implemented in an approach that respects the dignity of all persons. This entails acknowledging that the displacement of persons is a political and policy failure for which responsibility must be taken.

When designing a new convention on environmental displacement, it is worth remembering the warnings of Black and others that chains of causality are difficult to establish in migration studies. Focusing solely on climate- or environmental change risks obscuring other pressures that, in conjunction with these changes, perhaps more fully explain the movement of people away from eroding environments. The sudden onset of an extreme weather event which literally decimates a land beyond habitability is, of course, about as clear a link as may be found between environmental change and displacement. Yet it is quite possible that large numbers of persons who may have to move because of environmental change will do so in a gradual manner and not in the mass exoduses that would be precipitated by floods or storms (that is, storm surges, hurricanes, cyclones, monsoons, or typhoons). It is critical for a new convention to acknowledge the exacerbating effects that climate- and environmental change play on the multiple displacement and migratory pressures on persons. While recognising the difficulty of establishing a direct causality between the environment and forcible displacement, these limitations are not an excuse to continue with business-as-usual.

## Concluding Remarks

The recent Bonn II climate talks have produced a draft negotiating text to be used in preparation for the United Nations Climate Change Conference in Copenhagen (COP15), scheduled for December 2009.<sup>195</sup> As the groundwork for the post-Kyoto regime, this draft somewhat astonishingly includes a provision advising states to prepare for “activities related to national and international migration/planned relocation of *climate refugees*.”<sup>196</sup> In the current international political climate, the inclusion of a provision for the care of environmentally displaced persons is remarkable and was sure to be met with consternation from many states. It appears that the subparagraph had seemingly ‘crept’ into the discussion, and the latest round of informal consultations has already led to vocal opposition against the use of the term.<sup>197</sup> However, its point may still be advanced by rescinding the use of ‘climate refugees,’ given its lack of meaning in international law, and replacing it with a more neutral one like ‘environmentally displaced persons.’

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<sup>195</sup> COP15 United Nations Climate Change Conference Copenhagen 2009. 2009. 10 July 2009 <<http://en.cop15.dk/>>.

<sup>196</sup> United Nations Framework Convention on Climate Change. “Ad Hoc Working Group on Long Term Cooperative Action Under the Convention Sixth Session (Bonn II).” United Nations Framework Convention on Climate Change. 1-12 June 2009. 23 June 2009 <<http://unfccc.int/resource/docs/2009/awglca6/eng/08.pdf>>. Subparagraph 25e, emphasis added.

<sup>197</sup> Subparagraph 25(e) has since been updated to the following: “[Activities related to national and international migration/planned relocation of climate [refugees] [migrants] [displaced persons by extreme climate events].]”. The following alternatives have also been included: 1) “[Activities related to national and international responses to people displaced by the impacts of climate change],” 2) “[Activities related to national and international migration and displacement or planned relocation of persons affected by adverse impact of climate change],” and 3) “[Activities related to national and international migration/planned relocation of displaced individuals and peoples due to the adverse effects of climate change].” It should be noted that all of these phrasings have been “bracketed,” indicating that they are all up for discussion, but none has been accepted as a permanent possible solution. For more, see: United Nations Framework Convention on Climate Change. “Ad Hoc Working Group on Long Term Cooperative Action Under the Convention Sixth Session (Bonn II) Revised Negotiating Text.” United Nations Framework Convention on Climate Change. 1-12 June 2009. Revised 10-14 August 2009. 19 August 2009 <<http://unfccc.int/resource/docs/2009/awglca6/eng/inf01.pdf>>.

Since climate change has become such a highly publicised—and -politicised—subject of concern in both domestic and international negotiations, references in the UNFCCC to its likely impact on human population movements is a critical step forward. Nevertheless, climate change is but one—though major—driver of environmentally induced migration. Other directly or indirectly related forms of environmental change will almost certainly play their part in inducing future population displacements. Until such a time when a full and binding convention dedicated to environmentally displaced persons can come into force, small steps such as that initiated by the writers of the Bonn II document are commendable. Even more encouraging would be the renegotiation of the international community's understanding of the 'valid' causes of displacement. This would at least extend some discursive legitimacy to persons forced to move because of environmental change.

The critical analysis, disaggregation, and production of past, present, and future calculations of environmentally displaced persons, and the causes behind their relocation, will be invaluable in the years ahead, in order to minimise the effect that weak methodologies have had in dismissing the existence of the issue. Moreover, agreement on the terminology and stipulations of environmental displacement will aid the international community in negotiating an international convention on environmental displacement. Investigation of the issue from an environmental, and not purely displacement, perspective may prove valuable in advancing reasons for why the protection of environmentally displaced persons is so critical. Moreover, future research should take into account, and try to limit, any perverse incentives (or disincentives) that may arise from the extension of international protection for environmentally displaced persons. Finally, recommendations for the establishment of state and non-state actors' "common but differentiated responsibilities"



toward internal and transborder environmentally displaced persons will have the effect of easing the transition from the current void to an international system that recognises the validity of environmental change as a cause of displacement.

Loescher *et al.* argue that UNHCR was created during a small window of post-war optimism, permitted only under particular circumstances at a particular moment in history.<sup>198</sup> However, this is arguably the case with many international conventions and institutions. The cooperation of key actors is a necessary catalyst for the creation of new international legal instruments that tackle emerging matters of concern. In a time when ‘being green’ and ‘fighting climate change’ have become near-catchphrases of the first decade of this millennium, it is possible for the international community to change its post-September 11<sup>th</sup> trajectory of placing its utmost priority in fighting terrorism, in order to acknowledge and pre-empt the very real impact that unmitigated environmental and climate change may have on human security and, subsequently, human migration. This can be a moment in which members of the international community give due consideration to the linkages between—and potential consequences of—environmental change and population displacement. They can grant environmentally displaced persons the protection and support they need through appropriate international legal mechanisms. In so doing, would-be environmentally displaced persons may well be spared the hardship of forced migration. Moreover, under a nascent protection regime, those who must move will at least have the legal recognition needed to better meet the challenges of adapting to their new and changing environments.

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<sup>198</sup> Loescher *et al.*, 1-16.

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