

Climate Justice Campaigns and Environmental Refugees

Cassandra Star, Griffith University

Department of Politics and Public Policy, Nathan campus

Nathan QLD 4111

This paper is a preliminary discussion of the connections between environmental and human security through the notion of environmental refugees. The concept of environmental refugees appeared in a 1985 paper that argued while the term may be legitimate, such a category of refugees would constitute a minor part of the world's refugee population, if at all. Later discussions by the Intergovernmental Panel on Climate Change (IPCC) and Norman Meyer contradict this position with estimates of up to 200 million environmental refugees by 2050. These latter predictions are currently endorsed by non-governmental organisations (NGOs) working in the areas of refugees and global environmental issues. Of particular interest has been Friends of the Earth's *Climate Justice* campaign, and Rising Tide International's *Climate Justice Network*.

These NGOs and others argue that this humanitarian impact of global climate change presents significant issues for the Asia Pacific region. Environmental refugees are estimated to flow in the millions in Australia's neighbourhood as a result of global warming. However, environmental refugees do not appear in the 1951 Refugee Convention, which conceives of refugees mainly in terms of political and social rights, particularly as expressed in the Universal Declaration on Human Rights. Thus, while NGOs present a convincing case for the legitimacy of the rights of environmental refugees, international law does not recognise their plight. This paper argues that the NGO focus on environmental justice within these campaigns opens up critical space for the concept of environmental refugees and new discussions around a human right to environment.

Introduction

While the popular activist refrain is "think globally, act locally", the effects of global environmental problems have started to become very local for those feeling the first impacts of climate changes associated with global warming. The Intergovernmental Panel on Climate Change (1990) highlighted that the most significant impacts of climate change will be felt on coastlines through erosion, sea level rise, saline intrusion into freshwater sources, and through loss of agricultural productivity in these areas. The accuracy of these projections has begun to be felt throughout the Asia-Pacific region, with these impacts and the displacement of those affected by coastal erosion, salt water intrusion, storm surges, and the decline of agricultural productivity (IPCC 1998).

Environmental degradation was identified among the four underlying sources of refugee flows by the United Nations High Commissioner for Refugees' *State of the World's Refugees* report (UNHCR 1993). Environmentally driven relocation has been identified as an increasing proportion of the world's displaced peoples. The Red Cross/Red Crescent World Disasters Report of 2001 argues that up to 58% of the world's refugee population is what has become increasingly referred to as "environmental refugees" (Red Cross/Red Crescent 2001). Approximately 25 million people are estimated to fall into this category, with the IPCC predicting an increase to 150 million by 2050 (2001), largely through the projected to flow of peoples due to climate change impacts.

In recent years, non-governmental organisations (NGOs) working in the environmental issue arena have mobilised the term "environmental refugees" to highlight the impacts stemming

from climate change. In Australia, NGOs have focused on the particular vulnerabilities of the small island states of the Pacific region. Their arguments have centred around the responsibility that Australia and the rest of the developed world bears for the situation facing these nations through the lack of action on climate change, and the likely future ramifications. Campaigns have been strongly characterised by environmental justice as a discourse, and NGOs have specifically referred to their position and approach as one of climate justice (for example, the Friends of the Earth campaign is simply called *Climate Justice*).

Environmental Refugees?

Refugees are defined by the international community using a narrow legal definition derived from the *UN Convention Relating to the Status of Refugees (1951)*. The use of the term environmental refugees by environmental NGOs and others quite obviously has ramifications for current understandings of what constitutes a refugee. This has motivated spirited discussion within refugee studies about if and how environmental refugees might be defined, and whether the term has legitimacy.

The first use or definition of the term “refugee” appeared in a 1798 publication of the *Encyclopedia Britannica* (Marrus 1985). The current convention provides the contemporary definition of refugees as persons who,

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his [her] origin, and is unable to or, owing to such fear, is unwilling to avail himself [herself] of the protection of that country; or ... owing to such fear, is unwilling to return to it” (Article 1(A) (2) para. 2; United Nations 1983: 11).

The convention remains a document that can be situated in a particular time period and place, designed to cover a narrow range of phenomena. The convention was developed to assist with re-location, re-settlement and assistance during Europe’s refugee crisis following World War II. The earlier roots of the convention are located in the desire to secure protection via international law for those displaced by war. Before 1848, refugees were not considered an important issue in international affairs, and received little discussion or consideration at this level (Marrus 1985), thus no clear regime was in place. It was not until the 1917 Russian Revolution that moves began to establish a way to assist and/or protect large movements of people. In response, the League of Nations created a High Commissioner for Refugees in 1921 as a temporary response to the “Russian problem”. In 1933, the Convention Relating to the International Status of Refugees came into force to offer legal protection for these groups, though, it provided no obligation for states to accept refugees – refugee status was group defined, and simply considered to be those who lacked protection and nationality (Barnett 2002). The International Refugee Organization (IRO) was created as another temporary organisation in 1948 to facilitate post-World War II resettlements, is the clearest precursor to the current regime. The IRO conceived for the first time an individual definition of refugees, to be assessed case-by-case. This approach carries through to the current regime, and much remains unchanged. Creation of the UNHCR in 1950 was the first recognition of refugees as a permanent rather than a temporary issue in international affairs. Today, the convention represents one of the most commonly accepted norms in the international arena (Barnett 2002).

The definition of refugees, and the obligations under the convention were recently reaffirmed during the 50th anniversary celebration of the refugee regime. Through the UNHCR 2004 process, member states agreed to hold the Convention, its definitions, and the obligations it sets forth for states at the status quo. Scholars of refugee studies and the UNHCR have highlighted the difficulty of attaining even this level of commitment from the international community (personal communication, Robyn Lui, Key Centre for Ethics, Law, Justice and Governance, Griffith University; United Nations 2002), especially in light of the increased securitisation of refugee and asylum issues by many developed nations (for example see: Burke 2001 on Australia). This is clearly demonstrated in Australia by the introduction of the “Pacific Solution”, and the excise of outlying islands from Australia’s migration zone (Maley 2003).

Many in international debates around refugee issues argue that the term “refugee” should be reserved for a narrowly defined class of displaced persons, as defined within the convention. Particularly, they argue that the limited legal definition of refugees outlined above should be the measure applied to cases of displaced persons (Black 2001). While such an approach serves to make clear the legal obligations of states under international law, and also to delimit the responsibilities of the United Nations High Commissioner for Refugees (UNHCR) in relation to its international protection role (versus its international aid role), it neglects an important point. Academic discussion and dialogue over important issues (humanitarian or otherwise) should not seek to bind itself to legal definitions, or the constructions of existing international law. Indeed, Malkii contends that the term refugee only has usefulness as a “broad legal or descriptive rubric” (1995: 496), and thus dialogue around issues of movements of people should not shape or constrain itself around the definition.

Several significant periods of debate about the connection between environmental degradation and refugees have occurred since the convention was negotiated in 1951. The two most significant discussions for the purposes of this paper were parallel to large-scale institutional concern about climate change, circa 1988-1995, and more recently in the early half of the first decade of the 21st century. In her early seminal work, Jacobson argued that “environmental refugees have become the single largest class of displaced persons in the world” (1988: 6). However, there has been vigorous criticism of the application of the term refugee to environmentally induced displacements in some circles (for example see: McGregor 1993; Kibreab 1997). It is clear that environmental refugees lie outside the international legal definition of refugees, and outside the regime in place at the international level for resolving refugee issues (Hathaway 1991; Rizvi 1988). The UNHCR has denied a basis for environmental refugees, instead highlighting the importance of its existing mandate, and has argued that individuals impacted by environmental degradation will be able to avail themselves of the protection offered by their own governments, and through *internal* resettlement (NEF 2003). Obviously, the case of climate change refugees, discussed at length below, challenges this argument given the projections of small island states in the Pacific ceasing to exist. Given the attention paid to the issue by international organisations and policymakers (for example Jacobsen (1988) works for the Worldwatch Institute and El-Hinnawi (1985) worked for United Nations Environment Program at the time), especially with the documentation of prominent cases, it has proved difficult to dismiss outright. Significantly, scholars of international law have argued that the principles of refugee status, and on what grounds protection is relevant, must now be understood separately from the articles of the convention, and could include “man-made [sic] disaster” (Goodwin-Gill 1991: 28), such as environmental degradation. Indeed, as many rightly point out, “[i]n a world where the rigid constructions of the traditional international system are beginning to crumble,

established approaches to refugee policy are becoming irrelevant as well” (Barnett 2002: 239). This obviously opens the way for consideration of the legitimacy of claims of environmental refugees.

But how are environmental refugees defined? Two pivotal factors to consider in defining environmental refugees have been the type of displacement, and choice of movement. In this way, the debate has been clearly shaped by the requirements of the refugee convention. Norman Myers defines environmental refugees as: “people who could 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” (Myers 2002: 609). Interestingly, Myers counts those people who are displaced *internally* by environmental degradation, as well as those displaced *externally*, in his work. Certainly, in international law, only those displaced externally (across an international border) are considered a refugee, others are simply displaced persons. More generally accepted is the definition of Jacobsen who states her position as: “those individuals who have been forced to leave their country of origin due to the deterioration of their surrounding environment which no longer provides basic elements needed to sustain life” (1988: 6). Consequently, numbers of environmental refugees are largely undocumented (Myers 2002), but the reasons behind migration flows are complex and can often include social, political and environmental reasons. Indeed, those “guesstimations” and calculations of environmental refugees that do exist are rarely comparable due to the incompatible definitions and measurements that are used among different writers in the area.

The other key factor relates to choice: in line with the convention, the literature nominates a lack of choice, signalled by the existence of “coercion or force” as a key characteristic of individuals labelled environmental “refugees” (El-Hinnawi 1985). The main reason for this distinction in the literature relates to existing issues within refugee politics around individuals who leave their country of origin *without* coercion or force: these individuals have come to be referred to as “economic refugees”. Economic refugees are those driven to seek other circumstances because of the lack of food, work, stable economic conditions, and prolonged poverty. Myers acknowledges in his work that it is “difficult to differentiate between refugees that are driven by environmental factors and those that are impelled by economic problems” (Myers 2002: 610). Thus, “the refugee is commonly distinguished from the economic migrant as someone who is *forced* to migrate, rather than somebody who has moved more or less voluntarily” (Black 2001: 63; emphasis added). Suhrke points out that this is where much criticism comes from scholars of international law towards the concept of environmental refugees. Understandings of force within international law are directly related to physical force, or the imminent threat of physical force or coercion via direct *individual* political or social persecution. Those who argue a case for environmental refugees conceive of this force or coercion more sociologically than legally (Suhrke 1994), and apply this measure to geographically located *groups*, rather than individuals.

Part of the challenge is that it is often difficult to disentangle the reasons behind refugee movements – they are complex rather than clear cut – environmental might often be combined with economic, or environmental reasons lead to political strife, or vice versa. However, despite the lack of legal recognition of the plight of environmental refugees, there is significant recognition within the international community, amongst security theorists, and by other groups of the role of environmental causes in the displacement of people from their homes. But, there remains significant debate over what to call these individuals, questions

about the appropriateness of calls for international protection and/or asylum, and how to define the group of people who should be eligible for the term environmental refugees.

Climate Justice Campaigns and Environmental Refugees

One prominent example of the use of the term environmental refugees has been through various climate justice campaigns involving environmental NGOs in developed countries. Friends of the Earth's (FoE) Climate Justice Campaign focuses on the issue of climate change in two significant ways: it highlights the disproportionate burden placed on the small island states by projected and actual changes in weather, particularly rising sea level (Davissen & Long 2003) and it emphasises the unequal share of atmospheric resources that Australia and other developed countries are utilising (polluting) through their energy-intensive lifestyles.

The discourse of environmental justice, earlier brought to bear on urban industrial environmental problems, including the siting of toxic waste dumps, polluting chemical industries and waste processing facilities in largely black and Hispanic lower socio-economic neighbourhoods in the United States (Bullard 1983, 1990, 1993, 1994, 1995) has been broadened to encompass a wider range of socio-political concerns in environmental debates. Campaigns, mainly in the United States on toxics, pointed out the correlations between race and class, and environmental risk in the workplace and the community. As these connections became drawn, attention was also concentrated to the often unequal contributions of different sectors of society to the production and consumption that introduces environmental risks. The over-consumption by the privileged of those items that create these risks, and their ability to purchase "protection" from these risks through better housing, better medical care, and better nutrition is a recurrent theme. With the advent of global environmental issues and their entry onto the international political agenda, the parallel to the contributions versus burdens of lesser developed countries in these issues was highlighted (Esteva 1992; Hofrichter 1993; Khor 1993). The discourse of environmental justice has highlighted the disproportionate production of toxic and hazardous wastes by developed countries, and their export of these risks to lesser developed countries lacking the capacity to treat or store them safely. Campaigners point out that the destination for old growth timbers from tropical rainforests in the lesser developed world was for furniture and flooring in upmarket developed world homes. The shift of industrial processing and manufacturing from the developed world meant a cleaner environment in developed nations, as well as uninterrupted affordable consumption, but the cost for lesser developed countries was increased industrial pollution and unsafe workplaces. Shiva (2002) has referred to this process whereby the lesser developed world loses control of its natural resources, and bears the majority of environmental risks as "environmental apartheid", while other critical academics have referred to "environmental colonialism" (Agarwal & Narain 1991; Redclift, 1992; Jasanoff, 1993; Nelson 2003). Thus, environmental justice has become a globally oriented discourse highlighting the "winners" and "losers" in relation to the burdens and costs arising *unequally* from environmental issues.

Climate justice campaigns in particular highlight the unequal contributions to, and burdens arising from, the projected impacts of global warming. The impacts of climate change are likely to be semi-democratic, conforming to Beck's contention that in the risk society, everyone is affected (1992: 46). While the vulnerabilities to climate change are not uniform, all countries will be affected in a number of ways. However, the ability to prepare for, insure against or adapt to these impacts rests squarely with the developed nations. The adoption of an adaptation rather than a mitigation strategy clearly favours those with the resources to

protect against these vulnerabilities. Indeed, only four of the world's megacities located on coastlines are not in the developing world (NEF 2003). The potential dangers to such low-lying areas have been well outlined in scientific assessments of climate change.

The Intergovernmental Panel on Climate Change's Third Assessment Report, produced a range of projected impacts of climate change. Most significant here in their finding that significant vulnerability existed for human populations settled on coastal and/or low lying areas, particularly small islands with little elevation above sea level. These communities are at likely to experience sea-level rise and increased storm surges that present a set of social and economic effects likely to be significant in their impacts (IPCC 2001). The small island Pacific nations, under current IPCC projections, are likely to be impacted by lack of food security due to increased soil salinity from rising water tables, salination impacts on freshwater resources, health impacts related to the increased prevalence of tropical and vector-borne diseases, impacts on coastal ecosystems, as well as infrastructure degradation due to more frequent tropical storms and storm surges. The economic impact of these combined factors, are obviously catastrophic. (IPCC 1998). This is especially so when it is realised that the irreversible damage done to an island occurs long before actual submergence, especially once salt water has intruded into the fresh water supply and the food chain (Simpson 2003). The loss of land mass and the erosion of shorelines will be subsequent to these impacts, though undoubtedly most significant of all.

Within the debate on environmental refugees, FoE and others¹ have concentrated on this particular facet – displacement of peoples induced by the impacts of climate change. The focus on the small island states of the Pacific is significant due not just to their high vulnerability under all projected scenarios (IPCC 1998), but most significantly because of their almost insignificant contribution to the greenhouse gas emissions producing climate change. The Alliance of Small Island States (AOSIS), which includes the Pacific Islands among its 35 member states, with a 0.06% share of the world's current emissions, is collectively one of the least prodigious producers of climate changing gases (IPCC 2001). This situation clearly highlights global climate change as an environmental justice issue for these states: the contributions made to the creation of the problem are insignificant, yet these islands reap the burdens and risks associated with climate change. The use of equity and justice discourses within discussions in the climate change debate highlight a number of important issues. Firstly, it focuses attention on the unequal use of global commons resources. NGOs have highlighted the equity issue involved thusly:

“FoE believes in equitable and sustainable use of resources across a fair share of what we call “environmental space” ... [which] ... can be defined as the amount of these resources that each person can use without causing irreversible damage to the Earth” (Davissen and Long 2003: 7)

Secondly, it raises the question of reparation. The New Economic Foundation (NEF) takes a clearly global environmental justice viewpoint with their notion of ecological debt. They posit that when “citizens of one country take more than their fair share of a global environmental “common” such as the atmosphere” (2003: 33) they should compensate those countries negatively affected by their over-consumption. This is a significant issue for the AOSIS given their limited resources for adaptation strategies, and the vulnerabilities already being experienced. The avenues for protest or redress available to countries bearing the burden of climate change are few. In 2002, the Prime Minister of Tuvalu announced he was considering legal action against Australia and the United States as two of the worst

contributors to global warming, and thus, his country's destruction (NEF 2003). Such legal redress is likely to be difficult given the legal requirements to prove not only causation, but also intention. However, the NEF argues that:

“[h]arm is intentional when a set of policies is pursued in full knowledge of its damaging consequences. The causes and consequences of climate change – who is responsible, who gets hurt – are sufficiently understood. To disregard that knowledge, or to fail to respond adequately, must be classed as intentional behaviour” (2003: 30).

Thus, countries with poor records of emission reduction should be subject to litigation, due to their knowledge of the scientific basis of climate change, and their *intentional* policies of non-remediation. In the NEF's view, this would clearly include Australia and the United States for their refusal to ratify the Kyoto Protocol or institute effective unilateral mitigation policies.

Of more interest here, their actions can be argued to represent direct persecution of the relevant peoples (i.e. Tuvaluans in this case) under the refugee convention definition when the notion of *intentional* harm despite full knowledge is considered. This line of argument is being embraced by NGOs in their discussions of environmental refugees (NEF 2003; Davissen & Long 2003). A clear trajectory is drawn from the premises of environmental justice's emphasis on equal sharing of global resources and burdens through to the compensation of those negatively affected. The implications here are clear in terms of environmental justice: the responsibility for climate change rests proportionally with those who emit the most. The small island states of the Pacific are in line to reap the overwhelming burden of the developed nations' fossil fuel dependency and profligacy beginning from the industrial revolution. In light of the scientific community's consensus around global warming (IPCC 2001), the failure to institute mitigation strategies and policies becomes not ignorant, but intentional damage to be redressed by the international community.

An environmental justice approach to the impacts of climate change in these campaigns also opens up room for the discussion of human rights issues in relation to climate change impacts. The Inuit also announced in 2002 their intention to seek redress through international law for the destruction of their cultural heritage, and the impingement on their cultural rights of the United States' refusal to sign the Kyoto Protocol or curb their emissions. The Inuit claim stems from the encroachment of sea level rise, the shortening of the winter hunting season, and potential destruction of cultural heritage (Brown 2003). But cultural rights are not the most significant ones at stake in this debate. Elementary human rights are implicated through the issue of environmental refugees: “the fundamental principle of justice [states] that every individual is entitled to the protection of a state in a territory where they can earn the necessities of life” (Nash 1999: 229). At least five small island states may cease to exist – and this presents a new challenge for the international regime on refugees and international human rights law. Friends of the Earth and others point to the current situation facing residents of Tuvalu, Kiribati, the Maldives, Niue and the Cateret Islands to illustrate the forthcoming plight of many Pacific islanders, as well residents of the wider Asian region, over the coming decades. The future is far from certain for those threatened by climate change, and those areas most at threat are those who can least afford to follow the status quo and institute “adaptation” strategies later. Several of the Pacific islands have already instituted internal migration programs as a strategy to deal with already emergent impacts².

Conclusion

The focus on environmental justice perspectives within NGO campaigns around climate change presents a number of interesting emergent issues for the international and academic communities. Climate change is producing disproportionate burdens for those countries least equipped to adapt or mitigate them. Environmental justice assumes an equal sharing of common goods and bads, and that those negatively impacted should be compensated.

Climate justice campaigns offer a number of areas worthy of further investigation for scholars of international politics, particularly the invocation of human rights within debates around environmental refugees and other significantly affected communities. The assumptions that NGOs and affected communities make regarding human rights and the environment is an area in need of further investigation, as well as how these understandings correlate with international human rights law. The possibility presented by these issues is the opening of renewed debates around environmental refugees and a human right to environment.

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Endnotes

¹ For brevity, only Friends of the Earth's campaign is discussed in this paper, but other significant campaigns with a similar focus are being run by: Rising Tide International (United Kingdom and The Netherlands), Climate Chaos (The Czech Republic), Climate Justice Programme (US climate litigation campaign), Australia's Climate Justice Programme (by the Climate Action Network Australia, and law firm Maurice Blackburn Cashman) and Amsterdam Radical Climate Action (The Netherlands).

² Kiribati has begun moving vulnerable populations to outlying islands with higher ground, Niue accepted the migration of seven families from Tuvalu, the Cateret Islands of Papua New Guinea have experienced significant salination related crop failure and will need to be relocated. Tuvalu also came to a widely publicised resettlement agreement with New Zealand which will see at least half of its population moved within the next decade.