

Climate Change Refugees: “What’s in a Name?”

It is generally agreed that “climate refugees” are people who are forced to move internally within their own country’s borders, or leave their homeland completely, due to climatic influences on their quality of life. What is not agreed is their right to claim officially recognized refugee status. This has led to a plethora of nomenclature coming out of the United Nations, Non-governmental organizations (NGOs), academia and the media to categorize the growing number of people facing the realities of climatically-induced changes to their homelands that make them largely or completely uninhabitable. “Involuntary migrants,” “eco-migrants,” and “environmentally-displaced persons” are some of the more recent labels attached to their plight. The one name that this paper proposes as the most important to consider is “stateless persons,” as climate refugees have none of the rights given to other refugees under international law by the 1951 U.N Convention Relating to the Status of Refugees. However, for pragmatic purposes this paper will follow the lead of The Greens/EFA in the European Parliament and use the term “climate refugee” when referring to “those displaced individuals or groups of people impacted by and/or fleeing a slow onset change in their environment or a disaster, which are directly triggered, partly caused, or at least exacerbated by climate change.”¹

In 2009, the United Nations High Commissioner for Refugees, Antonio Guterres, made the prediction that climate change would become the biggest driver of population displacements,

¹ Helen Flautre et al., “Climate Change, Refugees and Migration,” *The Greens/EFA in the European Parliament: Position Paper – Adopted May 2013*, accessed April 15, 2017, http://www.gruene-europa.de/fileadmin/dam/Deutsche_Delegation/Dokumente_Studien/Greens_EFA_%20PositionPaper_Climate%20ChangeRefugeesandMigration.pdf

both inside and across national borders, within the not too distant future ² Since that time, an annual average of approximately 26 million people have been forcibly displaced by climate or weather-related events, although the numbers are far from agreed upon for a variety of reasons. The Intergovernmental Panel on Climate Change (IPCC) contends that “the number of people who may become environmental migrants are at best guesswork, since reasons for migration are often multiple and complex and do not relate straightforwardly to climate variability and change.”³ IPCC also asserts that “there are few reliable censuses or surveys in many key parts of the world on which to base such estimates (e.g. Sub-Saharan Africa), and that there is a lack of agreement on what an environmental migrant is anyway.”⁴

While the authorities argue numbers and semantics, more and more people are being faced with the harsh realities of climate-related changes impacting their lives. The fact remains that when confronted by slow-onset or sudden catastrophic weather-related events that impact their safety and livelihood, people *are* going to move, either by choice or force. How much longer will the existing international and regional refugee law instruments ignore the rights of those who, whatever label is applied to their plight, are as needy of assistance and protection as those seeking refuge from the legally-recognized reasons of political, racial or nationality related persecution?

Environmental migration is not a new phenomenon, and there are many well-established instances of environmental factors driving human migration and displacement in the past. Two

² Melissa Fleming, ed. Leo Dobbs, “Climate change could become the biggest driver of displacement.” *UNHCR, The United Nations Refugee Agency*, (December 16, 2009), accessed April 14, 2017, <http://www.unhcr.org/news/latest/2009/12/4b2910239/climate-change-become-biggest-driver-displacement-unhcr-chief.html>.

³ Intergovernmental Panel on Climate Change (IPCC), “Fourth Assessment Report: Climate Change 2007. Working Group II: Impacts, Adaption and Vulnerability,” (Chapter 7, Executive Summary, Box 7.2 Environmental migration, 365). accessed April 4, 2017, https://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4_wg2_full_report.pdf

⁴ Ibid.

examples are “the 1930’s dust bowl in North America, which was caused by exploitative agriculture systems; and the drying out of Lake Aral in Central Asia, which was caused mainly due to water diversion for large-scale irrigation schemes in the Soviet Union.”⁵ What is new is the rate at which the Earth’s climate is changing, which has far exceeded most scientific forecasts. IPCC warns, “Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia.”⁶

The consequences of climate change are now being recognized as a new driver for migration and flight. The Union of Concerned Scientists (UCS) cites “rising sea levels and increased flooding, disruptions to food supplies, increased pressures on available groundwater, more frequent and intense heat waves, more severe droughts and an increase in extreme weather events”⁷ as some of the consequences of climate change which are making many parts of the world increasingly uninhabitable. The numbers of people affected are growing annually. In their World Disasters Report of 2001, the International Federation of the Red Cross/Red Cross Societies state that over the past decade and a half, more people were displaced by weather–and–climate-related disasters than those refugees fleeing war or persecution due to conflict.⁸ No one is claiming which driver of forced migration is worse for the victims – war and conflict or climate change – but only those suffering due to war and conflict have any legal rights as

⁵ Jacob Park, “Environmental Migrants: More than Numbers.” *United Nations University, “Our World.”* July 13, 2011, accessed April 12, 2017, <https://ourworld.unu.edu/en/environmental-migrants-more-than-numbers>.

⁶ IPCC Climate Change 2014 Synthesis Report Summary for Policymakers. “Observed Changes in the Climate System,” SPM1.1: 2, accessed April 4, 2017, http://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf.

⁷ Union of Concerned Scientists, “Confronting the Realities of Climate Change: The consequences of climate change are already here,” accessed April 12, 2017, http://www.ucsusa.org/global_warming-WPZ3JFKZOi4.

⁸ Jacob Park, “Environmental Migrants: More than Numbers,” *United Nations University, “Our World,”* July 13, 2011 (World Disasters Report 2001/International Federation of Red Cross/Red Crescent Societies), accessed April 12, 2017, <https://ourworld.unu.edu/en/environmental-migrants-more-than-numbers>.

refugees. Regardless of the driver of forced migration, not much has changed in the more than ten years since that report. In 2014, the Environmental Justice Foundation (EJF) published “*Falling Through the Cracks*” to highlight the continuing “lack of adequate legal and policy frameworks governing climate-induced displacement at the international level.”⁹ Clearly, the need for an international, comprehensive, and humanitarian response to their plight is no less than that of other, legally-recognized refugees, and should not be predicated on what name they go by.

Climate-related migration, whether forced or chosen, is most certainly a wide-ranging phenomenon that does challenge existing definitions of what constitutes refugee status. More than sixty years after the United Nations 1951 Refugee Convention was adopted, the legal definition of a refugee still stands as a person who, “owing to a well-founded fear of persecution on the basis of race, religion, nationality or membership of a particular social or political group” has fled their homeland.¹⁰ This definition therefore only covers situations in which governments are actually shown to be instruments of targeted persecution and ignores the well-founded fears of those facing life-altering and threatening environmental issues such as water scarcity and drought, extreme weather events, and sea level rise, denying them any protection under international law. The Climate Institute has looked at the UN criteria for defining a refugee and concludes that “consistent though it may be with the letter of the Convention, this reading is clearly inconsistent with its spirit. Just like those fleeing political or other forms of persecution, climate refugees are fleeing harms from which their government cannot or will not protect them

⁹ Environmental Justice Foundation, “Falling Through the Cracks: A briefing on climate change, displacement and international governance frameworks,” December 2014, accessed April 16, 2017, <http://ejfoundation.org/report/falling-through-cracks>.

¹⁰UN General Assembly, “Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189: 137,” accessed March 31, 2017, <http://www.unhcr.org/en-us/3b66c2aa10>.

and that they cannot avoid in any other way than by leaving.”¹¹ In fact, it leaves the victims of climate change who do need to migrate across borders “stateless.”

According to the United Nations High Commission on Refugees (UNHCR), a stateless person is one who “is not considered a national by any state under the operation of its law.”¹² Obviously, that leaves climate refugees on their own. Some arguments against altering the 1951 Convention definition of “refugee” focus on the fact that most climate-related forced migration is internal, where states have clearly defined responsibilities to respond, precluding the need for an international response. However, it is not that simple. UNHCR admits, “Stateless people often reside in areas which are highly vulnerable to the effects of climate change and have few options available to them to mitigate the impact.”¹³ The governments of such states are often either unable or unwilling to protect their citizens from the effects of climate change, either proactively or in a catastrophic situation. The people displaced from their homes in these situations often live in appalling conditions after migrating and have no recourse but to plead for international protection and assistance. However, there are “no frameworks, no conventions, no protocols and no specific guidelines that can provide protection and assistance”¹⁴ for these “stateless” people.

Why will the world not deal with the reality of climate refugees and their need for legal status within international governance? With nearly 70 million *legally*-recognized refugees on the move, the international attitude towards creating a new subset based on climate change is not

¹¹Aram Kamali. “Climate Refugees: Exposing the Protection Gap in International Law,” *The Climate Institute*. August 23, 2016, accessed, April 4, 2017, <http://climate.org/climate-refugees-exposing-the-protection-gap-in-international-law/>.

¹²UNHCR. Submission on *Climate Change and Statelessness: An Overview*. May 15, 2009, accessed April 4, 2017, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&skip=756&docid=4a1e50082&query=statelessness>

¹³ Ibid

¹⁴ Benjamin Glahn, “‘Climate refugees?’ Addressing the international legal gaps,” *International Bar Association*. June 2009. accessed April 14, 2017, <http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=B51C02C1-3C27-4AE3-B4C4-7E350EB0F442>.

generally one of acceptance. Given the huge scope of assistance and resources already needed for the legally-defined refugee pool and the increase in xenophobia manifesting worldwide in response, this reluctance is somewhat understandable. There is a cost, both politically and economically, to taking the moral high-ground. Germany stands out as one nation that did so, taking in 1.1 million refugees in 2015. As a result, it is now facing a severe housing shortage, according to The Institute of the German Economy, which forecasts that “an additional 430,000 homes are now needed to accommodate the dramatic influx of migrants.”¹⁵ Politically, Chancellor Angela Merkel has faced backlash for her decision to open the country to people fleeing conflict and persecution, and the issue is “expected to be central to the federal elections in September 2017.”¹⁶ Unfortunately, in today’s political climate most countries are looking to limit the number of refugees they are taking in. Until that changes to follow Germany’s example, it seems climate refugees stand little chance of clearly-defined legal protections from within the existing system, a system that is being acknowledged as “increasingly out of touch with reality. In particular, the 1951 Convention makes no reference to the environment.”¹⁷

This is not to imply that the United Nations, individual governments and a plethora of NGOs, universities and climate-change organizations are not engaged in deep discussions over the issue. Those that are against broadening the scope of the 1951 Refugee Convention are not closing the door on adopting *new* ways of defining the status of climate refugees. Some are “pushing for a companion to the 1951 Refugee Convention that would give special status to

¹⁵ Nicole Sagener, “Germany Faces Massive Shortfall in Refugee Housing,” EurActiv Blog January 22, 2016, (<http://www.euractiv.com/section/justice-home-affairs/news/germany-faces-massive-shortfall-in-refugee-housing/>).

¹⁶ Harriet Agerholm, “Germany has seen an increase in violence since it opened its doors to refugees - due to attacks on refugees,” *The Independent*, February 26, 2017, accessed April 16, 2017, <http://www.independent.co.uk/news/world/europe/refugee-attacks-germany-ten-angela-merkel-hate-crime-a7600616.html>.

¹⁷ Khalid Koser, *International Migration: A Very Short Introduction*. (Oxford University Press. 2nd ed. 2016), 107.

those forced across borders due to natural disasters. Others, like the Nansen Initiative—launched by the governments of Norway and Switzerland in 2012—want to sidestep altogether the cumbersome U.N. process.¹⁸ This could be construed as simply more talk and no action, but “what’s new is *who* is in the room: the U.N. and other international agencies, regional organizations, activists, academics and members of the public and private sectors.”¹⁹ What is new is also what is hopeful, if “their findings could allow countries *independently* to adopt a set of guiding principles for helping those displaced by natural disasters.”²⁰

One example of the United Nations’ moving in the right direction was presented at the 30th Annual Camden Conference, held in Camden, Maine, in February 2017. One of the panelists, Karen Koning Abuzayd, Special Advisor to the UN Secretary-General for the 2016 *Summit on Addressing Large Movements of Refugees and Migrants*, gave a short synopsis of the resulting *New York Declaration for Refugees and Migrants*, which was signed by all 193 members of the United Nations. Though a non-binding resolution, it offers hope to climate refugees in that “the adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors”²¹ are included in its list of reasons why people are forced to move from their home as refugees. Perhaps just a crumb from the table of the semantics discussions around legally recognizing climate refugees, it does clearly acknowledge that people are seeking refuge from the negative effects of a changing climate on their lives.

¹⁸Kenneth Weiss, “The Making of a Climate Refugee,” *Foreign Policy* (January 28, 2015), accessed April 16, 2017, <http://foreignpolicy.com/2015/01/28/the-making-of-a-climate-refugee-kiribati-tarawa-teitiota/>

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ United Nations General Assembly, “New York Declaration for Refugees and Migrants,” September 13, 2016., accessed April 4, 2017, <http://www.unhcr.org/en-us/57e39d987> .

Though it is not a role they willingly embrace, the island nation of the Maldives has emerged as the poster-child nation for the drastic effects of rising sea-levels caused by climate change. As Maldivian President Nasheed commented in 2009 at the Copenhagen Climate Summit, allowing for “a two degree rise in temperature, you are actually agreeing to kill us.”²² Unfortunately, that summit led to little change. Eight years later at the Paris Climate Summit, the Maldives - as part of the Alliance of Small Island States which represents about 40 island countries, many of them low-lying states in the Pacific and Indian oceans – had a victory with “a summit agreement to limit average global temperature increases to 1 1/2 C above pre-industrial levels.”²³ Perhaps their nations will not disappear under the waves after all. However, signing a piece of paper is one thing; implementing it with the urgency required is another. With the 2016 post-election change in leadership in the United States giving power to climate change deniers, the possibility of the sometimes alarmist but genuinely dire predictions of a future that includes millions more climate refugees is all too possible.

With all the focus on terminology in an effort to define who is and who is not a climate refugee, and what does and does not determine that classification, there are two huge issues that must be pushed to the forefront of any such discussions. One is the politics that continue to deny the science behind the facts of human-induced climate change. The other is the reality that the poorest countries in the world are both the least responsible for and the most likely to be hardest hit by climate change. These ethical implications not only need to be part of the discussion around the legal status of the climate-displaced, but should also largely inform the discussions about what can be done to help them and who should be bearing the brunt of that cost. One

²² Sophia Vos, “The Maldives and Climate Change: A New Type of Refugee,” *American University. Clocks and Clouds: A Journal of National and Global Affairs*, (April 1, 2016), accessed April 15, 2017, <https://edspace.american.edu/clocksandclouds/2016/04/01/the-maldives-and-climate-change-a-new-type-of-refugee/>

²³ Ibid.

climate change scientific fact is indisputable: the richest nations have contributed the most carbon emissions into the environment. It seems obvious that the worst offenders, China, the United States, Russia, India, Japan and the EU, have a duty to take responsibility for their part in creating the destabilizing world-wide effects of global warming and assume the lead in righting this wrong. How long will politics and economics continue to be the driving factors in addressing the pressing issue of climate change and the refugees it creates? Sadly, it might be the very term “refugee” that holds a more humanitarian response to climate change hostage. Since the altruistic motivation and impetus that fueled the post World War II 1951 United Nations Convention, the current political climate has led to “a decline in the engagement with the refugee. Too often, hostility has replaced hospitality, detention has replaced assistance. The refugee is seen as a burden rather than an individual who is at risk and seeking sanctuary.”²⁴ Climate refugees do occupy a unique and unjust position in the hierarchy of forced migration. Their decision to leave home is driven by either slow or sudden climate change that threatens their lives due to factors they have neither caused nor can control. The fact remains that in order to receive the help they need, these individuals need to be legally recognized by international law as people with their human rights at grave risk through no fault of their own.

It seems there is only one point of agreement amongst the international governments, NGOs, migration scholars, climate scientists and the humanitarian and environmental organizations that make up the international framework for dealing with the climate refugee crisis. They do seem to agree that climate migration, like all migration, is multi-causal and that “climate-change-induced migration should not be analyzed in isolation from other forms of

²⁴ Gilian McFayden, “The Contemporary Refugee: Persecution, Semantics and Universality,” *e-sharp, University of Glasgow online journal Special Issue 2012*: “The 1951 UN Refugee Convention – 60 Years on,” 9-35, accessed April 17, 2017, <http://www.gla.ac.uk/esharp>.

movement.”²⁵ While the studies and research continue in this vein, climate refugees continue to remain in limbo in terms of international legal protections. The most hopeful declaration has come out of the Greens Party of the European Union. They call for a “human-rights umbrella...that links climate change, environment, development, migration, disaster risk reduction, conflict prevention and peace-building...to improve climate-change policy...”²⁶ They also recognize that “appropriate definitions, rules, institutions and funding must be determined in one way or another, and *time is running out*”²⁷ - a refreshing acknowledgement of the urgency attendant on the need for international and legal recognition of the rights of climate refugees.

In the past, the United States has often been looked to as the “leader of the free world” and has been in the vanguard when world events have required an international response. World War I and II, the Marshall Plan, the founding of NATO during the Cold War, the push for the United Nations, the World Bank, and the World Health Organization were all heavily influenced by the United States’ participation - from fighting to founding to funding. Remarkably, ever since the Cold War, both Republican and Democratic presidents have articulated “the United States’ clear commitment to leading the global fight for democracy and human rights.”²⁸ It does not bode well for the world’s refugee population that the current president of the United States instead talks of building walls and instituting bans on immigrants, or that he and many of his Cabinet-appointees are voicing opinions and working on policy changes that ignore peer-reviewed international scientific consensus on climate change. The question remains what can and will the *people* of the United States do to restore some luster to the increasingly tarnished

²⁵ Stephen Castles, Hein de Haas, and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 5th Edition (The Guildford Press, 2013).

²⁶ Flautre, et al., 10

²⁷ Ibid.

²⁸ Nicole Bibbins Sedaca, “Is Donald Trump ‘Leader of the Free World?’,” *Foreign Policy* (January 26, 2017), accessed April 16, 2017, <http://foreignpolicy.com/2017/01/26/is-donald-trump-leader-of-the-free-world/>

badge of honor, “leader of the free world” and what it connotes? A surge in citizen protests and activism against the Trump agenda on many fronts is a small but hopeful sign that climate refugees may perhaps be able to look to the United States to take a leadership role in addressing this multi-faceted international crisis. Such leadership would need to make a robust new commitment to the Paris Climate accords. Concomitant with that, the United States might regain some of the respect of the international community by pushing for an urgent recognition of the legitimacy of the status of people who are climate refugees and open America’s doors to many more of the people already in need of refuge from the effects of global warming as well as conflict.

However, the last word for this paper’s purposes comes from the Migration Policy Institute, which gives climate refugees a name anyone can recognize as in need of assistance – victims. Its aptly named report, *Protection in Crisis – Forced Migration and Protection in a Global Era* asserts “whatever their situation and legal status, and irrespective of existing definitions and their limitations, all these groups are *victims* of climate change and its effects and impacts, and need various people assistance and protection policies that offer the same level of rights and opportunities for those displaced or forced to migrate, regardless of their location and based on need rather than status.”²⁹ To paraphrase Shakespeare, that which we call a refugee, *is* a refugee by any other name.

²⁹ Aram Kamali, “Climate Refugees: Exposing the Protection Gap in International Law,” *The Climate Institute*, August 23, 2016, accessed April 4, 2017, <http://climate.org/climate-refugees-exposing-the-protection-gap-in-international-law/>

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