



**Applying the 'useable past' to the protection of  
climate migrants: Child displacement from Vietnam and Montserrat, 1975-2000**

being a thesis submitted in fulfilment of the requirements for the degree of Doctor of  
Philosophy in the Faculty of Science and Engineering, University of Hull

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May 2023

## **Abstract**

This study uses an eco-global criminological approach to understanding how children may migrate in the future as a result of environmental change, including climate change, and the human rights abuses they may face without adequate protections. It analyses the existing legal protections for environmental migrants and suggests solutions to fill protection gaps. Through the “useable past” of two case studies of mass migration – the post-1975 Vietnamese boat people exodus and the evacuation of Montserrat following volcanic eruptions in the 1990s – the thesis overturns the long-standing, dominant narratives about the causes of migration from these two locations and documents patterns of risk and abuse faced by both regular and irregular child migrants. Making extensive use of oral history archives, key witness discussions and newly uncovered historical government documents, this study demonstrates that the perpetrators of human rights violations against child migrants include both sending and receiving states, as well as private actors. It finds that unaccompanied and separated children remain particularly vulnerable to abuse and exploitation and need urgent protections. It also finds that migrants’ legal status is the single biggest determinant of safe migration and resettlement. The thesis presents a new model for analysing the various intersecting factors that drive migration and vulnerability in the context of environmental change. It concludes by proposing legal solutions to environmental migration that rely not on new treaty law, but on existing human rights conventions in conjunction with innovative bilateral agreements to resettle populations at grave risk from climate change and to facilitate safer migration.

## Acknowledgements

This research would not have been possible without the support and advice of a great many people. Firstly, I would like to thank my supervisors, Professor Trevor Burnard and Professor Dan Parsons, for their guidance and encouragement.

Secondly, I am indebted to all the staff and students of the Wilberforce Institute, who provided a friendly and supportive base from which to conduct this study and who were always on hand to offer advice. In particular I am grateful to Dr Nicholas Evans, Dr Alicia Heys, Dr Judith Spicksley and Dr Sarah Colley, who each engaged deeply with my research over a number of years and offered invaluable advice along the way.

For helping to reimagine my Vietnam case study following the advent of Covid, I give thanks to Dr Anh Nguyen Austen for the brainstorming discussions which shaped the subsequent study, and for her unwavering encouragement and feedback. I am grateful to the late Professor Jean-Pierre Guignard, whose 1967 study into chemical weapons in Vietnam was a source of inspiration and who answered my many emails with great courtesy and helpful insights, and to Tracey Nguyen Mang, creator of the Vietnamese Boat People Podcast, who gave her time generously to answer my queries.

For helping me to access information on the Montserrat volcanic crisis, I would especially like to thank Hon. Donaldson Romeo, Jo-Annah Richards, Dr Gertrude Shotte, Hon. Diane Abbott MP, Dr Clarice Barnes, Dr Jazmin Scarlett, Dr Tracey Skelton, Lally Brown, Janice Panton MBE, Professor Helen Cowie, Rhys Burriss, Professor Jenni Barclay, Gestina Frith, Dr Emily Wilkinson, others who wished to remain anonymous, as well as staff at the Bishopsgate Institute, British Library, National Archives and government departments who assisted me.

My examiners, Dr Elsbeth Robson and Professor Damien Short, made the final stages smoother and more enjoyable than I could have hoped for, and helped to greatly improve this final thesis.

Lucia Crowther's insights into the research process helped to get me back on track at numerous points when I was floundering. Finally, love and thanks to Léo and Sylvain, for your patience.

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## Abbreviations

CEDAW – Convention on the Elimination of Discrimination against Women

CRC – Convention on the Rights of the Child

DETR – (UK) Department of the Environment, Transport and the Regions

DFID – (UK) Department for International Development

ECOWAS – Economic Community of West African States

FCO – (UK) Foreign & Commonwealth Office

FCDO – (UK) Foreign, Commonwealth & Development Office

FoI – Freedom of Information

GoM – Government of Montserrat

GSO – (Vietnam) General Statistics Office

IASFM – International Association for the Study of Forced Migration

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

ICRC – International Committee of the Red Cross

IDMC – Internal Displacement Monitoring Centre

IOM – International Organization for Migration

IPCC – United Nations Intergovernmental Panel on Climate Change

JCRV – Joint Committee for Refugees from Vietnam

NCA – (UK) National Crime Agency

NGO – non-governmental organisation

NRM – National Referral Mechanism

ODP – Orderly Departure Programme

OECD – Organisation for Economic Co-operation and Development

SIDS – small island developing states

StC – Save the Children

UDHR – Universal Declaration of Human Rights

UNFCCC – United Nations Framework Convention on Climate Change

UNICEF – United Nations Children’s Fund

UNHCR – United Nations High Commissioner for Refugees

UNODC – United Nations Office on Drugs and Crime

UNRWA – United Nations Relief and Works Agency for Palestine Refugees in the Near East

WAN – West African Network for the protection of children

## Chapter 1 – Introduction

*“the Earth is all too often more hostile than hospitable”*  
– Lisa Hill (2014:147)

### 1.1 Introduction and aims

Environmental change has long driven human mobility, and continues to do so with the advent of anthropogenic climate change (Foresight, 2011). This thesis explores the human cost of displacement, from a human rights-based perspective, focusing in particular on the risks and harms to children from environmentally induced migration. It proposes legal and policy responses to reduce harms to children and their families in future, environmentally driven migration scenarios. These responses are based on the application of the existing human rights framework alongside new bilateral migration agreements to ensure safer migration.

This thesis considers evidence from multiple geographic locations, but the two primary research case studies are the post-1975 boat people migration from Vietnam, and the exodus from the Caribbean island of Montserrat following volcanic eruptions in the mid-1990s. The choice of these two case studies is discussed below.

I embarked on this study in the belief that the solution to the protection gaps wrought by increasing climate-related displacement lay in the creation of a new international treaty on environmental or climate ‘refugees’. This belief was overturned during the course of this study and I concluded that other solutions, legal and non-legal, would provide more targeted, human rights-based solutions. Some of these solutions already exist but are not being applied effectively. In other cases, there is scope to develop new, targeted migration agreements between states that provide safe routes while addressing the particular needs of children.

### 1.2 Research questions and objectives

In its Fifth Assessment Report in 2014, the Intergovernmental Panel on Climate Change (IPCC) recognised that the prediction of climatic impacts on human systems is necessary to respond appropriately to the growing threat of climate change (Cramer et al., 2014), including through research into human migration (Adger et al., 2014). Zimmerman et al. (2015) described numerous research gaps in the field of migration-related exploitation. These included gaps in our understanding of migration drivers and risk factors for people on the move. Meanwhile,

Timéra (2018) identified a lack of knowledge on child migration, which is only recently being addressed.

More recently, the IPCC (2022) acknowledged that: “Climate and weather extremes are increasingly driving displacement in all regions... with small island states disproportionately affected”. Through such displacement, “climate change has generated and perpetuated vulnerability” (IPCC, 2022a:11).

**Case study: Climate change in Guatemala**

Esteban Gutiérrez, a subsistence farmer in Guatemala, described his family’s plight to a *Guardian* journalist in 2019. Several years of drought had decimated his livelihood and his five children had gone to bed hungry every night for three years. His baby niece had starved to death, and his own children had signs of acute malnutrition. Esteban agreed to pay a people smuggler \$5,000 to help him and his nine-year-old son reach the USA, a tough journey of some 2,000 miles. He was trying to mortgage his land to pay the fee. Reports of children and adults dying on the journey, or in US custody, did not deter Esteban, since the alternative was starvation at home. “We’re desperate,” said his wife, Ávalos. “There’s no money and no food.”

(Precised from Lakhani, 2019)

Esteban’s story is one of irregular cross-border migration in response to a slow-onset climate impact. Meanwhile, the Internal Displacement Monitoring Centre (IDMC) reported that 30.7 million people worldwide were displaced *within their own country* by natural disasters in 2020 alone (IDMC, 2021). While natural disasters have prompted human mobility for millennia, the IPCC (2014a) predicts that climate change will increase migration this century. The objective of the present study is to understand the risks faced by environmental migrants, particularly children, and how best to mitigate those risks to prevent a mass human tragedy in which tens of millions of people are on the move with nowhere safe to go and no realisation of their human rights.

The present study approaches these urgent concerns by considering two historical examples of migration. My overarching research questions are:

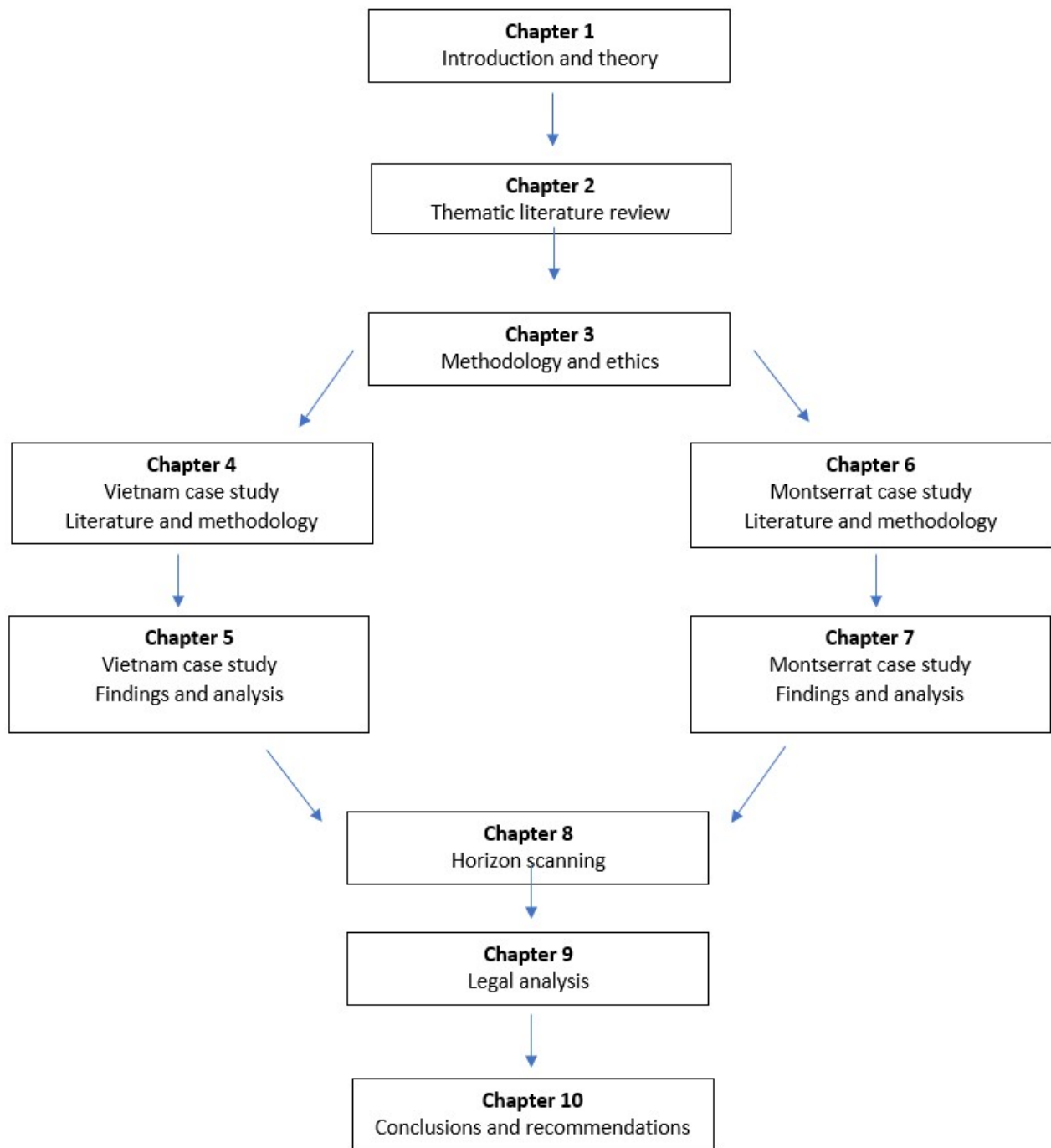
1. What factors interact with environmental change to drive human migration and determine (child) migrants' vulnerability to harm?
2. What protection gaps exist for child environmental migrants, and what solutions are needed to fill those gaps?

To answer these questions, I explore the following sub-questions:

1. Does environmental change drive migration? I explore this by investigating the extent to which environmental aspects were a push-factor for the mass migrations from Vietnam and Montserrat.
2. What risks and harms do child migrants face? To answer this, I investigate the harms experienced by child migrants from Vietnam and Montserrat, and identify the perpetrators.
3. How does child migrants' categorisation and legal status affect their experiences?
4. Which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?
5. How might climate change mirror the historical environmental impacts seen in Vietnam and Montserrat and will it produce similar patterns of migration in those places in the future?
6. What legal frameworks currently exist to assist child environmental migrants, and are further provisions required to prevent harm? With reference to Vietnam and Montserrat, I ask what legal and policy-related lessons can be learned from past migrations to protect future child environmental migrants.

The following chapters examine the literature surrounding climate change, migration and vulnerability (Chapter 2); my methodologies for researching environmental migration (Chapter 3); the extent to which environmental factors drove the boat people migration following the Vietnam War, and the harms encountered by Vietnamese child migrants (Chapters 4 & 5); the impact on children of the volcanic eruptions on Montserrat and subsequent exodus in the 1990s (Chapters 6 & 7); future risks to the populations of Vietnam and Montserrat in the face of climate change (Chapter 8); and legal protection gaps for today's migrants (Chapter 9); before finally making recommendations for legal and policy responses to the threats posed to future environmental migrants (Chapters 9 & 10).

FIGURE 1: THESIS STRUCTURE



I have chosen to structure the thesis in this way in order that each section is self-contained, since they each contain distinct methodologies and are situated in different disciplines. The four main sections – Vietnam case study, Montserrat case study, horizon scanning exercise and analysis of protection gaps – can therefore stand alone, while each contributing to answering the main research questions.

This study finds environmental change to be one of numerous interrelated drivers of mobility and vulnerability, which include individual characteristics and community- and macro-level push and pull factors. I argue that, while the Vietnamese boat people are perceived as political migrants, environmental degradation was a push factor. And while Montserrat is seen as an example of disaster displacement, political decisions determined migration patterns there. I find that migrants of all ages are at risk of harms during and after their journeys, with unaccompanied and separated children being particularly vulnerable. Those harms are perpetrated by various state- and non-state actors, with immigration status and access to citizenship rights having a significant bearing on migrants' vulnerability. Finally, I argue that a new treaty on 'climate refugees' is not the best approach to close the protection gap, and that existing international human rights standards are sufficient to protect environmental migrants from harm, if realised fairly and consistently, including through bilateral and multilateral agreements on migration.

## 1.3 Glossary of key concepts

### 1.3.1 Adaptation

In the context of **climate change**, **adaptation** covers a multitude of initiatives undertaken to reduce the negative effects of climate change, from building sea defences to changing agricultural practices. Migration and planned relocation are increasingly considered to be forms of adaptation. Adaptation requires acceptance that climate change increases the risk of harm.

### 1.3.2 Children

**Children** refers to people under the age of 18, as defined by the UN Convention on the Rights of the Child (CRC) and the UN Trafficking Protocol. The CRC makes an exception for the 11 or so states in which the age of majority is attained earlier, including Vietnam. However, the Trafficking Protocol states unequivocally in Article 3(d): "'Child' shall mean any person under eighteen years of age." The International Organisation for Migration (IOM) & UNICEF (2017)

also recognise the UN definition of a child as anyone under 18. This is significant since **human rights** law provides additional protections to children, including child **migrants**.

### 1.3.3 Climate change

According to the IPCC, **climate change** is:

“A change in the state of the climate that can be identified... by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings, or to persistent anthropogenic changes in the composition of the atmosphere or in land use.” (IPCC, 2012b:557)

Attribution of a particular climate change impact to human interference is outside the scope of this study, as is attribution of any particular **natural hazard** to climate change. However, the present study accepts the scientific consensus that the climate is changing and will continue to do so this century, affecting multiple Earth systems and causing or contributing to some **natural disasters**.

### 1.3.4 Environmental change

This thesis uses **environmental change** to describe any significant alteration from the mean in any ecosystem or Earth system. The change may be driven by a human-made factor, such as pollution or deforestation, or a natural process, such as a volcanic eruption. Some environmental changes, including those driven by **climate change**, may have both natural and anthropogenic causes. Environmental change may be positive or negative; in some regions, efforts are being made to improve and restore ecosystems, including as a form of climate change **adaptation**. Environmental change can thus be a driver of human migration towards or away from an area.

### 1.3.5 Hard and soft law

In international law, **hard law** refers to legally binding obligations that can be enforced by a court. They include many of the provisions contained in international **human rights** treaties. **Soft law** agreements include declarations, such as the Universal Declaration of Human Rights (UDHR), UN resolutions, guidelines, policies and principles. These are not legally binding, but it is understood that states and other actors will abide by them in good faith. Many hard law provisions stem from earlier soft law undertakings. Chapter 9 lists a number of hard and soft law agreements of relevance to environmental migration.



### 1.3.6 Human rights

International law defines a large and growing number of **human rights** standards, often divided into civil and political rights; and economic, social and cultural rights. Many of these rights are contained in internationally recognised **hard law** treaties stemming from the UDHR, a founding document of the United Nations signed in 1948, and are therefore justiciable.

### 1.3.7 Human rights-based approach

A **human rights-based approach** can be applied to policy decisions and interventions, particularly in the human development field. It refers to any approach that is normatively grounded in international **human rights** standards. The twin goals of a human rights-based approach are to help people claim their rights, and to provide additional capacity to duty-bearers (usually states) to respect, protect and fulfil human rights. Human rights-based approaches often focus on, and seek the participation of, the most vulnerable and marginalised individuals.

### 1.3.8 Migrants, refugees, asylum-seekers, evacuees, internally displaced people

In this thesis, a **migrant** is defined broadly as anybody who has left their home, either voluntarily or through forced displacement. Those who have been forcibly displaced within the borders of their home country are also referred to as **internally displaced people**. A **refugee** is anybody meeting the definition contained in the 1951 Refugee Convention. Refugees are, by definition, outside their country of origin. People fleeing **environmental change** and **natural disasters** are not currently recognised as refugees under international law. **Asylum-seeker** is a term used to describe somebody who is seeking protection in another country as a refugee. The term **evacuee** is used in this thesis specifically to describe people from Montserrat who were subject to the official evacuation programme.

Since the present study considers various push factors, I use the term environmental migrant/migration, to describe somebody who is internally or internationally displaced, either voluntarily or forcibly, as a result, directly or indirectly, of environmental change. This term covers a wide range of drivers including **natural disasters** and the cumulative effects of climate change (Agustoni & Maretti, 2019:127). It is also a neutral term, avoiding connotations of (lack of) agency in the act of leaving, or political responsibility for the migrant's protection. Nevertheless, this study recognises the diverse range of interlinked drivers involved in environmental migration.

### 1.3.9 Natural disasters and natural hazards

Alexander (1998) describes a **natural disaster** as “some rapid, instantaneous or profound impact of the natural environment upon the socio-economic system” (p.4), whereas **natural hazards** are *potential* phenomena that carry such a risk. Extreme events – that is, “any manifestation in a geophysical system... which differs substantially or significantly from the mean” (Alexander, 1998:5) – therefore only become hazards or disasters when they interact with human systems. Natural disasters may take the form of sudden-onset events (such as an earthquake, sometimes happening in a matter of seconds) or slow-onset, creeping events (drought, erosion). The severity of the former is usually judged according to casualty and damage figures, while the latter is measured by the size of the affected population (Alexander, 1998:9). **Climate change** increases the risk of many natural hazards occurring.

### 1.3.10 Unaccompanied or separated children

In this study, **unaccompanied or separated children** is used to mean **migrants** under the age of 18 travelling without their parent(s) or an adult sibling, or those who have been separated from their parent(s) or adult siblings during their journey. The UN Committee on the Rights of the Child (2005) considers child migrants to be *accompanied* if they remain in the care of relatives other than their parents. This thesis partly rejects this definition in the face of significant evidence that **children** in the care of extended family may be subject to more abuse and exploitation than children accompanied by their parent(s) or adult siblings (see Chapter 5).

### 1.3.11 Vulnerability

In this study, **vulnerability** has two meanings. The first is potential exposure to **environmental change**, including **natural disasters**. This can be a result of geographic proximity to an extreme event, or individual characteristics such as poverty, legal status or disability that make a person more exposed to loss and harm. The second usage relates to “the diminished capacity of an individual or group to resist, cope with, or recover from violence, exploitation, abuse, and/or violation(s) of their rights” (IOM, 2017:4). These concepts are considered more closely in Chapter 2.4, alongside the notion of resilience.

## 1.4 Theoretical, geographical and temporal basis

### 1.4.1 Theoretical underpinning

My research draws on theoretical frameworks from several disciplines, outlined in the relevant chapters. The historical methodologies employed are designed to benefit from lessons drawn from the ‘useable past’. The overarching structure, meanwhile, derives from eco-global

criminology, a branch of green criminology concerned with transnational harms causing, and resulting from, environmental degradation.

#### *Useable past*

The case studies in this thesis employ the notion of the “useable past” (Brooks, 1918) – the notion of “finding elements in history that can be brought fruitfully to bear on *current problems*” (Sunstein, 1995:603, my emphasis). In this instance, the “current problem” is climate change, specifically as a driver of human migration (see Chapter 2.3). Employing the methods, concerns and objectives of eco-global criminology, this thesis interrogates harms inherent in climate migration via the useable past of two historical case studies of environmentally driven human migration. These case studies have never before been the subject of a comparative study, nor have their idiosyncratic lessons been brought to bear on the issue of climate change. The first history concerns the use of ecocidal weapons during the Vietnam War, and considers evidence that the resulting environmental degradation was one push factor for the boat people exodus between 1975 and the mid-1990s. The second considers the experiences of child evacuees from Montserrat following the volcanic eruptions of 1995-1997.

I have focused on examples of the useable past, rather than investigating a current instance of environmental migration, because of the long perspective these historical cases provide on the harms associated with migration. For example, while a migrant may suffer grave human rights violations on their journey (such as exploitation through trafficking, severe deprivation or discrimination), the long-term harms can only be viewed over a lifetime. The useable past approach allows for investigation of the impact of migration on the subsequent life chances of child migrants: Did their education suffer? What did this mean for their later employment prospects? How did lack of legal status affect them into adulthood? How long did it take to assimilate into their new home, if ever? Studying current migration phenomena only allows us to hypothesise on these longer-term effects. Thus, the past migrations from Vietnam and Montserrat are ‘useable’ inasmuch as they tell a longer story in which episodes of mobility are placed in the broader context of a person’s lifetime. Using oral histories and other recollections gathered some years after the journey places people’s experiences within this longer perspective.

### *Eco-global criminology*

Six decades ago, Peter Farb described the interrelationship of living things as “a delicate fabric with many simple threads” (Farb, 1960:164). Since then, the ontological categories of ‘human’ and ‘nature’ have been critiqued by environmental historians and green criminologists alike (White, 2017; Holmes et al., 2020). Green criminology as a distinct discipline emerged in the 1990s, although it developed from the critical criminology and sociology of the 1960s which began to consider the effects of environmental harm (Brisman & South, 2020). As shown by Chapter 4, the ecological destruction occasioned by the Vietnam War in the 1960s was a powerful driver of this new conceptualisation of environment-based criminality, which also spawned the term ‘ecocide’ (Weisberg, 1970; see Chapter 4.2.2).

Criminology has long been viewed as a “rendezvous discipline” (Downes, 1988), meaning that it invites exchanges of ideas from multiple disciplines. Green criminology, and particularly the eco-global strand discussed below, maintains a diverse perspective by encouraging participation from other fields (Brisman & South, 2020) and across geographic locations (White, 2017). For example, eco-global criminology encourages the involvement of Indigenous peoples in shaping its concept of environmental victimisation (White, 2017). This wide-ranging perspective was an attractive attribute in applying the frameworks of green criminology to this study, which is multi-disciplinary and geographically wide-ranging in nature. The tools of green criminology have thus been developed with, and for, use in multiple fields of research and enquiry and are suitably adaptable to provide analysis of a broad range of environmental and human concerns, as shown by my application of the discipline’s horizon scanning tool in Chapter 8.

Green criminology is concerned with environmental harms, including acts and omissions which are legally criminal and therefore justiciable, and harms which, to borrow a phrase from corporate criminology, are “lawful but awful” (Passas, 2005). These environmental harms are injurious not only to the natural environment and non-human animals, but also to the humans who inhabit and/or depend on these ecosystems, recognising moreover that “certain legal acts cause far more harm than many state-defined crimes” (Agnew, 2011:26). In particular, the field recognises that children represent a special category of victim in relation to environmental harm because of potential damage to their ongoing development (Stephens, 1998). In addition, these ‘crimes’ include chains of harm that occur as a consequence of environmental damage, such as state-imposed barriers to migration which lead to the abuse and exploitation of environmental migrants. In this sense, green criminology challenges

conventional notions of crime, leaving the definition “disputed and flexible depending on the perspective of the writer” (White, 2011:7).

This thesis expands the definition of ‘environmental crime’ to incorporate a wide range of human rights violations occurring in the context of environmental change, as well as instances of abuse and exploitation by non-state actors, only some of which are proscribed by law. In Chapter 9, I unpick the existing hard and soft law around environmental migration to expose gaps that leave environmental migrants, particularly children, at risk of harm. Moreover, this thesis is specifically situated from the perspective of eco-global criminology, a strand of green criminology which evolved around 2010 in response to *transnational* harms arising from environmental destruction. These harms include the criminalisation of climate migrants at the expense of attending to their humanitarian needs (White, 2011). Interest in and engagement with green criminology are expanding as the sense of urgency around these issues – particularly climate change, biodiversity loss and pollution – grows and increasingly influences the political agenda (Potter, 2010).

In keeping with the multidisciplinary, or “rendezvous”, approach (Downes, 1988) and the methodologies of eco-global criminology proposed by White & Heckenberg (2014),<sup>1</sup> this thesis uses “a wide variety of methods and insights in an eclectic fashion in order to expose broad patterns of action (and omission) and causal chains of harm” (p.42). This notion of “causal chains” allows for the long view of harms described above to be attributed to specific perpetrators, even many years after initial displacement. For example, a government policy of dispersing new arrivals may cause isolation and discrimination in the community. Discriminatory attitudes may be replicated in the institutions with which children come into contact – schools, healthcare settings, etc. The results – poor education, poor health outcomes – may cast long shadows, contributing to underemployment and deprivation in adulthood. A vicious circle may ensue, where an individual or ethnic group is perceived to be lazy, unfit, maladapted or intellectually inferior. Further discrimination results, potentially affecting future generations. Applying the framework of eco-global criminology allows the tracing of such chains of harm across time and space, as former child migrants move on to new locations and new life stages, become citizens and parents, and adopt new identities.

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<sup>1</sup> Throughout this thesis I refer to the work of Rob White and Diane Heckenberg. White is the founder of eco-global criminology and his book with Heckenberg, *Green Criminology* (2014), sets out the foundations of this discipline.

The basic stages of eco-global criminological research, as applied in this thesis, are as follows:

**FIGURE 2: STAGES OF ECO-GLOBAL CRIMINOLOGICAL INQUIRY**

| <b>Stage of eco-global criminological research</b><br>(based on White, 2011; White & Heckenberg, 2014)                                       | <b>As applied in this thesis</b>   |
|--|--|
| 1. Identify instances of ecosystem destruction and degradation – natural or anthropogenic – and their transnational nature and consequences. | 1. Ecosystem destruction in 1960s Vietnam and volcanic destruction in 1990s Montserrat are identified as two historical instances of environmental degradation contributing to transnational human migration. (Chapters 4 & 6) |
| 2. Ask what harms arose, or continue to arise, from this destruction.  | 2. In each case study, harms to children are identified during both the environmental destruction phase and the consequent migration phase, resulting from policy failures and gaps in legislation. (Chapters 4-7)             |
| 3. Identify the victims and perpetrators of these harms.   | 3. Children (and their families) are identified as victims of various human rights abuses and other harms. The perpetrators are identified as state officials and, in some instances, private actors. (Chapters 5 & 7)         |
| 4. Using as many disciplines and approaches as practical, present evidence of emerging risks and harms (so-called “horizon scanning”).       | 4. A horizon scanning exercise of Vietnam and Montserrat presents contemporary evidence of emerging risks and harms resulting from climate change migration. (Chapter 8)   |
| 5. Propose potential policy responses to reduce these emerging risks and harms.  | 5. Proposals to reduce future risk of harm are made based on policy failures and legal gaps identified in stages 2-4. (Chapters 9 & 10)  |

Eco-global criminology incorporates three separate and possibly conflicting justice orientations: environmental justice, ecological justice and species justice (White & Heckenberg, 2014). This thesis is concerned with the first orientation – environmental justice – since this area considers the right of humans to a healthy environment. The other two orientations consider the rights of ecosystems and non-human animals, and are outside the scope of this study.

### *Human rights framework*

In adopting a human rights-based approach, this thesis applies a near-universally accepted normative framework for classifying harms against human beings; one which combines well with a traditional criminological approach due to the justiciability of many crimes against human rights. Each UN member state has ratified at least one human rights treaty and agreed to uphold the foundational rights contained in the UDHR. Human rights are universal, inalienable, indivisible and interdependent. Many are justiciable, either through domestic legal systems and/or via treaty bodies and international, regional or special courts. Their breadth of scope and international recognition make human rights a strong framework for identifying harms, victims and perpetrators, while offering a broad interpretation of the concept of 'harm' in jurisdictions that have not criminalised certain human rights abuses. As such, a human rights-based approach helps meet the demand of eco-global criminology that 'harm' should be interpreted as widely as possible.

Potter (2010) frames environmental damage as a *sociological* issue since environmental harms are perpetrated by and impact upon human society. He draws on Ulrich Beck's 1986 statement that "Smog is democratic"; a reminder that environmental damage affects us all, while acknowledging that marginalised groups may face more serious consequences. Thus, he argues, the disciplines of criminology and sociology help to label harmful activities and identify those most at risk.

Put another way, in common with all branches of criminology, the eco-global perspective is concerned with the victims and perpetrators of harms, both environmental harms and associated criminal or harmful acts and omissions. While traditional green criminology tends to consider the state and corporations as the main perpetrators, the newer strand of eco-global criminology recognises that victims and perpetrators may be one and the same, for example where deprivation pushes an individual to commit a crime to survive, or when a victim of environmental harm uses civil disobedience to highlight their plight (Potter, 2010). My focus is on the rights of children; therefore, their victimisation (and by extension that of their families and communities) is my main preoccupation. Since the voices of victims are largely ignored in such studies (White, 2011), I have included them where possible (see Chapter 3 – Study design and ethics).

The perpetrators of harms are many and varied. This thesis particularly investigates the actions of governments that deliberately commit ecocide (successive US administrations in Vietnam

alongside the South Vietnamese government), governments that fail to prepare their citizens for natural calamities (the governments of Montserrat and the UK), state actors who fail to uphold the human rights of child migrants, either through premeditated acts or omissions, and private actors who exploit environmental migrants' vulnerability. For the most part, due to the non-justiciability of the harms under investigation, the perpetrators are unlikely to ever be held accountable for their actions or omissions (White, 2011). All the more reason, then, to highlight these harms and the acts inherent in creating them, to prevent future repetitions:

“Eco-global criminology may well entail the exposure of negative, degrading and hazardous practices.... New concepts of harm... will inevitably be developed as part of this process.” (White, 2011:35)

The ambition of eco-global criminology is to pinpoint future risks via horizon scanning. In Chapter 8, I apply the principles of horizon scanning to Montserrat and Vietnam, listing emerging risks and harms caused by a combination of climate/environmental change and non-realisation of human rights. The goal of this exercise is to propose and communicate solutions which forestall and mitigate the predicted harms.

#### 1.4.2 Geographical and temporal parameters

I have chosen two dissimilar case studies to give a broad focus to my research, allowing my findings to be applied to numerous environment-related migration scenarios. One – Vietnam – is a case of human-made environmental degradation committed during conflict, contributing to massive irregular migration. The other – Montserrat – is a fairly orderly state-sponsored evacuation in the context of a natural disaster during peacetime.

The use of these two case studies in this comparative study therefore allows for the investigation of the following dichotomies:

- Regular versus irregular migration.
- Sudden-onset versus slow-onset environmental degradation.
- Anthropogenic destruction versus natural disaster.
- Peacetime versus wartime.
- Developed (global North) versus developing (global South) contexts.

Each of these contextual elements combines with laws, policies and norms which contribute to the harms suffered by those affected. Understanding these various chains of causality provides



a broad base for understanding the risks that may arise in various climate-change related scenarios.

As well as having experienced significant out-migration in the late twentieth century, Vietnam and Montserrat have two other important characteristics in common. First, both the regular Montserratian evacuees and the irregular Vietnamese refugees suffered harms resulting from ill-conceived immigration policies. Second, both locations are highly susceptible to climate change – Montserrat as a small island developing state, and Vietnam as a coastal nation with a large delta region. Climate change, furthermore, is likely to contribute to destruction in the same geographic locations as both the chemical weapons of the Vietnam War, and the volcanic eruptions of Montserrat's Soufrière Hills. While the future of Montserrat may be marked by further sudden-onset events exacerbated by climate change (volcanic eruptions and hurricanes), Vietnam is experiencing gradual degradation caused by a combination of sudden- and slow-onset climate change impacts (storms, flooding, drought, erosion and salinisation). The two case studies therefore allow for investigation of wide-ranging historical circumstances with continued relevance today and in the future under different climatic and geo-political scenarios. In addition, both involved migration to the UK, allowing for a comparative study of the UK's treatment of refugees versus evacuees.

Ecocide is a useful concept with relevance to these case studies. Broad interpretations of ecocide include both natural processes of ecosystem decline as well as anthropogenic degradation (White & Heckenberg, 2014). The term 'ecocide' was coined by biologist Arthur Galston to describe the use of chemical defoliants by the US military in South Vietnam (Zierler, 2011a; see Chapter 5). While ecocide remains a flexible concept with a disputed definition and contentious legal standing (Gauger et al., 2012), it encompasses a range of harms that allow connections to be drawn between historical environmental destruction and future climate change risks. Expressing his anxieties at the height of America's use of chemical defoliants in South Vietnam, Weisberg (1970) noted:

“By tampering with the rivers, streams, food chains and cultures of a region, we set in motion chains of events which may, in time, have profound global consequences” (p.12)

These words could be describing the effects of climate change today. Eco-global criminology provides a framework to investigate the transnational and long-lasting effects of such harms,

allowing us to respond to Weisberg more than 50 years later and describe the actual consequences of the chain of ecocidal events he predicted.

Peter Farb's recognition that "life is like a delicate fabric" romanticises the interdependencies of the human and natural worlds. But his conclusion had an ominous overtone:

"The wonder is not that so many threads are necessary in the fabric, but rather that the fabric manages to exist at all." (Farb, 1960:164)

When environmental harms pull at these threads, there is a grave risk that the structure will disintegrate. Both Vietnam and Montserrat have faced historical periods when the fabric of life appeared to be falling apart, with both the natural world and human society hurtling towards dangerous thresholds. Climate change represents a similar existential threat today. The goal of this study is to prevent repetition of some of humanity's past mistakes, as a small contribution to our collective battle against the gravest risk we currently face: climate change.

## Chapter 2 – Thematic literature review

*“the enjoyment of human rights... depend[s] on thriving, biodiverse, healthy habitats and ecosystems.” (UN Committee on the Rights of the Child, 2021)*

### 2.1 Literature review methodology

This literature review describes the current debates around several intersecting themes that are relevant to the research questions set out in Chapter 1: children, vulnerability, migration and environmental change. There are separate literature reviews in Chapters 4 and 6 covering the relevant literature on Vietnam and Montserrat respectively.

Each of the three main parts of this literature review begin with a short explanatory background section to provide context to the themes under discussion. Empirical evidence is provided for additional context, including from NGO-published data. The sections then go on to describe debates and gaps in the academic literature and the contribution of this thesis to those debates.

Citing NGO research is somewhat controversial. Goździak & Bump (2008), for example, warn that advocacy publications on trafficking and exploitation are “often sensational” and must be distinguished from “more serious” peer-reviewed empirical research (p.13). However, my experience of working in an international human rights organisation is that NGOs’ credibility relies on high research standards and verifiable data. The organisations cited in this study either have consultative status at the UN,<sup>2</sup> or have other credentials, specific expertise or UN affiliations.<sup>3</sup> Thus I have no concerns over the validity of including their findings as background or context to the debates under discussion.

My methodological aim was to reach “saturation point”; reviewing sufficient literature until the same themes emerge repeatedly (Zimmerman et al., 2015:24) to ensure a full understanding of the topic has been reached. After reading widely, I considered the following sources relevant to this review: peer reviewed studies and reviews; research degree theses; expert talks; governmental and intergovernmental reports and statistics; and NGO research and advocacy. To judge the quality and validity of research studies I applied the “Principles of

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<sup>2</sup> For the full list see UN ECOSOC (2021).

<sup>3</sup> For example, IOM and UNICEF, which are UN agencies, and ICRC, which is mandated to determine issues of international humanitarian law.

research quality” published by the UK’s Department for International Development (DFID, 2014:14). These guidelines help with identification of “robust research” (p.2) via seven principles which include evaluating the transparency, cogency and reliability of the evidence.

In conducting searches of literature databases, I employed wide-ranging search terms encompassing various synonyms. For example, child trafficking might variously be described as “exploitation”, “economic migration”, “worst forms of child labour”, “modern slavery”, etc.

The literature on climate change has ballooned in the past decade. At the end of 2012, the number of publications on the bibliographic search tool Scopus on “climate change” was 102,573 (Burkett et al, 2014). When I conducted the same search on Scopus in April 2022, the figure was 359,624. Piguet et al. (2018) reviewed “1,193 academic papers and books (including 463 empirical studies)” on climate change *migration* specifically (p.357). For my review, I focused on (a) the most cited and influential studies, such as the UK Government’s Foresight report (Foresight, 2011), (b) studies which focus on child migration and displacement in the context of climate change, and (c) meta-analyses of climate literature, including IPCC reports.

Despite the burgeoning climate change literature, scholars note an emphasis on the global South, by authors from the global North (e.g. Ionesco et al., 2017). While “[a]uthorship of literature from developing countries has increased” this still represents “a small fraction of the total... present[ing] a challenge to the production of a comprehensive and balanced global assessment” (Burkett et al, 2014:171). Piguet et al. (2018) made the same conclusion regarding literature on climate-related migration. In Chapters 4, 6 and 8, I cite Vietnamese and Montserratian scholars to address this imbalance. For this thematic review I sought case studies from regions overlooked in climate literature, particularly the Middle East which is disproportionately under-represented (Ionesco et al., 2017).

## 2.2 Categorising migrants

*“The current moment of globalization is witnessing an extraordinary movement of people, legitimate and illegitimate, across national and international borders. These movements are exposing the porosity of borders, the transnational reality of migrant existence, and the contingent foundations of international law.” (Kapur, 2005:25)*

### 2.2.1 Background: trends in global migration

In 2010, 3.1% of the world's population were outside their country of birth (Foresight, 2011). This grew to 3.6% by 2021, representing some 281 million people (IOM, 2021). As the global population grows, so will the absolute number of migrants, even "without any contribution from climate change" (Foresight, 2011:32). Meanwhile, the figures for internal migrants could be several times higher (IOM, 2021) totalling around 1 billion people worldwide. Castles & Miller (2009) predicted that the push to migrate would likely endure as inequalities between global North and South persist, political and environmental drivers such as conflict and climate change forcibly uproot people, and new trade areas drive labour migration. This has been borne out by mass migration flows on every continent in the 13 years since Castles & Miller's prediction.

### 2.2.2 The 'forced versus voluntary' migration debate

Early discourses in migration and refugee studies framed the issue in terms of "push" and "pull" factors (Kunz, 1973). For forced migration, the push away from the location of origin was thought to be stronger than the pull towards a new destination; the reverse being true for voluntary migration. This distinction persists and is often used by states to refuse assistance to supposedly voluntary migrants (Zetter, 1991; Rutter, 2006; Crawley, 2018).

Kunz (1973) suggested a kinetic model of displacement where "pull" is replaced by "pressure" while on the move, and the decision to "plunge" into a new life (p.134). Since Kunz' seminal work, others have also criticised the traditional push-pull model as overly simplistic. They include adherents to the 'systems approach', which draws connections between "sending and receiving areas within a regional or global system" (Richmond, 1993:8) and, more recently in the context of climate change, numerous authors and organisations that recognise migration, particularly planned relocation, as a legitimate form of adaptation (see for example UNFCCC, 2011:§II(14)(f); Barnett & Webber, 2012; Adger et al., 2014:770; UNHCR, 2015:10; IOM, 2019b).

Crawley and Skleparis (2018) acknowledge that there are "few more challenging questions for academics and policy-makers alike than where, and how, we draw the line between 'forced' and 'voluntary' migration" (p.50). The International Association for the Study of Forced Migration (IASFM, n.d.) defines forced migration as involuntarily leaving one's home because of conflict, manmade or natural disaster, famine, or development projects. However, a tension

exists between those who consider the forced/voluntary distinction to be intrinsic to the migrant, and those for whom it is a bureaucratic identity, assigned by officialdom.

Kunz (1973) states that “the reluctance to uproot oneself... distinguishes the refugee from the voluntary migrants” (p.130). Yet I argue that, even in mass refugee scenarios such as the 2022 invasion of Ukraine, individual decisions are made about whether to stay or leave. Kunz differentiates between voluntary “anticipatory refugee movement”, where people flee in anticipation of a future event, and forced “acute refugee movement” where the “emphasis is on the escape” (pp.131-2). For the latter, I believe he oversimplifies the motives, expectations and agency of the refugee when he states:

“the realisation gradually dawns on the refugee that somewhere in the course of the exciting and dramatic events he miscalculated and there will be no victorious return” (p.132-3)

Some refugees may indeed hope or expect to return one day; others will not. To suggest that all forced migration is a ‘miscalculation’ and that refugees are unaware of the consequences when they set out is to overlook a vast range of individual impetuses, scenarios and objectives for migration.

For Zetter (1991) and Richmond (1993), the boundary between forced and voluntary migration is determined by government officials and assistance agencies. Castles and Loughna (2002) suggest that some migrants choose their mode of migration in response to government policies, to fit into the category that offers the most benefits. Moreover, these policy definitions are unhelpful to the very officials who construct them, due to the “blurred distinction between voluntary and forced migration” (Rutter, 2006:27). This is especially true for people fleeing natural disasters, since there are “no universally recognised criteria to determine... when a movement could be characterized as forced across international borders” (Nansen Initiative, 2015:22).

For Ionesco et al. (2017), today’s understanding of, and policies around, migration “are still grounded in a binary understanding of migration inherited from the post-war years” (p.2), codified in the 1951 UN Refugee Convention. This potentially disadvantages people who make good adaptive decisions and leave home *in advance of* a climate catastrophe, since, under the existing refugee regime, such migrants are “classified as people who voluntarily opted to leave their land” (Biermann & Boas, 2010:65) and thus are not necessarily entitled to protection or

support. Environmental migrants do not readily correspond to the categories of forced/voluntary migration in international law, leaving “almost no legal or political tool [to provide] assistance to the most vulnerable people” (Ionesco et al., 2017:18). I contend that for environmental migrants the voluntary-forced migration situation is a continuum, rather than a binary status, since environmentally driven migration is in reality a response to multiple drivers, some more pressing than others.

The forcibly displaced person evokes notions of victimhood and innocence; a person who both needs and deserves support and protection. To receive protection, “asylum applicants must conform to idealised images of ideal types of a ‘refugee’” (Lewis, 2016:102). The attributes of the “ideal victim”, posited by Christie (1986), include being in a place where one “could not possibly be blamed for being” (p.19). This excludes anybody who has migrated ‘voluntarily’. Ticktin (2020) likewise observes that, while “[i]nnocence is now the key qualifier for someone who claims to be a refugee”, the concept of innocence removes the individual’s agency. Anybody who “wants to change their circumstances” is consequently deemed unworthy of protection; they are no longer an ideal victim. Innocence therefore “produces hierarchies among people on the move” (Ticktin, 2020). Refugees’ mode of arrival also influences the hierarchy. Those “arriving spontaneously at the borders of Western countries are labelled as queue jumpers, displacing ‘legitimate’ refugees who apply off-shore to enter the country” (Silove, 2004:17), regardless of whether safe and legal routes are available to all.

Children, particularly younger children, may more readily fit the ideal of the innocent, ideal victim due to their “having insufficient character and social guile” (Wyness, 2019:11). Yet, even among survivors of the crime of trafficking, there is a hierarchy which includes “less-ideal” victims; those “blamed for their own victimisation” (Gregoriou & Ras, 2018a:10-11). Lacking from the literature is an understanding of how the forced/voluntary conceptualisation of migration affects children in environmental migration scenarios. My case studies consider the categorisation of child migrants in these scenarios, and how their place on the perceived forced/voluntary spectrum affects their status and treatment. Building on the work of Ionesco et al. (2017), I outline many of the harms caused to children by the application of the traditional, binary refugee framework which utilises the concept of forced/voluntary displacement. In the Vietnam case study (Chapters 4 & 5) I show how children’s experiences were vastly different depending on whether they were considered ‘forced’ migrants and thus afforded regular status as refugees and safer journeys to countries of asylum, or whether they

were considered to be 'voluntary' migrants and left to undergo to dangerous, irregular journeys with the risk of repatriation and *refoulement*. In the Montserrat study (Chapters 6 & 7) I show how the status of 'evacuee', which has no legal standing, was used in place of the regularised categories of refugee or citizen, again to child migrants' detriment.

### 2.2.3 Theories of categorisation

Before we further examine the definitions and categories assigned to migrants, it is helpful to understand why these categories exist at all. In 1966, Foucault argued that ideas and things are forced into invented categories in order for "thought to operate upon the entities of our world", and for humans to exert power (Foucault, 2003:xix). The key point here is that categories do more than just represent the world, they "*create it and limit it*" (Jones, 2009:177 – emphasis in original). I contend that power relations are brought into stark relief in the immigration context, where individuals are at the mercy of nation states, and where categories drawn up by the powerful serve to perpetuate their authority. Categorisation therefore remains essential to what Kapur (2005) identifies as the border regime's goal of "keeping the 'Rest' away from the 'West'" (p.25).

Brubaker (2002) defines a form of categorisation which he calls "groupism", whereby notions of ethnicity, race and nationality are grouped and become "fundamental units of social analysis" (p.164). Similarly, Anderson (1991) finds nationality to be an "imagined community" rooted in "fear and hatred of the Other" (p.141). Brubaker questions the legitimacy of these constructs, encouraging us to think of ethnicity, race and nationhood not as "things *in* the world, but perspectives *on* the world" (p.174-175, emphasis in original). Jones (2009) argues that we live in an era of "xenophobic and exclusionary categorization", where categories allow "a select group of people" to maintain power (p.185-186). "Categories have consequences" upon migrants (Crawley & Skleparis, 2018:59). Thus Crawley & Skleparis implore academics to avoid employing "the dominant categories as the basis of our analytical approach" as this "can limit our understanding of migration and make us potentially complicit in a political process which has, over recent years, stigmatised, vilified and undermined the rights of refugees and migrants in Europe" (p.50)

In addition to the categories of forced/voluntary displacement, refugees are subject to other binary classifications: resilient/vulnerable, bogus/genuine, regular/irregular, deserving/undeserving, asylum-seeker/citizen, and so on (Doná, 2007). Silove (2004)



recognises this phenomenon in the “Janus face of the refugee, at times seen as hero and at others as intruder” (p.14). Pro-migration NGOs challenge these reductive definitions, highlighting the disparate experiences of migrants to humanise them as individuals. A campaign by Amnesty International (2017) used the strapline “I am not just a refugee” to focus on other migrant identities such as ‘mother’, ‘graduate’ and ‘football fan’. Child migrants’ diverse attributes, motives and experiences are represented in a highly reductive manner by the literature and state policies alike (see section 2.2.5), something I challenge through my case studies by giving voice to child migrants’ lived experiences.

#### 2.2.4 Debates on the labelling of refugees and migrants

Despite the pitfalls of putting people into categories or groups, it was necessary to attempt to define and delineate the populations under investigation in this study. Unfortunately, I found the available categories to be limited and unsuited to the current migration landscape.

The widely used legal definition of ‘refugee’ comes directly from the Refugee Convention, in which a refugee is somebody who

“owing to well-founded 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” (UN, 1954: Article 1(a)(2))

Not all migrants have protection needs: many people move to find work, to study or to join family. Yet, even for people forcibly displaced by conflict or disaster, the majority are not covered by the Refugee Convention, either because they do not meet the ‘persecution test’ or because they have not crossed an international border. States, the media and society have nevertheless become fixated on whether somebody meets the refugee definition, since the label suggests the apex of a hierarchy of people on the move. As Crawley and Skleparis (2018) observe:

“Choosing to label – or equally not label – someone as a ‘refugee’ is a powerful, and deeply political process, one by which policy agendas are established and which position [sic] people as objects of policy in a particular way” (p.52)

Zetter (1991) defines the refugee simply as “one who conforms to institutional requirements” (p.51), suggesting the attributes of ‘refugeeism’ are extrinsic to the individual. Lewis (2016) proposes that the “label ‘refugee’ denotes a bureaucratic and humanitarian response to a group commonly represented as an undifferentiated and dehumanised mass” (p.102). She

sees similarities with the construction of trafficking as a concept which creates a myth of “universally similar victims” (p.102).

Despite theoretically guaranteeing protection, the refugee label can be unhelpful to the people it defines since it is “an imposed crisis-based identity [with] a prescriptive programme of needs” (Zetter, 1991:60) imposed by institutions who may not understand an individual’s best interests, potentially leaving them stigmatised. In the worst cases, mislabelling has tragic consequences. Analysing the 1985 famine in Dar Masalit, Sudan, de Waal (1988) found that mislabelling of refugees by UNHCR, the UN refugee agency, in effect created an entirely new category or ethnicity. Chadian migrants misclassified as drought refugees were restricted to border camps and prevented from travelling further into Sudan. The concentration of 120,000 people at the border contributed to a second, calamitous famine there. Dar Masalit is a cautionary tale of fixing convenient, bureaucratic labels to people, rather than considering individual needs and motivations.

For Voutira & Doná (2007), the term ‘refugee’ is becoming side-lined in favour of labels including asylum-seeker and irregular/undocumented migrant: “Refugees are becoming an ‘endangered species’, with fewer individuals being officially recognised under the 1951 Refugee Convention” (p.163). In practice, many refugee flows are ‘mixed’, meaning they include people leaving a variety of circumstances; some more voluntarily than others. Alexander (1998) recognised this phenomenon following natural disasters: “victims of deprivation are likely to throw in their lot with disadvantaged [natural disaster] survivors in the clamour for relief and aid” (p.16). For Kunz (1973), such movement is legitimate. Yet, in our mania for categorisation, mixed migration flows muddy the waters when determining who is ‘deserving’ of help.

UNHCR (2015) states that people displaced by environmental disasters are only entitled to UNHCR support if the disaster *subsequently* triggered armed conflict or persecution which then caused the displacement. The agency therefore adheres to the Refugee Convention definition, as per its mandate, to the exclusion of people with often desperate humanitarian needs. For people displaced by natural or manmade disasters who do not meet this definition, “there are at present no widely accepted principles or rules governing their entry and stay in another country” (UNHCR, 2015:9). It is this definitional – and protection – gap which I seek to unpick in later chapters, and to which I propose solutions in Chapters 9 and 10.

### 2.2.5 Recent categorisation of 'the child migrant'

Despite near-universal recognition that a child is anybody under the age of 18 (see Chapter 1.3.2) “no distinct definition of a child refugee exists” (Frydman & Bookey, 2018:118). Former UN Special Rapporteur on child sexual exploitation Maud de Boer-Buquicchio (2019) finds that identification of child victims is “a critical first step” towards protection (p.10). I argue therefore that a distinct definition may be useful, so long as it does not stigmatise or exclude those needing support.

Recent literature takes two distinct and sometimes contradictory stances towards child migration. On the one hand, commentators claim that children’s perceived vulnerability strips them of their agency. On the other hand, commentators bemoan children being treated like adults, and thus denied their human rights as children. Pobjoy (2017) decries states’ tendency to

“focus on a child’s status as a migrant... rather than their status as a child....

The child refugee, by reason of her asylum-seeking status, effectively ceases to be a child” (p.15)

So familiar are we with the image of the threatening, agential (adult) immigrant that “‘child-migrant’ is thus almost a contradiction in terms” (O’Connell Davidson, 2011). Conversely, White et al. (2011) find “a tendency to emphasise migrant children’s neediness and difference” thus denying their “agency and subjectivities” (p.1160). For this reason, White et al. argue, research tends to focus on the supposedly most vulnerable child migrant groups – refugees, trafficking victims and separated children. It is these children whose dilemmas we most easily identify as child-like; they are ‘ideal victims’. Other supposedly more agential child migrants, such as those travelling unaccompanied, “are rendered problematic and out of place” (p.1163). Pupavac (2011) explains these two perspectives as coming from a “children’s rights movement” versus a “child-saving movement”; the former seeking to empower and the latter seeking to protect (p.221). My perspective aligns with the child-rights focus, since children are entitled to a distinct set of rights, regardless of their agency, until the age of 18. Protecting child migrants’ rights is not necessarily at odds with respecting their wishes and migration choices, but in law they must remain children, regardless of their capacity, in order to receive the maximum protections afforded to them.

Where legal categorisation is difficult to achieve or absent altogether, such as in the case of stateless children, child migrants are more vulnerable to delays in acquiring protection (European Commission, 2017; van Waas, 2018). Consequently, I conclude in Chapter 9 that legal categories are necessary, but must be sufficiently flexible to prevent exclusion of certain groups and individuals and must not override consideration of the person's individual needs. This is also demonstrated in my case studies, where I show that being granted regular, legal immigration status – or preferably citizenship of the destination country – provides the highest level of protection against abuse and harm. I nevertheless show that there are exceptions to this, for example when children are given regular migration status in order to facilitate abusive adoption practices (see Chapter 5).

#### 2.2.6 Debates on the labelling of environmental and climate migrants

Following Foucault, Tuan (1977) recognised that “things are not quite real until they acquire names and can be classified” (p.29). So it is for environmental migrants; a group that does not currently exist in law and therefore has no protection rights (UNHCR, 2015; Gerrard, 2018). Lukyanets et al. (2019) note that

“the lack of precise definitions of terms directly related to environmental migration... creates difficulties in organizing the recording of such migrations and the comparability of the data obtained at the intercountry level.” (p.231)

Nevertheless, in the ‘hierarchy of deservingness’, Arias & Blair (2022) recently found that “climate migrants occupy an intermediate position in the public view, garnering greater support than traditional economic migrants but less support than refugees” (p.560). Despite their lack of official recognition, therefore, it nevertheless appears that ‘climate migrants’ have percolated into the public consciousness as a distinct category.

Numerous terms have been proposed for people fleeing climate/environmental change, including natural and manmade disasters, in the absence of a widely recognised definition:

“The term ‘climate induced displaced people’ has various synonyms, such as forced environmental migrant, environmentally motivated migrant, climate refugee, climate change refugee, climate induced migration, climigrant, climate change displaced people, environmentally displaced person (EDP), disaster refugee, eco-refugee, ecologically displaced person and environmental-refugee-to-be” (Islam & Khan, 2018:301)

Foresight (2011) uses “migration influenced by environmental change”, reflecting the range of environmental factors that drive mobility. “Climate refugee” is preferred by Gemenne (2015) since it denotes climate change as a form of persecution against the vulnerable. Yet its use has been replaced with the less political “disaster displacement”, in recognition of the difficulty in ascribing a particular event to climate change (Balk, 2019). The IPCC uses “human mobility” to reframe migration as a positive choice and a form of climate adaptation (e.g. Adger et al., 2014). The most recent literature embraces a broader concept of “socio-ecological” or “socio-natural displacement”, encompassing various environmental and socio-economic drivers acting in unison (e.g. Faist, 2020; Kelley et al., 2022).

The present study contributes to this debate by concluding that the term ‘environmental migration’ is the most appropriate as it covers the wide range of anthropogenic and natural drivers of migration outlined in the case study chapters (Chapters 4 to 7). This thesis recognises the diverse range of interlinked drivers involved in environmental migration, as set out in Chapter 8, and the need for terminology that includes all people on the move, to avoid excluding certain groups from protection.

## 2.3 Environmental change as a migration driver

*“A genuine understanding of the connection between climate change and migration is essential if the controversy over the legal recognition of climate-environmental refugee status is to be resolved.”*  
(Maretti et al., 2019:154)

### 2.3.1 Background: the history of the environmental migration debate

I hypothesise that children fleeing environmental change face a higher risk of harm and exploitation than migrant children whose status or situation aligns with the legal definition of a refugee, because the former are denied opportunities to regularise their status or travel safely. This is predicated on the assumption that climate and other environmental changes are indeed push factors for migration. To examine this assumption, this section reviews literature straddling the fields of climate science, refugee studies and conflict studies to consider the evidence that environmental change drives migration (and therefore harm), and that climate change will increase human mobility this century.

Academic interest in the environmental change-migration nexus began in the 1980s and early 1990s (Foresight, 2011; Wiegel et al., 2019; Lauria, 2021). In 1993, Richmond included environmental determinants in his influential schema of reactive migration, partly in recognition of “global warming” (p.12). Yet discussion of climate determinism dates back to Hippocrates (born c.460 BCE), who “proposed a relationship between people’s habits and characteristics in various places and the climatic conditions of their environment” (Stehr & von Storch, 2010:47). Thus, it is long-understood that humans are influenced by and adapt to their local climate, and are consequently vulnerable to climatic changes. In the late nineteenth century, geographer Eduard Brückner conducted an early study in climate-related migration, correlating variations in rainfall with migration from Britain to the USA (Stehr & von Storch, 2010). Climatic changes were therefore recognised as a determinant of human decision-making, including in relation to migration, long before modern academic discourse.

Environmental factors helped drive the dispersal of our hominid ancestors from Africa (Finlayson, 2005) and have influenced mobility throughout human history (Lamb, 1981; Ionesco et al., 2017; Weiss, 2017; Lauria, 2021). In the twentieth century, significant drought-related migration took place, *inter alia*, in the USA’s Great Plains in the 1930s (Gerrard, 2018), Burkina Faso in the 1970s (Henry et al., 2004) and Ethiopia in the 1980s (Rahmato, 2003). However, academic interest in environmental migration only surged in the twenty-first century as climate change became a growing concern (Burkett et al., 2014; Maretti et al., 2019).

Both “sudden impact” and “slow onset (creeping)” natural disasters influence human mobility, (Alexander, 1998:9). Climate change can contribute to these disasters (Birkmann et al., 2014), triggering human migration if lives, livelihoods, security and cultural identity are endangered (Adger et al., 2014). The more severe the disaster, the more people migrate, at least in some contexts (Trinh et al., 2021). Groschl & Steinwachs (2017) found that “particularly middle-income countries experience significant push and pull effects on [cross-border] migration from natural hazards” (p.445), while 30.7 million people were *internally* displaced by natural disasters in 2020 alone (IDMC, 2021). In a global study, Bekaert et al. (2011) concluded that “self-reported exposure to environmental stress” increased respondents’ desire to migrate both internally and internationally (p.383).

Applying Kunz’s (1973) kinetic model of migration, forced displacement caused by slow-onset disasters is “anticipatory”, since the subject(s) become aware of their deteriorating

circumstances and opt to move before life becomes intolerable, whereas forced displacement caused by sudden-impact disasters is “acute” (p.131-132). The prevailing notion that anticipatory (or adaptive) displacement is not forced is significant here since the perceived manner of displacement – forced or voluntary – can determine the categorisation of the migrant, their future prospects and their risk of harm (e.g. Kunz, 1973; Zetter, 1991; Rutter, 2006 – see also 2.4 below). My research moves beyond a traditional analysis of ‘push and pull’ factors, and the binaries of forced and voluntary migration, which are seated in a historical view of displacement that does not consider the multiple drivers involved in environmental migration. I take the human rights-based view that all migrants deserve protection of their rights, no matter the circumstances of their migration, and that anybody considering moving because life has become intolerable deserves either support to adapt *in situ*, or assisted relocation to an environment where they can exercise their human rights.

### 2.3.2 Current literature on the pathways from climate change to migration

The exact mechanisms by which climate change drives migration nevertheless remain unclear (Owen & Wesselbaum, 2020). Beine & Jeusette’s (2021) meta-analysis of climate migration studies concludes that the “literature has reached very different results in terms of the effect of climatic shock on the propensity of people to relocate elsewhere” (p.41).

While Beine & Jeusette’s review found extreme temperatures and floods to be *less* associated with migration, Moore & Wesselbaum (2022) found temperature changes correlating with *higher* migration, and inconclusive evidence for rainfall. Stoler et al. (2021) observe that, while water insecurity increases mobility in some cases, concomitant poverty prevents some water-insecure households migrating.

Morrissey (2012) divides the two schools of thought on climate migration into “maximalists” and “minimalists”. Maximalists view climate change as a direct driver of displacement, and predict rapidly rising migration this century. In terms of the normative debate, maximalists assert that climate migrants are distinguishable from other migrants (Mayer, 2013). Media reports on the topic tend to be sensationalist, and therefore maximalist. Among the maximalist publications are those which suggest climate change-related weather events are already a major contributor or risk factor for forced migration (e.g. Stehr & von Storch, 2010; IDMC, 2019:v; Guardian, 2019). The IPCC, the international body with the most credibility on

the subject, attests that “[c]limate and weather extremes are increasingly driving displacement in all regions” (IPCC, 2022).

Minimalists, meanwhile, assert that population movements are multi-causal and downplay the role of climate change (Fröhlich, 2016; Lauria, 2021). They see climate change as one variable in complex migration decision-making (e.g. Gleick, 2014; UNHCR, 2015; Sánchez Dionis & Dearden, 2019; Abel et al., 2019). They may also assert the role of climate change in *reducing* mobility,<sup>4</sup> propose adaptation as a solution, or position migration as a form of adaptation (Adger et al., 2014:758).

As a result of their respective stances, maximalists and minimalists promote different policy agendas (Ionesco et al., 2017; Ayazi & Elsheikh, 2019). Maximalists highlight the urgent need to mitigate climate change, whereas minimalists may deliberately underplay migrant numbers to avoid knee-jerk anti-immigration policies, and focus instead on the need for adaptation.

In terms of absolute numbers of climate-displaced people: “Forecasts for the number of environmental migrants by 2050 vary by a factor of 40 (between 25 million and 1 billion)” (IOM, 2014:38). For climate-driven labour migration alone, Burzyński et al. (2021) forecast 70-108 million new labour migrants this century. This uncertainty about future impacts has been ascribed to the unpredictability of weather and climate systems and the lack of precise knowledge on vulnerabilities and adaptive capacity, among other variables (e.g. Adger et al., 2014). In short, there is a high level of agreement in the literature that climate change is *contributing to* displacement, but significant uncertainty about the extent of the displacement, the ability to attribute any individual event or migration flow to climate change, and the appropriate policy solutions.

At the outset of this study, my own position was firmly maximalist; hence I believed that a specific treaty on climate migrants would address existing protection gaps. However, during the research process I came to appreciate the complexity of migration decision-making and thus the ineffectiveness of a one-size-fits-all approach. I therefore promote in this thesis a broader view of environmental migration which encompasses second- and third-order impacts of environmental change, which erode realisation of people’s human rights, as legitimate reasons for seeking protection elsewhere.

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<sup>4</sup> Adger et al. (2014) cite numerous such cases studies (pp.768-770); see also Economist, 2019a.



### **Case study: Attributing migration from Syria to climate change**

Syria demonstrates the difficulties that researchers encounter in ascribing causality for migration. Almost since the outbreak of civil war in March 2011, debates have raged over whether climate change sparked the unrest and subsequent displacement of millions of Syrians. The debate stems from the fact that parts of Syria suffered drought and high internal migration immediately prior to the outbreak of war, although sources differ over the length and severity of the drought, the scale of rural-urban migration pre-conflict, and the role of internal migrants in the civil unrest which prompted the first government crackdowns in 2011.

Although many studies agree that climate change contributed to the drought that affected northeast Syria for several years prior to 2011 (e.g. Gleick, 2014; Kelley et al., 2015; Fröhlich, 2016), a meta-analysis by Selby et al. (2017) found “no convincing evidence” that the drought could be attributed to anthropogenic climate change (p.233). However, Selby et al. concede: “This finding... does not prove that climate change and northeast Syria’s drought were not factors in its civil war, only that the existing claims to this effect do not stand up to close scrutiny” (p.241).

This discord in the literature on Syria demonstrates the wider difficulty in ascribing causality to any particular weather- or climate-related event (e.g. Cramer et al., 2014). However, anthropogenic climate change likely increased the probability of a serious, prolonged drought occurring in northeast Syria (Kelley et al., 2015). Fröhlich (2016) describes how this “‘century drought’ entailed consecutive crop failures, considerable loss of livestock, the demise of whole villages and a distinct increase in internal migration” (p.38). Gleick (2014) notes that these factors: “led to very significant dislocation and migration of rural communities to the cities” (p.333). However, Kraller et al. (2020) have criticised such maximalist findings as alarmist and deterministic, noting that they overlook “existing migration dynamics” (p.29). Moreover, climate change was not the only cause of water scarcity in northern Syria: studies also highlight water mismanagement and wastage, and reductions in fluvial flow from Turkey and Iraq (e.g. Fröhlich, 2016).

Proving a link between water scarcity and internal migration in Syria is complicated by other factors, including government policies that marginalised rural populations, high unemployment, rising fuel prices, and traditional seasonal migration (Saleeby, 2012; Fröhlich,

2016). The link between internal migration and the popular uprising is also debatable (Saleeby, 2012; Fröhlich, 2016; Selby et al., 2017). The various commentators *do* nevertheless agree that there were multiple causes for the Syrian civil war and subsequent refugee crisis, and that climate change may be among the catalysts for the conflict.

#### *The climate-conflict nexus*

Studies of the relationship between climate, conflict and migration have increased significantly since about 2008, with Syria and Darfur among the most cited examples.

An estimated 2 to 3 million people were displaced during the crisis in the Darfur region of Sudan, which began in 2003, and which the then-UN Secretary-General Ban Ki-moon described as “an ecological crisis, arising at least in part from climate change” (Ban, 2007). Yet studies have since delinked the Darfur conflict from climate change or drought (e.g Kevane & Gray, 2008; Verhoeven, 2011), finding other historical, social and political factors to be more relevant.<sup>5</sup>

In Syria, the potential for unrest caused by drought was predicted in 2008, three years before the outbreak of civil war. A confidential cable (Connelly, 2008) from the US Ambassador in Damascus to the US State Department, published by WikiLeaks, describes how a Syrian representative of the UN Food and Agriculture Organization (UNFAO) warned that “economic and social fallout from the drought was ‘beyond our capacity as a country to deal with’”. The UNFAO representative appealed for US government assistance, warning of “social destruction [that] would lead to political instability” if drought assistance was denied. The US Ambassador’s closing remarks on the cable “question whether limited [US Government] resources should be directed toward this appeal at this time” (Connelly, 2008; see also Gleick, 2014).

Prescient as the UNFAO representative’s appeal appears to have been, analysts have since questioned whether the conflict-climate-migration connection is legitimate, either in Syria or elsewhere (see box above). Abel et al. (2019) aimed to “establish a causal path from climate change to violent conflict and cross-border migration” (p.240). They concluded that, globally, drought only played a “statistically significant role” for the period 2010-12, specifically in

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<sup>5</sup> For a more detailed discussion, see Adger et al., 2014:773.

asylum-seeking outflows from countries affected by the Arab Spring (notably Syria) “as well as flows related to war episodes in Sub-Saharan Africa” (p.246). The authors concluded:

“Climate change thus will not generate asylum seeking everywhere but likely in a country undergoing political transformation where conflict represents a form of population discontent towards inefficient response of the government to climate impacts” (p.246).

However, Abel et al.’s study has two key limitations. First, the UNHCR data used to measure migration only counted asylum applicants. There are multiple reasons why an individual may not apply for asylum, or may be delayed in doing so, sometimes for years (UNHCR, 1979; ILPA, 2002). The asylum figures also do not reflect internally displaced people (some of whom may later migrate internationally) and may therefore vastly underestimate the numbers displaced by climate-related conflict. Considering the existence of “significant quantitative and qualitative data on past displacement associated with natural hazards and disasters” (UNHCR, 2015:5), there exists an opportunity for a wider study of climate-conflict displacement encompassing other categories of people on the move, in addition to asylum-seekers.

Second, Abel et al.’s climatic focus was, like many studies, based solely on rainfall using the Standard Precipitation-Evapotranspiration Index (SPEI), which measures one specific impact of climatic change: drought. Although the study aims to explore the link between climate-related conflict and migration, the narrow focus on rainfall discounts all other potential climatic causes of conflict and migration globally, particularly creeping impacts such as vector-borne disease, salination of arable land and failures of fisheries (e.g. Cramer et al., 2014). Human (in)security may be affected by numerous climate-related phenomena, depending on the resilience/vulnerability and adaptive capacity of populations and individuals. Other studies have taken a similarly narrow view by looking at temperature change as the key variable when seeking causality between climate, conflict and migration (e.g Kelley et al., 2015; Breckner & Sunde, 2019). Again, widening the focus to other variables would give a more rounded picture.

A search on the bibliographic database Web of Science for articles published between 2018 and 2022<sup>6</sup> raises significantly more results for the terms “climate change” in combination with “rain\*” (17,674 – including “rainfall”) and “drought” (14,357) than for “disease” (7,154), “sea level” (5,306), “hurricane” (1,198), or “salin\*” (4,289 – including “salinisation”, “salinity” etc.). While this is not a robust measure of whether the literature is representative of the varied

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<sup>6</sup> Conducted on 4 May 2022, across Web of Science Core Collection, searching for the key terms in all fields.

effects of climate change, it indicates a bias towards rainfall as the main measure of climate variability, and therefore also towards particular geographic areas which face changing precipitation.

Precipitation as a variable may still provide useful insights, however. Changes in rainfall can be devastating, whether the result is flooding, drought, or unpredictability in rainfall patterns that prevent farmers maximising yields. Several chapters in the IPCC's fifth assessment report assert that climate change will affect water availability (Burkett et al., 2014; Jiménez Cisneros et al., 2014; Adger et al., 2014). Gleick (2014) references historical conflicts in the Levant caused by water shortages, with parallels in climate-related conflict today.

Moving the climate change-conflict debate forward may require further qualitative, empirical studies, or as Mayer (2013) observed: "*more* research is not needed, but rather *better* research is needed" (p.90, emphasis in original). This entails moving away from a reliance on purely meteorological and refugee flow data and instead capturing the motivations of displaced individuals. In one such study, Fröhlich (2016) interviewed 30 Syrian refugees in Jordanian camps, finding climate change to be "one of several reasons for internal migration prior to the conflict" (p.39). There is further hope: Maretti et al. (2019) observe that the climate change-migration debate has become "less theoretical and more empirical", citing case studies in several countries (p.147). My aim is to further challenge assumptions about environmental migration, and this thesis achieves this by integrating varied sources of testimony into the case studies to determine the true motives and experiences of children who have migrated in the context of environmental change. Christensen & James (2017) found that, "[t]raditionally, childhood and children's lives were explored solely through the views and understandings of their adult caretakers who claim to speak for them" (p.4). Yet, under provisions of the CRC, children have the right to be properly researched in their own right, and for their views to be taken into account (O'Kane, 2017).

Predicting future migration patterns relies on understanding the interrelationships between different push factors, including climate-related drivers. Yet, ultimately, by taking a human rights-based approach to studying migrations within and from regions of conflict, I argue that the causes of the exodus become less important than the need to provide protection to those fleeing.

### *Planned relocation schemes*

Scholars and governments are already discussing the ethics of relocating people to reduce their risk of harm from climate change, with a focus on relocation programmes for inhabitants of small island developing states (SIDS) at risk of inundation.<sup>7</sup> Foresight (2011) recognised relocation-as-adaptation as a legitimate means by which governments can prepare communities for climate change, and noted that relocation of populations away from environmental hazards has been conducted or considered in numerous countries. More controversially, states have used forced relocation to move communities out of the path of development and climate mitigation projects such as hydroelectric dams, railways and reforestation (e.g. McMichael et al., 2012). An example of the latter is the forced relocation of Sengwer Indigenous people from the Embobut Forest in Kenya over the past decade, violating many of their individual and collective rights (see Amnesty International, 2018).

Under the UN's Framework Convention on Climate Change (UNFCCC) system, the Cancun Adaptation Framework encourages countries to propose resettlement programmes in their national climate adaptation plans, and proposes that funding be provided for such programmes. However, the IPCC warns: "Most practice to date, learning from other resettlement programs, demonstrates negative social outcomes for those resettled, often analyzed as breaches in individual human rights" (Adger et al., 2014:771). As such, planned resettlement "underlines the grey area that exists between the notions of voluntary and forced migration" (Ionesco et al., 2017:18). Consequently, the literature increasingly calls for human rights-based approaches to resettlement based on well thought-out policy:

"national governments need to create a relocation institutional framework and a proper relocation policy to provide guidance on the steps that need to be taken by community residents as well as government representatives to facilitate an effective relocation process." (McNamara et al., 2018:115)

The UN refugee agency has disseminated guidance on planned relocation (UNHCR, Brookings Institute & Georgetown University, 2015), while McMichael et al. (2012) propose a checklist for reducing negative social and health impacts of such schemes. Finally, Ionesco et al. (2017) warn of communities being subject to forced return to areas made uninhabitable by environmental change.

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<sup>7</sup> Fiji and Vanuatu published guidelines for planned internal relocation in 2018. Kiribati has purchased land in Fiji for a potential future relocation (Balk, 2019) and is negotiating bilateral labour migration schemes with New Zealand and Australia (McNamara et al., 2018). For a detailed discussion of relocation from Pacific SIDS, see Campbell (2012).

Affected communities' right to consultation is regularly discussed in the literature, with entreaties that "affected populations must be informed, consulted, and actively involved in decision-making and policy implementation through participatory processes" (McAdam, 2014:12; see also Nansen Initiative, 2015). Barnett & Webber (2012) likewise observe that migration-as-adaptation succeeds best where people "are their own decision makers" (p.55). Nevertheless, the literature lacks a detailed and comprehensive human rights-based analysis of all the potential and avoidable impacts of planned resettlement on individuals and communities. My case study of Montserrat (Chapter 7) helps fill this gap by considering many of the human rights impacts on children evacuated to Britain via planned resettlement schemes. In Chapter 10 I outline the main risks to relocated people from poorly planned schemes and suggest provisions to improve human rights outcomes for relocated children.

### 2.3.3 How the literature categorises environmental displacement

The growing body of sources on climate change and human security led Maretti et al. (2019)<sup>8</sup> to group existing studies on environmental and climate migration into three categories:

1. Sudden-onset natural disasters;
2. Sea-level rise resulting in displacement from small islands;
3. Temperature rise resulting in desertification.

The omission of the climate-conflict nexus from Maretti et al.'s analysis is significant since environmental migrants do not currently have access to asylum (UN Human Rights Committee, 2020), unless they are reclassified as conflict refugees (UNHCR, 2015; see 2.2.4). Refugee status confers a range of potential benefits in addition to the right to remain, all of which may prevent harm. For example, Vann et al. (2021) found that the "absence of a legal status of 'climate refugee' can be an important barrier of access to health care" in host countries (p.263).

Maretti et al. note that their three categories result in different types of migration: the first being "forced and improvised" (what Kunz (1973) calls "acute displacement"), the second being planned displacement due to the knowledge that some islands will become uninhabitable (Kunz' "anticipatory displacement"). The third category – an example of a slow, creeping change – is more difficult to define since several factors may contribute to migration

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<sup>8</sup> Others have also attempted to categorise the literature. Maretti et al. (2019) was the most recent and wide-ranging review available at the time of writing.

decisions (pp.148-149). These differences could result in climate migrants being given different bureaucratic labels and levels of protection.

### *Adaptation*

Maretti et al.'s second category – displacement from small islands – falls squarely into the migration-as-adaptation debate, wherein migration is considered a 'legitimate' decision made by an agential individual. Indeed, Wiegel et al. (2019) describe this as "controlled and *responsible* migration" (p.3, my emphasis). However, the concept of migration-as-adaptation applies more broadly than small-island states (as defined by Maretti et al.); adaptation can occur in any context where people have sufficient information, motivation, time and resources.

Alexander (1998) posits four levels of adaptation to hazards, of which two involve relocation.<sup>9</sup> Adaptive capacity is dependent upon resources (Foresight, 2011; Burkett, 2014), so, counter-intuitively, the most vulnerable or worst affected may be *least* likely to relocate. Applying the parsimony rule, Pelling (2011) argues that "action requiring the least expenditure of resources will be undertaken first"; therefore, migration may not be the first choice (p.165).

Wiegel et al. (2019) warn that focusing on adaptation "risks placing the responsibility to adapt with individual households or communities. As such, failure to adapt becomes tantamount to individual failure" (p.3). Thus, households that follow the parsimony rule and 'choose' not to relocate early might later be disadvantaged when deteriorating conditions force them to move, since they 'failed' to adapt earlier in what Kunz (1973) calls an anticipatory fashion. Such disadvantage may include being offered less favourable alternative habitation than earlier movers, or being categorised as irregular migrants rather than refugees, because they did not join an earlier, "controlled and responsible" migration flow. Kunz' concept of "vintages" is useful here. He describes how people depart a given conflict or disaster in various waves over time, with each group – or "vintage" – having specific characteristics and experiences. I apply the notion of vintages to my case studies to define successive waves of migrants from each location and their specific characteristics. However, I do not frame these migrations as adaptive strategies for the reason posited by Wiegel et al. I consider that responsibility to protect individuals from external forces such as environmental change or conflict lies primarily

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<sup>9</sup> Alexander's (1998) typology is cited here, rather than others, because his influential book provides a thorough analysis of all types of natural hazard, compared to other texts which focus on certain categories of disaster.

with state authorities, not individual households, in line with governments' human rights obligations.

In general, there is a lacuna around environmental factors in migration decision-making. The present study aims to contribute a greater understanding of the environmental and intersecting vulnerabilities that cause children and their families to leave their homes. I achieve this by moving away from meteorological and refugee flow data towards qualitative research around migration motivation in Chapters 5 and 7, to better understand the connections between environmental change and migration. In Chapter 8 I conduct a detailed analysis of the impact of environmental change on each level of migration driver, from the individual and household level to the community and structural level, showing how the environment influences every aspect of an individual's decision to migrate (or not).

#### 2.3.4 Debates on environmental migration as a driver of exploitation

Being motivated to migrate increases vulnerability to harms such as trafficking (e.g. Hynes, 2010; Bales, 2016; Gregoriou & Ras, 2018a; Beadle & Davison, 2019), including for prospective child migrants (Gjermeni et al., 2008; Hynes et al., 2018). However, the literature is divided over the extent to which climate and environmental change drive exploitation, particularly for children.

Displacement from natural and manmade disasters is sometimes cited as driving exploitation of adults and children.<sup>10</sup> UNEP (2011) suggests human trafficking may increase by 20-30% following a natural disaster. Bales (2016) found that environmental degradation increases modern slavery, which is itself environmentally damaging. Several publications propose a *theoretical* link between climate change and trafficking (Gerrard, 2018; Hill, 2018; Farley, 2021; Sheu et al., 2021). Empirical studies are rarer: Ani & Uwizeyimana (2020) demonstrate how climate change drives child trafficking in the Lake Chad region. Overall, however, there is a lack of empirical evidence connecting climate change and exploitation (Coelho, 2017). In my case studies I specifically sought data on child exploitation to close this gap. In Chapter 8, I show how environmental factors affect all levels of driver of vulnerability to harm for child migrants.

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<sup>10</sup> See for example Tesfay (2015) on Typhoon Haiyan; Hill (2018) on the 2010 Haiti earthquake; and Beadle & Davison (2019) on the Formosa toxic waste spill in Vietnam.



## 2.4 Vulnerability to harms

*“Extreme events do not necessarily trigger extreme impacts. Exposure and vulnerability levels often decide whether hazards and extreme events lead to disasters or severe suffering or not.” (Birkmann & Welle, 2016)*

### 2.4.1 Background: risks to child migrants

Section 2.2.5 defined ‘children’ simply as people under the age of 18. Yet the concept of childhood varies between cultures and determines children’s experiences. These conceptualisations range from the idea of a child as a vulnerable and non-agentive human in need of protection (Hansen et al., 2019) to cultures where a child’s value stems from their capacity to assist their family (Pupavac, 2009; Howard, 2017). Along this spectrum, children have traditionally been perceived as “possessions” of their parents (Bhabha & Young, 1999; Orellana et al., 2001; Todres, 2014; Thronson, 2018), and have had their ‘best interests’ determined by adults (Christensen & James, 2017).

Some children migrate with the aim of sending remittances home or acting as an anchor to help their relatives migrate. Myers & Theytaz-Bergman (2017) list numerous locations where climate change is driving often exploitative child labour migration. Meanwhile, the care required by young children may drastically change their parents’ migration experiences, or prevent families migrating altogether (Orellana et al., 2001; White et al., 2011). Children are therefore seen either as potential saviours or as burdens (Orellana et al., 2001). This study reframes child migrants as rights-holders in their own right, rather than appendages of, or assistants to, their families. This is in line with an overdue shift in recent trafficking literature towards emphasising children’s agency, maturity and right to mobility. Howard (2017) argues that anti-child trafficking policy may stifle children’s movement, while O’Connell Davidson (2013) and Geissler & Lagunju (2018) emphasise older children’s capacity and the voluntary, sometimes positive, nature of their migration.

Nevertheless, children’s mobility and freedom are being progressively curtailed (Qvortrup, 2017). The Western view of childhood, in which children are considered to have a high emotional value but a decreasing value as part of the workforce (Zelizer, 1985) has reduced the acceptability of relying on children’s labour and migration to support the family, reframing such activities in international law and standards as exploitation. Nevertheless, disparities remain between countries and cultures as to the role of children’s labour within and outside the family. The gendered nature of this disparity has also been flagged by scholars such as

Cohen (2001), Quirk (2007), Steinfatt (2019) and Hansen et al. (2019). This creates a tension when children move from countries such as Vietnam, where child labour is still a norm (ILO, 2014), to Western nations including the UK and USA. It also creates a tension *within* sending countries, as international agencies and Western organisations, particularly anti-trafficking organisations, intervene to prevent children's movement and migration (Sanghera, 2005; Bélanger, 2014; Bryson Clark & Shone, 2019). The effects of these interventions are considered further in Chapter 8.3.1.

Alongside gender, other characteristics such as age also influence perceived notions of children's value and abilities. While teenagers may be assumed to have more resilience than younger children due to their advanced age and capacities, Rutter (2006) found that the two most vulnerable groups of child refugees in the UK were the under-fives and adolescents. This is borne out by a study of teenaged asylum-seekers forced to undergo age-determination procedures, with "very broad and damaging consequences", including ending of guardianship arrangements; transfer to the system for adult asylum-seekers where they received less support; and removal from school (Hjern et al., 2018:287). Moreover, young people aged 18-24 "experience similar vulnerabilities and risks to children, especially in situations of migration or displacement" (UNICEF, 2022:16). While arrival and settlement in a host country brings risks, often the journey itself presents the greatest danger for children. In this context, younger children may be more vulnerable to exploitation because they "may not be able to resist those urging them to enter a situation which turns out to be trafficking" and may be "unable to physically protect themselves against physical, sexual and emotional abuse and violence from traffickers" (Hynes et al., 2018:40-41).

In addition to exploitation from criminal elements, child migrants face harms from state actors, including border officials; discrimination and conflict with local communities; lack of access to medical care and other services; and exhaustion, starvation and exposure. These risks are location-specific: vehicle and train-related accidents were the main cause of death for migrants in Central America in 2019, while drowning was a significant risk for migrants travelling from North Africa to Europe (Sánchez Dionis & Dearden, 2019). In the European Union, immigration-related policies such as border militarization, detention and deportation were responsible for some 16,000 migrant deaths between 1993 and 2012. They included children who were "drowned, frozen to death in refrigerated lorries, suffocated in cargo containers, shot by police, and blown apart by land mines" (O'Connell Davidson, 2013:1074). Host communities

can also present a risk: mass emigration of Zimbabweans to South Africa following drought and political repression led to a spate of attacks on migrants in 2008, resulting in the secondary displacement of 150,000 people and 60 deaths (Foresight, 2011).

Depending on their age and other intersecting characteristics, children may be more or less vulnerable to these harms. For example, young children are less likely to be seen as competitors for employment and resources, but potentially more at risk from exploitation, exposure, drowning or starvation. Yet the specific risks for child migrants remains under-researched, and the data on missing children is obscured when children deliberately travel under the radar (Black, 2019; Okyere, 2019). This in itself may provide more opportunities for their exploitation (Sánchez Dionis & Dearden, 2019). In Chapter 8, I apply the concept of intersectionality to address this gap in our understanding of child migrant vulnerability.

#### 2.4.2 Intersecting vulnerabilities

In the context of climate change, Matthew (2007) defines individual vulnerability as “a function of exposure, sensitivity, adaptive capacity, and mitigation capacity” (p.164), while Jones (2014) describes resilience as “the capacity to change in order to maintain the same identity” (p.217). Climate change, however, “is just one of many stressors that influence resilience” (Burkett et al., 2014:171).

Diverse factors affect the vulnerability and resilience of migrants, whether fleeing climate change impacts or other drivers. These include, among others: age, gender identity, disability, length of journey, route, health, wealth, previous life experiences, legal status, education, religion, social status, ethnicity and sexual orientation (IOM & UNICEF, 2017; Hansen et al., 2019). For child migrants, being unaccompanied or separated from family increases vulnerability (Freeman and Huu, 2003; UN Committee on the Rights of the Child, 2005; Rutter, 2006; Bhabha, 2019; de Boer-Buquicchio, 2019). These individual characteristics and circumstances are relevant before and during a migrant’s journey, as they determine the individual’s resilience to climate change impacts, their need and ability to relocate, and the risks inherent in their journey. They also affect migrant children’s experiences of resettlement or repatriation (Freeman and Huu, 2003; Hansen et al., 2019).

Building resilience through climate adaptation is a migration-reduction strategy proposed by UNHCR (2015) among others. Yet Adger et al. (2014) describe how poorly implemented

adaptation strategies “may entrench vulnerabilities and also have the potential to enforce inequalities” and in some cases “may heighten overall livelihood vulnerabilities to climate stress” (p.762). Noting the difference in capacity to adapt to climate change and thereby build resilience, Archbishop Desmond Tutu warned: “We are drifting into a world of ‘adaptation apartheid’” (UNDP, 2007:166). A human rights-based approach to adaptation is therefore crucial to prevent plunging vulnerable populations into further deprivation (Crowther, 2010). Where adaptation involves planned relocation, affected communities must be fully consulted to protect the human rights of relocatees (UNHCR, 2015). The IPCC similarly highlights the need for “sensitivity” when including mobility in adaptation policies (Adger et al., 2014).

Despite these studies, scant evidence exists on the extent to which environmental/climate change drives exploitation and other harms for child migrants. Where evidence does exist, the mechanisms are unclear. I demonstrate that, while child migrants need both protection and empowerment, the legal status conferred on environmental child migrants determines what they actually receive, rather than their individual needs or wishes. I investigate how the reasons for and the manner of children’s departure, and their subsequent route to safety, affect how they are categorised by outsiders, and ultimately how this contributes to an increased risk of harm. In both case studies I show how different ‘vintages’ fleeing one environmental scenario (especially a slow-onset event), may therefore face different perceptions, risks and levels of assistance during and after their migratory journeys.

In extreme cases of vulnerability, communities may be unable to escape environmental change due to reduced resources, becoming “trapped populations” (Foresight, 2011:9). The mechanisms which prevent people migrating have received scant attention, with the few existing studies demonstrating not only people’s inability to move, but also “their lack of interest in becoming mobile” (Wiegel et al., 2019:5-6; see also Richmond, 1993). Although not my primary focus, I nevertheless look for evidence of trapped populations in my case studies, including examples of delayed migration and its consequences for children. Through my analysis of different levels of migration driver in Chapter 8, I conclude that research into any individual’s decision to migrate (or not) should focus on the array of factors that contribute to their unique resilience and vulnerability to the environmental impacts they face(d) at home, and data on migration must also be disaggregated by these factors to fully understand the role of climate/environmental vulnerability in decisions to move, as well as the factors that contribute to the level of risk encountered on an individual’s journey.

## Chapter 3 – Study design and ethics

### 3.1 Tackling the research questions

To return to my two main research questions:

1. What factors interact with environmental change to drive human migration and determine (child) migrants' vulnerability to harm?
2. What protection gaps exist for child environmental migrants, and what solutions are needed to fill those gaps?

The first question addresses the gaps in the literature summarised in Chapter 2 above. Using the pragmatic approach of eco-global criminology, the second question then considers our knowledge gaps around future risks from climate change and the legal and institutional gaps that need addressing to fix the gaps in child migrant protection.

I used the following methods to answer the two questions.

**FIGURE 3: METHODS**

| Question   | Methods  |
|--|--|
| 1. What factors interact with environmental change to drive human migration and determine (child) migrants' vulnerability to harm? | a) Archival analysis<br>b) Oral history analysis<br>c) Key witness discussions   |
| 2. What protection gaps exist for child environmental migrants, and what solutions are needed to fill those gaps?                  | a) Archival analysis<br>b) Oral history analysis<br>c) Key witness discussions<br>d) Horizon scanning<br>e) Legal analysis |

The detailed methodologies for each aspect are provided in the relevant chapters:

**Chapter 4** – methodology relating to historical research on Vietnam (archival analysis and oral histories).

**Chapter 6** – methodology relating to historical research on Montserrat (archival analysis and key witness discussions).

**Chapter 8** – methodology relating to horizon scanning for future risks to child migrants (various sources of secondary data).

## **Chapter 9** – analysis of legal and institutional gaps.

As discussed in Chapter 1, the methodologies are split in this way so that each section can stand alone, while contributing to the main research questions. The present chapter describes how I arrived at my study design.

### 3.2 Evolving methodologies

*“Grown-ups never understand anything by themselves, and it is tiresome for children to be always and forever explaining things to them.”  
– from The Little Prince by Antoine de Saint-Exupery (1943)*

My intention when I began this study in late 2019 was to conduct qualitative, semi-structured interviews with:

- a) unaccompanied Vietnamese migrant children residing in camps in Europe to understand how climate change is driving modern-day migration;
- b) former child evacuees from Montserrat, using snowball sampling within the British Montserratian community.

When Covid restrictions began in March 2020, travel and face-to-face interviews became impossible. Regarding Vietnamese child migrants, I felt that phone/online interviews would be inappropriate to discuss sensitive topics with child subjects. Nor would it have been easy to contact people currently migrating through Europe without visiting camps. Thus, I refocused my research on the historical angle and capitalised on the wealth of archival and oral history content available. In Chapter 4, I describe my methodologies and the ethical considerations of using this secondary data.

Similarly, the option of conducting interviews for my Montserrat study was not feasible during the Covid pandemic. Because of the potentially sensitive nature of the discussion, I felt it was important to build a face-to-face rapport with interviewees. This was borne out when I contacted my existing participants and proposed conducting the interviews online instead; at which point they each withdrew from the study. At this point, a second issue arose. When reaching out to new Montserratian contacts to suggest online or telephone interviews, the responses were negative and even suspicious. One person told me they were “a little drained on the storytelling around trauma and migration” and did not want to participate. Two separate people expressed their view that Montserratians were tired of outsiders “coming to

Montserrat just to get their PhD” and then failing to follow up with participants. One of these people, who requested anonymity, explained:

“our people have been the subjects of many papers, theses, videos, films and so forth. This has been happening long before the volcano.... We have been interviewed and observed as colonised people by researchers who have been distinctly colonial in approach. We are tired of being subjects and objects.... Panels discussing our situation do not include us. We do not get the jobs relating to our research areas.... The challenge for you is that of doing research differently, ethically and sensitively on this phenomenon.”<sup>11</sup>

Former migrants who were traumatised as children did not necessarily wish to relive their experiences. Moreover, Montserratians were tired of being exploited by researchers and journalists. Nevertheless, a number of key witnesses both in the UK and Montserrat were willing to provide relevant background information in a less-structured format and, along the way, some shared personal experiences of the disaster and migration. I am grateful to everybody who responded to me, positively or negatively, for shaping my understanding and improving my study design.

In response to these concerns, I turned my attention to archival data detailing the response to the Montserrat volcanic crisis by the governments of the UK and Montserrat, to develop a picture of how policy decisions affected children’s experience of migration. This archival information was confirmed and expanded using interviews with key witnesses, a form of “triangulation” which can counteract “bias of particular data sources by combining them with others” for a more rounded picture (Barnes, 1999:57). Full details of my methodology for the Montserrat case study are contained in Chapter 6.

UNHCR (2015) notes the existence of “significant quantitative and qualitative data on past displacement associated with natural hazards and disasters” (p.5). It is this existing historical data that provides the rich source material for both case studies. I believe that the methods I ultimately chose provided the best insights into my research questions, since my findings encompass hundreds more testimonies and varied points of view than I could have gathered through interviews. My methods also brought to light previously hidden and classified

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<sup>11</sup> Exchange by email, November 2020.

documents which have hitherto been unavailable or suppressed, to the benefit of future researchers.

### 3.3 Ethical considerations

Chapters 4 and 6 discuss the ethical considerations around the specific research methods I used in the case studies. However, there are two overarching ethical considerations in using secondary sources which deserve discussion here. The first is the question of informed consent in archival research. The second is the problem of using pre-existing migration-related data which excludes children's voices.

#### 3.3.1 Informed consent in archival research

Moore (2010) observes that historical research frequently omits discussion of the ethics of using archival sources, since the information is publicly available and its subjects are often dead. She notes that "the traces left by former lives" (p.263) have rarely been subject to informed consent. Moore's solution is to anonymise her secondary research subjects; an approach I have taken for my oral history and archival research. McKee & Porter (2012) remind us that researchers also have responsibilities to third parties "identified in archival documents that they did not produce and that they do not have control or ownership rights over" and "an ethical obligation to protect the privacy rights of those individuals" (p.75). Moreover, McKee & Porter ask fellow researchers to justify archival research by asking: "Does what I am doing or planning to do have value and benefit beyond my personal interest and, if so, to whom?" (p.65). I justify my use of oral history archives in Chapter 4 by describing how the aims of those who collected and contributed to these archives are in alignment with my research aim to prevent reoccurrence of past harms during children's migration. Yet, many of the official sources I draw on in my Montserrat study have been hidden from view and I am responsible for bringing them to public attention, including via Freedom of Information requests. I anonymized the accounts that pertain to private individuals, although the individuals could be identified if the reader wished to trace the original documents. Nonetheless, I have no reason to believe that the content of these archives could cause harm or suffering, and all the information was originally collected with consent.

#### 3.3.2 Rediscovering children's voices

Children's voices are often omitted from research, even that which purportedly focuses on their experiences. "Children under 14 years of age were not interviewed due to ethical and practical considerations, and are therefore not included in the data", says the methodology



section of a major IOM & UNICEF (2017) report on child migration across the Mediterranean (p.14). Authors of a multi-country trafficking study (Hynes et al., 2018) similarly “decided early on in the study not to interview children” because of ethical considerations (p.30). While such concerns can be valid for children’s welfare (Rutter, 2006), it nonetheless leaves a gap in the existing data which I did not want to replicate in my study.

Numerous commentators have reached the same conclusion when conducting meta-analyses of migration studies. White et al. (2011) found that adults often speak *for* children, and that migration studies tend to be “adult-centric”, overlooking the presence of children altogether (p.1160). Black (2019) observes a lack of evidence on risks faced by child migrants, while Singleton (2018) laments the data gaps that exist for unaccompanied minors, child refugees and trafficked children. In my literature review I pointed to this gap as a problem requiring remedy. I achieve this through secondary research by making use of existing testimony. As White (2011) observes: “The actual stories and accounts provided by victims are an often neglected source of data and information” (p.121). Mills (2012) describes archived children’s voices as “doubly-marginalised: first, as ‘out-of-sight’ research subjects housed in filing cabinets and on microfiche, and second, as young people hidden amongst adult-accounts” (p.359). Mills recalls a particularly strong obligation to record children’s voices in cases where she was the first researcher to access a particular archive; a responsibility I also felt when using previously suppressed documents pertaining to Montserrat (see Chapter 6.3). Children’s accounts therefore exist, but are not readily discovered or made use of. Sometimes this is a problem of data collection or management: in my analysis of Vietnamese oral histories, the age of the speaker was often unclear and had to be calculated from clues in the testimony. Previous analyses of this data may therefore have failed to attribute these stories to children.

Giving voice to children is essential in securing their human rights (O’Kane, 2017). Yet the UN Committee on the Rights of the Child (2005) has found the data on unaccompanied migrant children to be so insufficient as to hinder implementation of their rights. Employing a human rights-based approach in qualitative studies, however, also requires balancing “‘experiential’ and ‘factual’ truth” to ensure that sufficient voice is given to victims’ and survivors’ personal experiences, but without overshadowing systemic human rights concerns (Gready, 2010:180). Human rights practice is thus “the craft of bringing together legal norms and human stories in the service of justice” (p.178).

Krause (2018) suggests that a human rights-based approach entails three obligations towards the participant (or in this case, the narrator). These are: universal respect (valuing a person as a human being with rights); protective respect (ensuring safety from harm as a result of the research process); and compensatory respect (improving the experience of refugees as a result of the research project). My research aims to address all three by ensuring children's voices are amplified and prioritised; ensuring anonymity for all subjects; and providing policy recommendations to prevent human rights abuses in the future.

### 3.4 Positionality

The researcher's own experiences, beliefs and attitudes can influence *what* they decide to research, *how* they conduct that research, and what conclusions they draw about their findings (Holmes, 2020). My own interest in the topic of human rights in the context of environmental change was sparked by my 15 years working for the human rights organisation Amnesty International, which followed several years as an environmental activist. Moreover, my appreciation for the migrant experience derives from voluntary work with refugees and asylum-seekers in the UK. Yet I am not myself a migrant, and this outsider viewpoint led me to make assumptions about the reasons that people flee their homes; assumptions that were overturned during this study. Specifically, I failed initially to grasp the multitude of factors involved in migration decision-making, and the agency of even quite young children in carving a path away from home.

Nevertheless, conducting voluntary work with refugees furnished me with an understanding of how the UK asylum system is lacking vis-à-vis the protections and rights afforded to migrant children. I saw children taken from their accommodation in the dead of night and transferred to detention centres; single refugee mothers struggling to feed and clothe toddlers on a pitiful allowance; and boys of 13 and 14 being treated as adults in an unforgivingly inhumane and bureaucratic asylum system. Reports of an impending 'climate refugee crisis' made me wonder how much worse things could get when people with no access to asylum began to make the same journeys.

My background in human rights law led me to believe that the solution was to create a new treaty on the rights of climate refugees. This normative approach stemmed from my professional tendency to analyse solutions to human suffering from the angle of justiciability, rather than the green criminology approach of widening the concept of harm to include acts

which are “lawful but awful” (Passas, 2005). Throughout this thesis, I identify harms using the human rights framework that I am so familiar with. However, being aware of the limitations of this framework and the ever-evolving nature of human rights norms, I have also listed harms that are not legally codified but were nonetheless significant to the individuals who experienced them. This human focus stems from my desire to let migrants speak for themselves – hence the heavy reliance on oral history in this study. Too often I have seen stories of victims and survivors ‘packaged’ by third parties to win legal or advocacy battles, or omitted altogether where their narratives contain inconvenient truths. Indeed, I have previously been personally responsible for such editing. This is especially true for the invisible child migrant, whose experience is subsumed into others’, or whose priorities are decided by adults. Becoming a parent helped me to understand that children’s experiences, desires and needs do not always align with adults’ expectations, and they must therefore have space to speak for themselves. For this reason, my thesis contains as many children’s own words as I could fit into these pages.

## Chapter 4 – Vietnam case study: literature review and methodology

### 4.1 Introduction

*“They make a desert, and call it peace” – Tacitus*

My first case study examines the US and South Vietnamese military strategy of environmental destruction during the Vietnam War (1954-1975) as one push factor for the “boat people” migrations from 1975 to 1995. It concludes that environmental factors were among the drivers of the exodus, and were thus a catalyst for widespread human rights abuses and other harms experienced by the boat people, particularly children. I also show that the policies of various governments contributed to these harms, both during and following migration.

This chapter begins with a recap of my research questions as they pertain to this case study, and their contribution to the overarching goals of my research. It then proceeds with a discussion of the eco-global criminological framework in relation to this case study. The literature review (section 4.2) examines published work on the ecological destruction of South Vietnam between 1961 and 1971. It also surveys the literature on boat people’s experiences between 1975 and 1995 and the risks they faced. It uncovers a shift in the narrative from an emphasis on ecocide as a push factor for migration in wartime and post-war literature, to a refocusing on other drivers in twenty-first century literature.

#### 4.1.1 Research questions

In Chapter 1, I outlined my six sub-research questions for this project. These six questions can be broken down further into specific areas for investigation for this case study, as shown in the table below.<sup>12</sup>

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<sup>12</sup> See Chapter 6.1.1 for the comparable breakdown of my research aims and questions for Montserrat.

FIGURE 4: RESEARCH QUESTIONS AND AIMS FOR VIETNAM CASE STUDY

| Research questions  | Aims for this case study   |
|---|--|
| <p>1. Does environmental change drive migration?</p>  | <p>Aim:</p> <p>To understand the extent to which environmental degradation during the Vietnam War was a driver for the boat people migrations of 1975-1995, by asking:</p> <ol style="list-style-type: none"> <li>1. How did conventional and non-conventional weapons degrade the environment of South Vietnam during the Vietnam War?</li> <li>2. To what extent did these environmental factors influence internal displacement during the war and overseas migration post-1975?</li> </ol>   |
| <p>2. What risks and harms do child migrants face?</p>  | <p>Aim:</p> <p>To analyse the histories of a sample of those who migrated post-1975 and record the harms they experienced on their journeys and following resettlement in the UK and USA, by asking:</p> <ol style="list-style-type: none"> <li>1. Who were the Vietnamese refugees and what were their backgrounds?</li> <li>2. What negative experiences were significant to Vietnamese refugees, particularly children, during their journeys and resettlement?</li> <li>3. Who were the perpetrators of the harms suffered, and how could they have been prevented?</li> </ol> |
| <p>3. How does child migrants' categorisation and legal status affect their experiences?<br/>-- AND --<br/>4. Which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?</p> | <p>Aim:</p> <p>To highlight the experiences of refugee children in relation to their immigration status, and understand whether the risk of human rights abuses and exploitation changed depending on the individual's status as a regular/irregular migrant, by asking:</p> <ol style="list-style-type: none"> <li>1. How did the migrants' status (regular or irregular) affect the experiences of Vietnamese child migrants in particular? Did 'regular' migrants face fewer harms?</li> </ol>  |

|   |  |
|---|--|
|   | <p>2. To what extent did UK and US government policy determine the experiences of child migrants, based on their legal status?</p> <p>3. Did environmental degradation in Vietnam affect migrants' immigration status or the level of protection they were afforded?</p>   |
| <p>5. How might climate change mirror the historical environmental impacts seen in these geographic locations and produce similar patterns of migration?</p>  | <p>Aim:</p> <p>To compare historical environmental degradation and out-migration from southern Vietnam with current climate-related push-factors for migration, by asking:</p> <ol style="list-style-type: none"> <li>1. Do similarities exist between the wartime degradation of South Vietnam's environment, and current and projected climate change impacts in southern Vietnam?</li> <li>2. Do similarities exist between migration patterns during and after the Vietnam War, and migration patterns within and from Vietnam today?</li> </ol>   |
| <p>6. What legal and policy frameworks currently exist to assist child environmental migrants, and are these sufficient to prevent harm? Specifically, what lessons can be learned from these past migrations to protect future child environmental migrants?</p> | <p>Aim:</p> <p>To draw conclusions regarding the adequacy of the current protections available to environmental migrants from Vietnam, based on what we know about how people have historically migrated from this region and the risks they faced, by asking:</p> <ol style="list-style-type: none"> <li>1. What legal and policy changes have been made since the boat people exodus that might help or harm children migrating within and from Vietnam today?</li> <li>2. What risks are faced by children migrating within and from Vietnam today due to policy and legal gaps?</li> </ol> |

These questions will be answered in Chapter 5 (Research findings), Chapter 8 (Horizon-scanning for future risks) and Chapter 9 (Protection gaps).

#### 4.1.2 Theoretical framework

Chapter 1.3 introduced eco-global criminology as the main theoretical framework for this study. It also discussed the value of using human rights to identify and frame the harms faced by child migrants. This case study, and the subsequent chapters on Montserrat and horizon scanning, are situated in these two frameworks.

In practice this means that this chapter, and Chapter 6 on Montserrat, begin by identifying historical examples of ecosystem degradation and destruction which gave rise to human rights abuses and also drove migration and subsequent risks. In line with the framework of eco-global criminology, harms are discussed in terms of victims and perpetrators, causal chains of harm, and their transnational and transtemporal nature. The legal and policy gaps that permitted perpetration of these harms are identified where possible.

Horizon-scanning exercises for the two case studies are then conducted in Chapter 8 to identify current and future risks to children's human rights in the context of environmental change. I have developed this method of forecasting from eco-global criminology, which allows for a simultaneous evaluation of emerging environmental harms and the policy gaps that enable them. Chapter 9 provides commentary on policy and legal modifications that may address and prevent these harms. The following chapters therefore employ the notion of the "useable past", with "the goal of finding elements in history that can be brought fruitfully to bear on current problems" (Sunstein, 1995:603).

#### 4.1.3 Why Vietnam?

In Chapter 1.4.2, I described my choice of two case studies that provide a broad view of the issues under discussion, allowing my findings to be translated into numerous environmental migration scenarios. The boat people migrations following the Vietnam War allow for investigation of:

- Regular versus irregular migration pathways;
- Interrelationships between anthropogenic and natural disasters;
- The effects of environmental change in wartime;
- Migration from a country with a low development index.

Whereas the case study of Montserrat (Chapters 6 and 7 below) is an example of a *sudden-onset natural disaster* leading to *regular migration* from a *developed country* in *peacetime*, Vietnam provides a study in *human-made, slow-onset degradation* influencing *irregular migration* from a *developing country* following *intense conflict*.

#### 4.1.4 Notes on scope and terminology

##### *Vietnam War*

The conflict referred to in the West as “the Vietnam War” describes a period of armed conflict following the withdrawal of French colonial powers from the region formerly known as Indochina in 1954 until the “Fall of Saigon” to North Vietnamese forces in 1975. During this period and until reunification in 1976, Vietnam was divided with a Communist government in North Vietnam, and a US-supported government in South Vietnam. Building on its earlier military and financial support for South Vietnam, between 1965 and 1973 the USA staged a major military intervention in both countries, supported by allies including Australia. The conflict is also known as the “Second Indochina War”, acknowledging the involvement of Laos and Cambodia, and in Vietnam as the “American War”. I use “Vietnam War” to cover the period of conflict between 1955 and 1975. The period of interest here commences with the widespread introduction of ecocidal weapons to the conflict in 1961.

##### *Boat people*

The term “boat people” is commonly used in a non-derogatory way to describe up to 2 million people who fled reunified Vietnam following the fall of Saigon 1975. The term is used by many of the former refugees themselves, often in a wider sense to include people who fled across land, or whose journeys included a combination of land, sea and air travel. Some boat people also fled neighbouring Laos and Cambodia (Kampuchea). The boat people exodus concluded around 1995, when most of the remaining refugees in Asian camps were repatriated to Vietnam.

##### *Geographical focus*

The Vietnam War was fought across a wide geographical theatre, encompassing North and South Vietnam and neighbouring countries. This lengthy and complex conflict involved numerous state and non-state parties and varied military and guerrilla tactics across different terrains. The heavy bombing of North Vietnam and use of herbicides in Laos, for example, also wrought environmental damage. My research focuses on South Vietnam, particularly the Mekong Delta region but also the Central Highlands and other areas. South Vietnam suffered extensive environmental and agricultural degradation as a result of conventional and non-conventional weapons. Post-war agricultural reform thus focused on the south. Today, the southern Mekong Delta region is disproportionately impacted by climate change (as are other Asian delta regions) and southern Vietnam is considered particularly vulnerable to



temperature increases, leaving the inhabitants at risk of lost livelihoods and the harms inherent in internal and irregular migration (see Chapter 8).

**FIGURE 5: MAP OF VIETNAM**



North and South Vietnam and neighbouring countries during the Vietnam War ©The History Place

The Mekong Delta is the riverine area in southern South Vietnam, south of Saigon.

## 4.2 Literature review

### 4.2.1 Methodology for literature review

For sourcing and citing, this review follows the same principles as my main literature review, outlined in Chapter 2.1. It focuses on literature pertaining to the Vietnam War, the development and use of ecocidal weapons, and the boat people migrations (using the temporal and geographical scope outlined in 4.1 above).

The aims of this literature review were to aid investigation of the research questions outlined above, and to identify gaps for my subsequent research on Vietnam and its refugee diaspora. Tens of thousands of books and other publications have been written on the Vietnam War and

its aftermath; my review encompasses a tiny proportion of the overall literature on Vietnam. My criterion was to include the sources that are most relevant to the topics under discussion.

Where documents are easily accessible in the public domain – in published books, journals or online – they are included in the literature review below. Material sourced from archival documents is covered in Chapter 5, and has not previously been brought to bear on the specific topics under investigation in this thesis.

#### 4.2.2 Ecocide in Vietnam

*“It all began in the villages.” (Cairns, 1976:29)*

##### *Context and background*

Schell & Weisberg (1970) describe how

“prewar Vietnam... was a country largely made of up small decentralized rural villages which were concentrated on the coastline and the fertile Mekong River Delta in the South.... Most people seldom left their village. Fewer left their county or province.” (p.23)

The US-backed administration of President Ngo Dinh Diem in South Vietnam had begun moving peasants into so-called “agrovilles” or “strategic hamlets” in the late 1950s, ostensibly for their own protection from Northern-backed Viet Cong guerrilla forces. In 1960, the combined population of North and South Vietnam was 30 million, of which some 85% lived in rural areas (Westing, 1983). By September 1962, Diem’s administration claimed that a third of the South Vietnamese population was living in a strategic hamlet (van Zyl, 2017), suggesting significant internal displacement. In addition, the ethnic minorities of the Central Highlands of South Vietnam, often referred to as Montagnards, were being “forced... down into the lowlands and into concentration-camp-like compounds” (Long, 1970:55). Given the sedentary nature of pre-war life described by Schell & Weisberg above, forced relocations had significant economic, psychological and cultural effects on the population.

Ecologically, South Vietnam’s forests were already degraded at the outset of the war; a result of the Japanese occupation in World War II and the 1945-54 anti-French resistance (Zierler, 2011a:112). Yet forest cover still accounted for 66% of land use in South Vietnam in the 1960s (De Koninck, 1999). In the 1930s, the country’s southern rice fields, including in the Mekong Delta, produced more rice for export than any other country. Although this export came at the

expense of the hungry peasants at home (Vo, 2006), and declined during and after World War II, the agricultural potential of the south would be foremost in the minds of the various belligerents and policy-makers in subsequent decades (Wiegersma, 1988).

#### *Development and use of ecocidal weapons*

The rural population of South Vietnam was drawn into the war because of a mutual dependency on the Viet Cong (Wiegersma, 1988). The Viet Cong supported the peasants' right to land against government-backed landlords, and depended on the villagers for food. In September 1966, the US Assistant Secretary of State acknowledged that "food is as important to the Viet Cong as weapons" (cited in Mayer, 1970:79). Disrupting the Viet Cong's food supply thus became a military priority.

In 1961, several years before major ground troop operations began, US President John F. Kennedy authorised the limited use of chemical defoliants (herbicides) in South Vietnam. A declassified memo from Kennedy's National Security Advisor shows how, from the outset, herbicides were approved for use in "food denial", as well as to defoliate areas of potential Viet Cong ambush, with acknowledgement that this would necessitate internal "resettlement" (Bundy, 1961). A military official in Kennedy's administration noted "it is possible to 'sanitize' an area with chemical weapons, with gases and sprays that destroy animal life and crops. We can create a no-man's land across which the guerrillas cannot move" (cited in Zierler, 2011a:68). By 1962, chemical defoliants had become "a regular part of military operations in support of South Vietnam"; including an operation to destroy 3,642 hectares of mangroves in the Ca Mau peninsula, which "succeeded in stripping almost every leaf from the plant" (Zierler, 2011a:77).

By 1963, food denial was an established military strategy of the allied forces in South Vietnam, with civilian crops accidentally destroyed and deliberately targeted to prevent them falling into Viet Cong hands. Peasants attempting to claim compensation for destroyed crops faced "bureaucratic obstructions", and the South Vietnamese army conducted "psychological operations... to assure peasants that herbicides were harmful neither to them nor to their animals" (Zierler, 2011a:80), despite mounting evidence that the chemicals were injurious.

The chemical defoliants employed after 1961 were based on herbicides used on American farmland, and developed by American companies such as Dow Chemicals. Their widespread

use at home allowed subsequent administrations to underplay their health risks, despite the higher concentrations and quantities used in South Vietnam. The National Academies of Sciences, Engineering, and Medicine (2018) found that concentrations of toxic dioxins in defoliants used in Vietnam were up to three orders of magnitude higher than the manufacturing standards for herbicides used in the USA, and noted that “about 77 million liters [of herbicides] were applied” in Vietnam between 1961 and 1971 (p.30). Despite their destructive capabilities, the successive administrations of US presidents Kennedy, Johnson and Nixon denied that herbicides were subject to the 1925 Geneva Protocol banning chemical and biological weapons (Zierler, 2011a; Martini, 2012).

The defoliation programme was a huge success in military terms, and thus became self-perpetuating. As an area of forest, mangrove or cropland was cleared, Viet Cong fighters moved on, necessitating further sprayings, which were conducted from planes, helicopters, riverboats, trucks and by hand (Institute of Medicine, 1994). Yet defoliants were not the only weapon used by South Vietnam and its allies to deliberately degrade the country’s environment and farmland. Other conventional and non-conventional methods included setting or exacerbating forest fires (Martini, 2012), carpet bombing (Bodenheimer & Roth, 1970; Somerville, 1970; Cairns, 1976; Westing, 1983), bulldozing with the so-called Rome plow (Somerville, 1970; Westing, 1983), and napalm (Robert, 2016). As early as 1964, napalm had reportedly already been used against more than 1,400 villages (Russell, 1967:51). Alexander (2000) notes that use of defoliants and napalm in tropical regions may set off a chain of environmental disruption in the form of landslides and increased sedimentation of water bodies. Indeed, the affected areas were particularly badly hit in the post-war years by storms and flooding. A further food denial tactic was the capture of harvested rice and its deliberate destruction by contamination, burning or dumping it into rivers (Mayer, 1970; van Zyl, 2017). In each case, civilians bore the brunt of agricultural and ecological degradation and food denial.

As the war dragged on, first the scientific community, then the general public, and finally international observers increased their opposition to defoliants. “Ecocide” was coined by biologist Arthur Galston to describe the use of herbicides in South Vietnam, likening it to a crime against humanity (Weisberg, 1970). The term caught on, and Dow Chemicals’ production of Agent Orange was equated with the manufacture of Zyklon B by IG Farben, for which the latter’s directors were prosecuted during the Nuremberg Trials (Zierler, 2011a). In 1969, UN

General Assembly Resolution 2603 undermined the USA's reading of the 1925 Geneva Protocol as excluding the use of chemical compounds that were toxic to plants, and in 1971 the USA ended its defoliation programme in Vietnam. Yet the environmental and human impacts of ecocidal weapons in Vietnam continued for decades after cessation of the conflict.

### *The effects of ecocidal weapons*

#### **Bombing and ploughing**

Although carpet bombing is an American military strategy most associated with North Vietnam,<sup>13</sup> the bombing of South Vietnam also had severe consequences for the environment and civilian population. Bodenheimer & Roth reported in 1970 that the "saturation bombing of South Vietnam... is most concentrated in rural areas where villagers are the only targets" (163). A single seven-ton bomb "was able to destroy trees, vegetation, animals and insects, and people, within an area of 120 hectares" (Cairns, 1976:47), and their combined craters "occupy an area of almost 100,000 acres [40,468 hectares]" (Somerville, 1970:66). The bombing caused "immeasurable damage... to the nation's natural environment and human-made infrastructures" (Kerkvliet & Porter, 1995:5) and "a very great food-deficit problem" (Wiegersma, 1988:197). Strategic bombing destroyed essential irrigation systems causing serious erosion of rice paddy (Schell & Weisberg, 1970; Somerville, 1970). In his 1983 survey, Westing noted that 10 to 15 million large bomb craters had become a "semi-permanent feature of the regional geomorphology" and that shrapnel had caused the death and decay of some 5 million hectares of trees (Westing, 1983:374).

For households, a single bombing could jeopardise food security and personal safety for years:

"Every fruit tree [in Kim's garden] was damaged in some way: singed, splintered, pitted with shrapnel or severed at the base. [Kim's parents] feared unseen risks, especially buried and unexploded bombs and grenades.... Concerned about chemical contamination of the soil, [they] condemned the vegetable garden and orchard to wasteland.... Months later, Great Uncle was still picking up slivers of shrapnel in the house, and tending to the cuts they inflicted on the children."

(Chong, 1999:92)

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<sup>13</sup> "Estimates suggest that, between 1965 and 1972, 70 per cent of the rural north was bombed, with 5 per cent of rural subdistricts almost completely obliterated.... By 1968 many rural provinces reported that few 'irrigation works, large and small, remained intact'." (Bradley, 2009:130-131)

Alongside its impact on the landscape and ecology of South Vietnam, aerial bombardment significantly affected the psychology and livelihoods of the rural population:

“On the borders where the treeline meets the fields one can often see evidence of pathetic gardens where people, who live like moles in bomb shelter holes beneath the ground, attempt to grow basic foods... They do not dare work the rice fields for fear of being shot by Americans in [helicopters]... In free fire zones these people are subject to bombardment 24 hours a day.” (Schell & Weisberg, 1970:24)

Bombing was a so-called “pacification” technique, designed to destroy villages and crops and force the inhabitants into camps from which they could no longer provide their alleged support to the Viet Cong (Long, 1970:56). Westing (1983) found “widespread deterioration of farm land due to abandonment after the relentless rural bombing” (p.382) and noted that about “9,000 of approximately 15,000 rural villages in South Viet Nam were damaged or destroyed, and millions of people were driven into Saigon, Danang, Hue, and other urban areas” (p.370). In the Central Highlands, “[f]ear prevented the refugees from farming, fishing, hunting, or foraging, which led to malnourishment, sickness, and death” (Hickey, 1993:261). Some rural areas were almost completely depopulated and agricultural yields plummeted, leading to dependency on US-imported food (Wiegersma, 1988). Post-war, a long-term legacy of saturation bombing was the unexploded munitions scattered across the countryside (Westing, 1983). From 1970 the ‘Rome plow’ was also used to destroy forests. This bulldozer stripped both flora and topsoil from an area equivalent to 3% of South Vietnam’s total forests (Westing, 1983) and resulted in irreversible hardening of the soil to form laterite rock (Somerville, 1970). Each of these forms of environmental destruction had the effect of driving people from their homes.

### **Defoliation**

Defoliation also had the deliberate and largely successful aim of relocating local populations (Bergerud, 2018). One military report ordered troops to:

“Defoliate the Boi Loi Forest, thereby precluding further use of the area by the VC [Viet Cong] as a concealed redoubt. Kill crops growing in the area, thereby severing the food supply of the population and forcing people to seek [government] assistance. Relocate the population living in the Boi Loi Forest into hamlets in pacified areas under [government] control.” (Cited in Zierler, 2011a:87).

These operations were devastating for civilians: “The combined effects of regrouping the population in totally unsuitable areas and of killing their crops brought hunger and starvation to thousands of people” (Long, 1970:55). Jean-Paul Sartre (1970) famously argued that the population was being forced to choose between two forms of genocide: being massacred in their villages or suffering extermination in the “concentration camps” also known as strategic hamlets (p.40). A mass relocation from rural to urban centres ensued: “What we have now accomplished in Indochina is to make vast areas of a rural society uninhabitable for decades to come, pushing refugees into a consumer economy in the urban slums”, argued Weisberg (1970:v-vi).

More than 2.6 million hectares were sprayed with one or more defoliating herbicides between 1961 and 1971 (Stellman et al., 2003), the best-known being Agent Orange. In 1983, Westing estimated that 4% of South Vietnam’s forested area had been totally razed, and more than 50% was depleted. In the intervening years “much of this destroyed forest land has either been taken over by bamboo or has been converted into agricultural land” (Westing, 1983:383). More than 20 years later, the effects were still apparent:

“The post-war effects of chemical defoliants can be observed on tens of thousands of hectares of ruined forested and arable lands together with the disappearance of numerous species of fauna which inhabited those areas.”  
(Xuan, 1995:191)

Resulting soil degradation and erosion put whole ecosystems in jeopardy and disrupted the water cycle for rice cultivation (Farb, 1960; Westing, 1971). Chemicals entering the Mekong River “all but eliminated biological life in the estuary” (Schell & Weisberg, 1970:20). The south coast mangrove habitat proved particularly susceptible to herbicides, which killed the vegetation outright, resulting in coastal erosion, salinisation of farmland, colonisation by invasive species and destruction of livelihoods dependent on products such as fish, crustaceans, honey, tannin, charcoal and timber (Somerville, 1970; Westing, 1971 & 1983; Fox, 2016).

While the Viet Cong apparently complained “bitterly” at the destruction of their food supply (US military report cited in Zierler, 2011a:81), the civilian rural population of South Vietnam was hardest hit by defoliation. Journalist Thomas Whiteside estimated that:

“in order to deprive the Viet Cong of one ton of rice, the American military has to destroy fifty tons of rice that would ordinarily support members of the civilian population.” (Cited in Weisberg, 1970:8)

From the beginning of the defoliation programme – nicknamed Operation Ranch Hand – food denial was a publicly acknowledged objective. In early 1962, the *New York Times* referred to it as a “crop killing programme” (Russell, 1967:29). Commentators warned that the weapon of starvation “strike[s] first and hardest at children, the elderly, and pregnant and lactating women; last and least at adult males and least of all at soldiers” (Mayer, 1970:86). In the Central Highlands, a report from 1970 found that nearly all the crops destroyed would have fed the minority Indigenous Montagnard population, rather than enemy combatants (Institute of Medicine, 1994). An estimated 200,000 to 220,000 Indigenous highlanders died and many more were internally displaced (Warren, 1968; Hickey, 1993). Moreover, Schell & Weisberg (1970) argued that defoliation of crops and woodland had a profound effect on people’s cultural rights, since rice formed part of the spiritual relationship between Vietnamese people and the natural world, and because the forests had an important role in folklore and mythology that passed from parents to children.

Wartime reports of the health impacts of herbicides were dismissed by the US and South Vietnamese governments. Millions of rural Vietnamese were likely to have been sprayed on directly with herbicidal compounds (Stellman et al., 2003). Refugees from sprayed villages reported deaths of children, stillbirths, illnesses and dead livestock (Hickey, 1993; Chong, 1999). Some Vietnamese people continue to attribute modern cancer deaths to Agent Orange (Cadzow et al., 2010), and a recent study by Pham et al. (2019) recorded developmental delays in two-year-old boys living near a former herbicide storage facility at Bien Hoa airbase.

The majority of research into transtemporal health effects concentrates on Vietnam War veterans: “Currently, six countries – the United States, Australia, Canada, New Zealand, South Korea, and Viet Nam – compensate their veterans for exposure to Agent Orange” (Fox, 2016:153). While it is believed that herbicides may cause birth defects, it is inconclusive whether transgenerational effects – that is, spanning three generations – exist (National Academies of Sciences, Engineering, and Medicine, 2018). The incidence of birth defects has nevertheless been described as “attacking not only the present generation but future generations as well, a crime never before committed in any war” (Nguyen Van Hieu cited in Zierler, 2011a:26).



The recent literature on herbicides in Vietnam therefore concentrates almost entirely on the health legacy, particularly for American veterans. Yet literature from the 1960s and 1970s focused instead on the environmental and agricultural destruction and civilian impacts, including internal displacement. I argue that this refocusing of the narrative towards long-term health effects – and away from environmental impacts, the right to food, and concerns about displacement – minimises the role of chemical defoliants, bombing and bulldozing in the post-war boat people exodus. It thus also minimises environmental destruction as a contributory factor in the subsequent harms faced by boat people, particularly those considered ‘economic migrants’. The next section of my literature review delves deeper for explicit links between ecocide and migration in Vietnam.

#### *Post-war food shortages and land reclamation efforts*

With vast swathes of the south’s cropland, forestry and fisheries degraded by warfare, the priority for Vietnam’s post-war government was rehabilitating the agricultural sector. In some ways, Vietnam was simply doing what all parties to the Cold War were striving, and sometimes catastrophically failing, to achieve: the adequate feeding of their populations as proof of their superior ideology (McNeill & Unger, 2011). Yet Vietnam’s post-war starting point was especially wretched. Millions of people were internally displaced, and the population was growing fast. Westing (1983) noted that more than half of the population had fled their homes at some point during the war, and Grant (1979) found that 10 million remained internally displaced in 1975.

A series of post-war natural disasters contributed to the environmental and agricultural depletion of South Vietnam (Thrift & Forbes, 1986). The “dual attack” of armed conflict and natural disaster on a country can prompt a vicious cycle of environmental degradation and failure of social systems (Alexander, 2000:175). A 1983 study noted that:

“Vietnamese refugees arriving in the United States in 1981 reported that the food situation had worsened. Strict food rationing had been introduced. Ordinary citizens living in Ho Chi Minh City [formerly Saigon] were allowed a quota of only 2kg of rice and 5kg of subsidiary crops a month; more was available, but only on the black market. Rice is the staple diet of all Vietnamese. Since 1979, however, they have also been eating sorghum, a grain previously raised only as a feed for livestock. The monthly meat ration, during the same period, was down to 500g

per household of six persons or less... Such a diet amounts to severe malnutrition.” (Canh, 1983:28)

Several studies note that unified Vietnam struggled to implement collective farming under the “new economic zone” (NEZ) system, which aimed to reverse wartime degradation and loss of productivity. Some NEZs were established on land denuded by chemical defoliants (Chong, 1999) and other ecocidal weapons. Desbarats (1987) found that conditions of near-famine existed in the NEZs, caused by a combination of low productivity and

“environmental degradation resulting from the clearing of the forest cover. In some areas, the lack of forest belts created serious problems of water retention, slope denudation, and soil erosion. Crops suffered from drought during the dry season and the land suffered from erosion during the rainy season” (p.70)

Despite (or in some cases, because of) a policy of extensive land redistribution and collectivisation, which began during the war, most of this land was not cultivated and food availability declined between 1970 and 1980 (Kerkvliet & Porter, 1995). Desperate attempts to reclaim land and increase production led to environmentally deleterious activities (Xuan, 1995), further entrenching problems including deforestation and erosion.

In 1976 the newly reunified state set a target to relocate 4 million people to NEZs by 1980 (Thrift & Forbes, 1986), and around one-fifth of the total population by the end of the century (Desbarats, 1987). In reality, just 1.5 million people were relocated to the countryside by 1980, 30% of whom subsequently returned to towns and cities (Thrift & Forbes, 1986). This cycle of people being relocated to NEZs and returning clandestinely to urban areas continued in the following years. For some NEZs, official records showed a 90% departure rate.

The early days of the relocation programme involved reinstating peasants on land they had been forced to abandon during the war. However, many of their villages no longer existed, and many internally displaced people were reluctant to return or had no land to go to. When too few people volunteered to move to NEZs, efforts to force resettlement ramped up, particularly targeting internally displaced people, the unemployed, small traders and people seen to pose a political threat (Desbarats, 1987; Dalglish, 1989; Bradley, 2009). Moreover, Vietnam’s invasion of Cambodia in 1978 meant military personnel were reassigned from agricultural reclamation work to the front line, and replaced in the fields by civilians (Dalglish, 1989).

The NEZs were based on a collective farming ideology and were key to the government's strategy of resettlement and rehabilitation of denuded agricultural land. Most NEZs were situated in former South Vietnam, particularly the Mekong Delta and Central Highlands. They were largely a failure, for several reasons. The US State Department described NEZs as remote and primitive communes to which urbanites were relocated with little or no state support. Prisoners and civilians were sent to reclaim land devastated by herbicides or bomb craters. Consequently, relocation to a NEZ was regarded by some as a death sentence (Grant, 1979; Dalglish, 1989) and banishment there was used as a threat against non-compliant citizens (Chong, 1999). Women in NEZs were given huge workloads, resulting in early weaning and mass malnutrition among infants (Wiegersma, 1988). In some cases, parents reportedly returned to cities to scratch a living, leaving their children alone in the NEZs (Grant, 1979).

Leaving a NEZ was illegal, and returnees to the city were ineligible for food rations (Dalglish, 1989). In 1987, Desbarats found returnees in Ho Chi Minh City squatting in parks and cemeteries or living with friends and relatives; as Chong (1999) put it: "preferring the life of a beggar to that in the harsh frontier" (p.204). Many who remained in NEZs also lived on the edge of starvation, and disease was rife. Former middle-class urbanites, with no agricultural knowledge, were particularly unsuited to life in remote, unsupported wildernesses. NEZs were therefore a significant factor in cycles of internal migration and displacement. Moreover, Grant (1979) and Tsamenyi (1980) argue that the NEZ system was a driving force behind decisions to leave Vietnam altogether. Grant notes that: "The southern middle-class had no desire to carve out a new life with a pick and shovel in the central highlands" (p.25). A refugee woman interviewed by Grant stated:

"We would have to go to the mountains if we didn't have the money to go abroad. Everybody in my neighbourhood was afraid of working in the mountains. We're used to working with machines. We don't know about farming. So most of the people wanted to leave [Vietnam]" (p.90)

In addition to the NEZs, the so-called 're-education' system was also used by the state to reclaim land degraded by war on an immense scale. Up to 2.5 million political 'undesirables', including intellectuals, priests, business owners and people who had worked for the Americans or fought in the South Vietnamese armed forces were rounded up from 1975 and sent to 're-education' camps, sometimes for years (van Zyl, 2017). Many internees underwent forced agricultural labour in conditions that could prove fatal (Grant, 1979; van Zyl, 2017). Fear of

imprisonment in these labour camps, and the dislocation caused by detention, provided further incentives to leave Vietnam.<sup>14</sup>

The overall picture from wartime and post-war literature, therefore, is one of mass internal displacement as a result of (a) conflict, including massive environmental degradation; (b) forced relocation to NEZs and clandestine return to urban areas; and (c) forced labour to rebuild the destroyed agricultural sector. In the next section, I demonstrate how twentieth century narratives support my hypothesis that these internal displacements were one driver of the boat people migrations, and how this narrative has been lost in twenty-first century literature, which reframes the exodus in terms of political drivers.

#### 4.2.3 The boat people

*“for every boatload that made landfall, it is still not known how many set out.”*  
(Grant, 1979:17)

More than 3 million people survived their escape from Vietnam, Laos and Cambodia between 1975 and the early 1990s. Some 2.5 million refugees found homes elsewhere, including more than 1 million who settled in the USA and 300,000 in China. Half a million, considered ‘economic migrants’, were repatriated to Vietnam (Castles & Miller, 2009). The number who attempted to escape by sea is unknown. Almost 800,000 boat people made landfall on foreign shores (Vo, 2006; Damousi et al., 2021). Estimates of those who died at sea vary, but number in the hundreds of thousands, including tens of thousands of children.<sup>15</sup>

#### *Drivers of the exodus*

My review of twenty-first century literature on the Vietnam War shows a tendency to focus on the political drivers of the exodus. A notable exception is Vo (2006), who highlights the earlier flight of 1 million North Vietnamese to South Vietnam in 1954-55, as the French pulled out of North Vietnam. While Vo attributes this movement in part to fear of the new Communist regime in the North, he also cites land reforms and famine as push-factors for their flight. The subsequent post-1975 exodus, Vo notes, was partly a result of this earlier dislocation, with many of the previously displaced northerners fleeing Vietnam altogether after 1975. Hastings

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<sup>14</sup> This pattern of internal displacement, forced resettlement and onward overseas migration has parallels in the forced resettlement of rural populations away from environmentally degraded areas in the Mekong Delta today. This is explored further in Chapter 8.

<sup>15</sup> Van Zyl (2017) estimates that 2 million Vietnamese boat people set out, which would indicate 1.2 million deaths *en route*. UNHCR mortality figures are more conservative – between 200,000 and 400,000 (Damousi et al., 2021). Refugee Action (2003) estimated that one-third of all escapees from Vietnam lost their lives.

(2018) describes one such family which fled Hanoi in 1954 and left as boat people in 1975 after suffering poverty and repression in Saigon. The son later related: “And so, twice in a lifetime, we washed our hands clean” (p.630).

Twenty-first century literature therefore contains scant mention of environmental or even economic reasons for the exodus. An A-Level history study guide (Sanders, 2007) mentions Agent Orange only in the context of US veterans’ health, with no acknowledgement of its environmental impact. Max Hastings’ well-regarded 2018 account of the Vietnam War runs to 700+ pages, but devotes little more than one page to the use of herbicides, and omits any mention of environmental drivers for migration (Hastings, 2018). Similarly, Hall’s (2018) account skims over the 10-year defoliation and food-denial campaign in just three sentences, and attributes the boat people exodus to “social dislocation” caused by economic collectivization (p.90), without describing the environmental context in which those economic policies were designed.

Cadzow et al.’s (2010) commentary provides a typical example of recent narratives on the boat people’s motivations for fleeing, which focus on political and ethnic drivers:

“Life became increasingly difficult for South Vietnamese government associated people and for Vietnamese with Chinese ancestry. They began to leave after the socialist government closed private businesses in 1979.” (p.116)

Other recent sources (e.g. Kumin, 2008; Lipman, 2020) also cite the political persecution of the ethnic Chinese Hoa population, and no doubt there was increasing pressure on Hoa people to leave the country, particularly as tensions flared along the Vietnam-China border. Yet earlier accounts by Kushner & Knox (1999), Desbarats (1987) and Grant (1979) all note that, alongside the ethnic Vietnamese population, the Hoa were also victims of the NEZ system and new agricultural policies: “Most Chinese in Vietnam did not want to be sent to the countryside” (Grant, 1979:87). Desbarats (1987) found that Hoa people were encouraged to move to rural areas or abroad, but also that many Chinese families could not sustain themselves once farmers were banned from selling their produce to (mostly Chinese) private merchants.

While the narrative in resettlement countries until the early 1990s was that refugees were fleeing ‘Communism’, a survey of Vietnamese refugees in Britain found that only 4% cited the political system as their reason for leaving. More commonly cited motivations were internal displacement resulting from the NEZ system, fear of forced labour in re-education camps, and

displacement due to natural disasters (Kushner & Knox, 1999). Nevertheless, the study also found that many professional people had left because of the loss of money, property or position. One refugee interviewed said he had used all his savings buying food on the black market and was left with just three pounds of rice per week to feed his family. This example shows the intersection of systemic economic and agricultural problems, stemming from a combination of environmental degradation, natural disasters and agricultural policy, as drivers of individual migration decisions.

While acknowledging other push factors, Tsamenyi (1980) highlights the devastation wrought by a series of typhoons and floods in 1978, which contributed to starvation and the environmental degradation of the south:

“It is likely then that the impact of these natural disasters also contributed to the exodus of people from Vietnam. This argument is supported by interviews conducted among boat people, some of whom referred to food shortages as a major reason for leaving Vietnam.” (Tsamenyi, 1980:7)

Swedish statesman Hans Blix also attributed the exodus to hunger and natural disasters (cited in Grant, 1979). This was echoed by a refugee interviewed by Grant in Australia, who stated that “most Vietnamese left because of food shortages” (p.182). Desbarats (1987) records how refugees in Australia described severe malnourishment in the NEZs, in part because of the lack of farming skills among urban-dwellers forcibly relocated to the countryside, and subsequent high death rates, particularly among children. In 1989, Dalglish argued that wartime devastation of the countryside was one driver of the exodus, and Chong (1999) observed that the peak years of boat people departures – 1978 to 1980 – coincided with natural disasters. Such connections between the environment, agriculture and migration are largely missing from literature published after the repatriation of Vietnamese so-called “economic migrants” at the turn of the century. The change in political attitudes towards the boat people is thus mirrored in the focus of subsequent literature. The key exceptions are those studies that directly interviewed refugees in camps, such as Freeman and Huu (published 2003, but conducted in the 1990s), who record themes of agricultural policy, re-education camps and the NEZ system in refugee’s narratives:

“After my father came back from reeducation camp, he became a farmer, the only job he was allowed to hold.... I had to work all day to help support the family”.  
(Unaccompanied refugee minor, cited in Freeman and Huu, 2003:142)

The high level of internal displacement during and after the Vietnam War, driven in part by environmental damage, provided a motivation for onwards migration once opportunities arose after 1975. Literature from the war era describes poor conditions in camps for internally displaced people:

“[The camps] are placed in the baking sun on bulldozed earth lots surrounded by barbed wire.... A refugee, or ‘detainee’, is left without any reason to live, frequently separated even from friends and family in the evacuation shuffle.

During 1967 and 1968... the resettlement camps were unable to provide even potable water, food and shelter, much less medical aid, clothing and a new life.”

(Schell & Weisberg, 1970:26)

Sartre (1970) described the camp inhabitants as worse off than slaves, “reduced to a living heap of vegetable existence” (p.41). In 1979, Grant noted that some people were internally displaced several times after successive attempts by the government to resettle them in rural locations. Cut off from their former communities, livelihoods and in some cases family members, many of the displaced people, including children, would have nothing to lose but their lives in attempting to flee Vietnam.

The internal redistribution of millions of people, including many already displaced by war and famine, was driven by an imperative to feed the growing population and reclaim 5 million hectares of arable land and 7 million hectares of deforested hillsides (Grant, 1979). These relocations did not become voluntary until 1991 (Anh & Huan, 1995), and also served ideological ends; breaking up potential centres of political dissent and resettling some of the supposedly more socialist northern population to inculcate the “ideologically uncertain southern flock” (Grant, 1979:26). Bertrand Russell’s renowned 1967 book, *War Crimes in Vietnam*, focuses heavily on the effects of defoliants and napalm on the civilian population, as did his influential letters to the press throughout the 1960s. Yet these narratives of internal displacement, relocation and environmental destruction are underrepresented in recent re-tellings of the Vietnam War. My archival and oral history research aims to resurrect this history and understand the extent to which these factors drove emigration post-1975.

#### *Child migration drivers*

The drivers of child migration are often assumed to be the same as for their parents, to the extent that children’s experiences are frequently excluded from literature on the boat people altogether. However, the push factors for child migration are often quite distinct, and are

important to record given the high numbers of unaccompanied Vietnamese minors – approximately 60,000 – who arrived on foreign shores post-1975.<sup>16</sup>

While Dalglish’s 1989 book *Refugees from Vietnam* tends to overlook the experiences of minors, one story stands out as highlighting the desperation of lone and abandoned children to flee the country:

“My parents were then sent to prison, my elder brothers and sisters were sent to a place far from home to work as slaves... leaving my younger brothers and sisters and myself, who were all under twelve, behind... [The authorities] put us [children] in a cottage near a forest and gave us food that even a dog would not eat. All we could do was cry.” (Refugee child, cited in Dalglish, 1989:20)

In this case, the children fled Vietnam using their own initiative and resources. In other cases, lone children were sent out of the country by their parents. Some children departed in family groups and became separated, or lost their parent(s) at sea. Still others, such as the 10-year-old boy in the example below, became accidental unaccompanied refugees:

“One night, Hai and his friend decided to sleep on the roof of a boat owned by his friend’s father. They fell asleep looking at the stars. They awoke the next morning when thirty-two people climbed aboard... Hai said he wanted to swim to shore, but a man said, ‘If you jump overboard, I’ll shoot you.’ Hai recalls, ‘I felt terrible. I missed Mom. I was crying. I didn’t know where we were going, and I was panicked.’ After six days, they landed in the Philippines, and after six months he was brought to the United States.” (Freeman and Huu, 2003:157)

A final category are those children removed from Vietnam by adoption agencies and rehoused with families in the West. Several books record their experiences, although they tend to gloss over the ethics of such practices (see for example Shaw, 2019). The specific harms perpetrated against unaccompanied Vietnamese refugee children during migration and resettlement are discussed below and in Chapter 5.

### *The journey and resettlement*

Understanding the connections between environmental destruction, internal displacement and emigration is key to understanding the harms encountered by the boat people during and

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<sup>16</sup> The figure for unaccompanied children may be an under-estimate, since “[c]ountries use different definitions of such children and do not always record them separately from children who are present with their families” (UNHCR, 2016:para.10).



after their journeys. Reasons for leaving one's country subsequently determine one's legal status, and thus eligibility for support and asylum (see Chapter 9). The Vietnamese boat people existed in legal limbo and, although large numbers were subsequently granted asylum abroad, their legal status was continually disputed, often leading to grave human rights abuses and even death. This prompted Kumin (2008) to conclude that: "Not since the Second World War had the international community witnessed the denial of asylum so vividly and dramatically" (p.106). Chapter 5 suggests that this situation was occasioned by a combination of the large numbers seeking protection, and a weakening desire among the international community to abide by their ever-increasing human rights obligations.

The literature records several means of escape from Vietnam between 1975 and the early 1990s, which included leaving secretly and illegally with the risk of being imprisoned or killed if caught; leaving with government approval after paying large amounts of gold; bribing government officials to turn a blind eye; and complying with official state efforts to remove certain people from the country, including via UNHCR's ODP (Grant, 1979; Kushner & Knox, 1999; Vo, 2006; Kumin, 2008).

The journeys themselves varied tremendously in terms of route, length and risk of harm. In some cases, children set out unaccompanied, either by their own volition, or because their families could not afford to accompany them, or as a way to spread the risk of losing the whole family in one disaster. People departing by boat might be betrayed to the authorities or shot by Vietnamese coastguards. Depending on the time of year and route taken, boats might encounter typhoons, gales, baking sun or monsoon rain. Pirate attacks were common; in June 1979, US officials estimated that refugees aboard 30% of boats leaving southern Vietnam had been victims of rape, pillage or murder by pirates (Grant, 1979). Boats in distress might be ignored by passing vessels, or towed away from the coastlines of neighbouring countries to prevent disembarkation. Hundreds of thousands of people, including large numbers of children, died of hunger, thirst or exposure while drifting at sea (Vo, 2006). Such experiences are recorded time and again in the oral histories analysed in Chapter 5, and frequently represent avoidable human rights violations perpetrated by, or with the acquiescence of, state actors.

Those who made it to Vietnam's neighbours – Malaysia, Indonesia, Hong Kong, Singapore, the Philippines or Thailand – were usually detained in transit camps and processing centres

established by the local authorities and/or UNHCR, where they faced “boredom, illness, anxiety and restriction” (Cadzow et al., 2010:123). Although individual camps varied in terms of resources and security (Vo, 2006), they were frequently overcrowded, dangerous and lacking in basic facilities (Kushner & Knox, 1999; Lipman, 2020). While published studies highlight good examples of camp management (for example Lipman’s glowing description of Bataan camp in the Philippines), the oral histories in Chapter 5 below suggest that traumatic and highly precarious camp experiences are under-represented in the literature.

Freeman & Huu’s 2003 book focuses on boat children in Asian camps, and is one of the most comprehensive resources on the child migrant experience. It documents how children who passed through “even the best” camps were deeply traumatised by violations of their human rights. Children who arrived with other relatives (aunts, older siblings) were often separated from these adults and left to fend for themselves. Lone children were accused of being ‘economic anchors’, sent by their parents to secure safe passage for the rest of the family. (Freeman & Huu note that the children they interviewed vigorously denied this accusation.) These minors had their ‘best interests’ decided for them by committees that failed to take children’s own views on board. In their visits to 18 Asian refugee camps across several countries, Freeman & Huu found children in every location who were hungry, brutalized, terrified, maltreated, physically and emotionally stressed, and generally “devastated by their experience” (p.22). Many shouldered a huge responsibility of making it to a third country to support their families back in Vietnam. When many of these children were repatriated in the 1990s, they became despondent, at times suicidal, due to the failure of their efforts. Individual cases represent microcosms of injustice and despair. One 12-year-old boy:

“had been led to believe that his mother was waiting for him [in northern Vietnam], so he volunteered to return, happy to leave the crowded, violent steel cages of Whitehead [Camp in Hong Kong]. When he returned home, he was told that his mother had moved to the south, but nobody knew where she was.”

(Freeman & Huu, 2003:112)

Freeman & Huu point to camp authorities, UNHCR and national government authorities as the perpetrators of these human rights violations against children, recording multiple examples of abuses of children’s rights and systemic failures to protect them from harm.

Attitudes varied towards those adults and children who were able to resettle further afield – including in the USA, Europe and Australia (Grant, 1979). In the USA, Vietnamese arrivals were

hailed as “model refugees: hard-working, well motivated and eager for self-sufficiency” (p.161); nevertheless, racial tensions were ignited over access to housing and jobs, and many suffered residual trauma. In Australia too, tensions arose over employment opportunities, while in Malaysia, Vietnamese boats were stoned from the shore by locals who argued that refugees drove up the cost of living and drained government resources (Grant, 1979).

In the UK, emotional difficulties arose in a traumatised refugee population. Some children failed to thrive in school, and rates of domestic violence were high in the Vietnamese community (Kushner & Knox, 1999). They faced hostility from some quarters (Crangle, 2016), although volunteers did their best to help them settle (Kushner & Knox, 1999). Dispersal around the UK was considered appropriate, since the Vietnamese refugees “were thought to possess neither the power nor the will to oppose forced dispersal” (Robinson, 1989:332). This reflected the forced relocation policies that many had already experienced in Vietnam. Poverty and lack of support networks resulted (Kushner & Knox, 1999), and many subsequently moved from their state-allotted housing in deprived and sometimes remote areas to be closer to other Vietnamese families and better opportunities (Robinson, 1989; Crangle, 2016). Mobility of the Vietnamese refugee population in the UK in the 1980s was a third higher than the average population (Robinson, 1989). Thus, the cycle of displacement and resettlement continued for many, with further upheavals for children as they moved to new areas and new schools. Again, the impact on children’s lives is largely absent from the literature, since the three government-commissioned studies on the Vietnamese refugee community (Jones, 1982; Edholm, 1983; Duke & Marshall, 1995)<sup>17</sup> each fails to mention children’s needs (Rutter, 2006). As with the Montserratian child evacuees of the late 1990s (see Chapter 6), children are consistently absent from the official narrative and evaluation of resettlement. The oral histories analysed in Chapter 5 illuminate important details missing from official narratives.

Although the numbers resettled in the UK are small compared to the USA – approximately 25,000 compared to more than 1 million – the UK nevertheless provides an interesting case study to answer my research questions. First, the archival records available on policy decisions suggest that the UK represented a microcosm of international policy-making on Vietnamese refugees, while also having several key contrasts with the US model (see Chapter 5). Second, alongside Montserrat, it allows for a comparative study of the UK’s treatment of irregular migrants versus evacuees with regularised immigration status. Finally, the Vietnamese

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<sup>17</sup> These three government studies are considered as archival sources and are analysed in Chapter 5.

refugees resettled in the UK were more diverse than those in the USA. A large number of refugees resettled in the UK were from a peasant or subsistence fishing background, including some Hoa (ethnically Chinese) refugees (Kushner & Knox, 1999). This finding partly contradicts the narrative that the Hoa were middle class with political motivations for migrating. UK-bound refugees also included “a high number of unaccompanied children, mainly those picked up at sea [and for whom] relatives could not always be traced” (Kushner & Knox, 1999:326). Robinson (1989) noted that Britain was less selective in choosing whom to resettle than other destination countries, perhaps explaining the lack of a political motivation for departure in the narratives of UK-based refugees and the higher proportion of peasants and unaccompanied minors among those arriving in the UK. This profile suggests that environment-related concerns may have been a greater contributor to migration decisions for refugees resettled in Britain compared to elsewhere. Chapter 5 explores these linkages in more depth.

The US government was more selective in its acceptance of Vietnamese refugees, although it ultimately resettled more than any other country. Freeman & Huu (2003) observed that the first wave of unaccompanied minors arriving in the USA in 1975 were able to successfully navigate schooling and, later, employment. Later waves of unaccompanied minors, however, struggled to adjust. The experiences of refugee children in the USA is investigated further in Chapter 5.

#### 4.2.4 Summary

The literature outlined above provides numerous insights into the research questions for this case study. First, it demonstrates the catastrophic effect that both ecocidal weapons and resultant post-war reclamation policies had on the southern Vietnamese countryside and its inhabitants. Second, it partially demonstrates how this ecological and agricultural disaster became one push factor for internal displacement and the subsequent boat people migration. These two points are much in evidence in wartime and post-war literature, but drop out of the more recent literature in favour of political causes of migration. Third, while attesting to many of the serious human rights violations and other harms encountered by the boat people, the literature frequently fails to give voice to the experiences of children, whether on the journey, in camps or in resettlement countries. Fourth, this lack of children’s experiences in the literature limits our ability to identify the specific harms faced by child refugees, the perpetrators of those harms and the protection gaps that exist. These four areas are the focus of my research for this case study.

## 4.3 Methodology and ethical considerations

### 4.3.1 Archival research

My findings for this case study were derived from archival documents and oral histories in repositories in the UK and USA.<sup>18</sup> This includes personal correspondence, minutes of meetings, press releases, pamphlets, reports, government briefings and communications, newspaper articles and NGO records, among others. The archives used to source this information are listed in the table below. Full details of each record can be found in the bibliography.<sup>19</sup>

**FIGURE 6: LIST OF ARCHIVES RELATING TO VIETNAM**

| <b>Name of archive or collection</b>             | <b>Location</b>                 | <b>Materials cited</b>  |
|--|---------------------------------|---|
| Southeast Asia Collection                        | University of Hull (UK)         | 10 historical documents relating to the Vietnam War and proceedings of the post-1975 Vietnamese government.                       |
| Race Relations Resource Centre                   | Manchester Central Library (UK) | 13 historical documents relating to Vietnamese refugees in the UK.  |
| Hansard  | UK Parliament archive (online)  | Five digitised records of UK parliamentary proceedings covering 1960-1998.  |
| Prime Minister's Office Records                  | National Archives Kew (UK)      | 19 historical documents covering the months surrounding the 1979 Geneva Conference on Indo-Chinese refugees.                      |
| Joint Committee for Refugees from Vietnam (JCRV) | National Archives Kew (UK)      | 12 historical records, mostly minutes of JCRV meetings, from 1979 to 1982.  |
| Gerald R. Ford Presidential Library              | Online repository (USA)         | 15 digitised records from 1974-75 relating to the evacuation of Saigon and resettlement of refugees.                              |
| National Archives and Records Administration     | Online repository (USA)         | One digitised record relating to defoliation operations.  |
| US Department of Agriculture                     | Online repository (USA)         | One digitised record relating to defoliation operations.  |
| Amnesty International Archives                   | London (UK)                     | 12 historical research documents on human rights violations against Vietnamese citizens and boat people dating from 1975 to 1996. |
| Hull History Centre                              | Hull (UK)                       | 10 historical documents relating to Vietnamese resettlement in the UK.  |

<sup>18</sup> I also contacted the author of one archived document (as described in Chapter 5.3.1) and conducted a brief email exchange to understand the context for his publication.

<sup>19</sup> Hull University does not have a referencing style for *Hansard*. The following style was applied: <https://library.leeds.ac.uk/referencing-examples/9/leeds-harvard/107/hansard>

My decision to use these sources was based on key-word online searches of numerous repositories, which identified these as holding relevant records. It was also shaped by Covid-related travel restrictions and closures of archives to visitors. The documents in these archives have been stored in accordance with ethical and legal requirements for sharing with researchers.

The primary purpose of my archival research was to investigate the importance of environmental degradation in Vietnam as a direct or indirect driver for the post-1975 exodus. I also used archival sources to understand the risks and harms encountered by the refugees, particularly children, on their migratory journeys, in camps and following resettlement in the UK and USA, and the policies which contributed to these harms.

#### 4.3.2 Oral histories

The second part of my data collection uses existing oral histories. Through these, I investigate the importance of the environment, agriculture and related themes to people who migrated from Vietnam to the UK and USA between 1975 and the mid-1990s, and the human rights harms they experienced during their journeys and resettlement. This included studying oral histories in podcast form, for which there were no established methodologies or ethical guidelines (see 4.3.3. below).

I drew on four oral history collections (see below) as a form of secondary analysis.<sup>20</sup> This data has been made available through the process of formal data sharing, through deposition in public archives and/or publication on a podcast platform.

My process for analysing the oral histories involved listening to the interview or reading the translated transcript, noting the broad themes that arose and recording quotes that spoke to children's experiences in particular. I took an inductive approach, being led by the content itself. In practice, this meant that I did not begin with a pre-written list of themes but rather recorded and categorised issues as they arose. This led to some surprising findings that helped provide context and a broader scope to my study, such as the importance of food and celebrations in the diaspora population, and the consequences of long-term trauma arising from human rights violations during migration.

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<sup>20</sup> Secondary analysis is defined as "the re-use of pre-existing qualitative data derived from previous research studies" (Heaton, 2008:34).

Nevertheless, I did not code the entirety of each history. I recorded the major themes that arose repeatedly and then made more detailed notes for content that was directly relevant to my research questions, particular the experiences of children. This included pulling out quotes that highlighted particular migration drivers, environmental concerns and human rights violations. I then evaluated the frequency with which these topics appeared across all the oral histories to see how representative they were of the sample as a whole. Rather than using data analysis software, I preferred to keep detailed Word documents covering the numerous themes, in which I also categorised the direct quotes. I found it easier to group, cross-reference and search the data this way.

My investigation of this data takes the form of supra analysis, in that my research questions transcend the purpose for which the data was originally collected (Heaton, 2008). My aim was to build a picture of post-war Vietnam and the boat people migrations, using these oral histories as one source of information, alongside archival investigations into scientific, governmental, NGO and journalistic records from the time.

The oral histories were collected and recorded by various means and actors. Two collections stem from academic research projects; one was collected by a charity; and one began as a weekly podcast series. The level of information available about the interviewer, editorial decisions and situational context therefore varies; however, the focus is always on the participant and their narrative arc of suffering-escape-rescue-resettlement. Various constraints on the participants (either self-imposed or dictated by the interview process) provide varying structures for the published outcomes. And while these histories form part of the public record and are available for research purposes, I acknowledge that participants did not specifically consent for their histories to be used to further my particular research aims.

In the following sub-sections I describe the purposes for and processes by which each of these histories was collected and archived, and my methodology for choosing which histories to include in my study.

*University of California Irvine, VietStories oral history project*

The VietStories oral history project was designed “to highlight the humanity of the people behind [the] headlines by showing the consequences of war and what happens to refugees

over 40 years after a war ends.”<sup>21</sup> The project website notes: “The resources on our site are available for your research and scholarship.” Participants signed informed consent forms prior to interview and were notified that their information would be made public.

Out of the 223 oral histories available in the project’s database,<sup>22</sup> I analysed 158 transcripts.

My selection criteria were:

1. Availability of an English transcript.
2. The subject was a refugee from Vietnam rather than a second-generation Vietnamese American.
3. The transcript was unrestricted for use in research. (Some transcripts in this collection are restricted until a certain date.)

Each transcript in the VietStories oral history collection represented an interview of up to two hours in length. Some transcripts were incomplete, so I analysed the information that was available. Of the 158 interviewees, at least 68 were under the age of 18 when they left Vietnam. At least a further 29 left as young adults aged 18-25. Approximately 18 interviewees were unaccompanied minors.<sup>23</sup> Fifty were female, 107 were male, and one was of unspecified gender. Ninety-two had left by boat; the others by air, evacuation ship, or over land.

#### *The Vietnamese Boat People Podcast (VBPP)*

This podcast’s stated goal is to: “preserve and carry forward these stories for younger generations to be inspired by the history of resilience in our Vietnamese community”.<sup>24</sup> The podcast shares an important aim with my research; that of shaping policy and thereby “helping today’s refugees transition into safer lives”. Participants in this ongoing project are advised that “your story will be made available to the public through our programs and platform”, and have consented to the editing, publication and public archiving of their stories, signing over all rights to the recording to the podcast founder, in perpetuity, for any purpose.<sup>25</sup>

I analysed all 27 episodes of VBPP published up to 12 May 2021. These contained 29 stories from individuals, including 20 Vietnamese refugees now living in the USA (nine female, 11

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<sup>21</sup> See: <https://sites.uci.edu/vaohp/about/>

<sup>22</sup> Available at: <https://sites.uci.edu/vaohp/>

<sup>23</sup> Dates of birth are not given for all the interviewees; in some cases, age at the point of migration has been estimated based on other information provided.

<sup>24</sup> See: [vietnameseboatpeople.org/](http://vietnameseboatpeople.org/)

<sup>25</sup> Confirmed during video call with Tracey Nguyen Mang, VBPP founder and producer, 19 March 2021.



male), two people who had worked at refugee camps in Asia, one merchant seaman who rescued refugees at sea, and four second-generation children of Vietnamese refugees in the USA. The episodes also included stories from the “Bolinao 52” boat rescue, and one episode containing multiple contributions from first and second-generation Vietnamese Americans. Most participants were children at the time of their escape. The podcast was founded and is produced by Tracey Nguyen Mang, and interviews with members of her family (who were boat people) feature in several episodes.

#### *Voices of Vietnamese Boat People*

This collection of 19 narratives is based on interviews conducted with boat people by two researchers in the USA in the late 1990s. The transcripts are available online via ProQuest, with no restrictions on their use.<sup>26</sup> I have been unable to find contact details for the researchers to obtain further details on their selection or interview process. I analysed all 19 narratives in this collection. The gender and age were not always made explicit, but at least seven were former child refugees.

#### *Refugee Action Vietnamese Oral History Project*

Around 110 oral histories were gathered by the UK charity Refugee Action from Vietnamese refugees in the UK “to bridge the gap between three generations of the Vietnamese community and to help them share their experiences with the UK public.”<sup>27</sup> It arose from the Vietnamese National Conference in 1997 where the “community raised concerns... that their history and culture would disappear” (Refugee Action, 2003). The transcripts and audio files are only accessible in person at the British Library in London and cannot be removed nor copies made. The methodology for the project is outlined on a CD-Rom (Refugee Action, 2003), which I viewed at the city archives in Manchester. Interviewees were offered anonymity, and each signed a consent form agreeing that “[a]ll material will be preserved as a permanent public reference for use in research, publication, education, lectures and broadcasting” (Refugee Action, 2003).

Some of the transcripts and recordings in this collection are currently restricted. Of those that are open, I selected ones with either an English transcript available to read at the British

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<sup>26</sup> See: <https://ebookcentral.proquest.com/lib/hull/detail.action?docID=4390653>

<sup>27</sup> See: [cadensa.bl.uk/uhtbin/cgiirsi/x/0/0/5?searchdata1=CKEY6845252](https://cadensa.bl.uk/uhtbin/cgiirsi/x/0/0/5?searchdata1=CKEY6845252)

Library (20), or a detailed English summary (12).<sup>28</sup> Thus, in total, I was only able to access and analyse 32 oral histories (20 female, 12 male) from a collection of 110. The birth year range of the participants was 1919 to 1986 and, while the age at the point of migration was unclear for many, at least six of the 32 were former child refugees.

In total, across the four collections, I analysed 229 oral histories of Vietnamese refugees living in the UK and USA, including at least 91 former child refugees. Many others were parents travelling with, or separated from, their children. The vast majority had emigrated from South Vietnam, more than half by boat.

#### 4.3.3 Ethical considerations

The overriding goal of each of these oral history projects was the public dissemination of the refugees' stories. Therefore, I have no ethical concerns about accessing this content, as I believe there was an implied or explicit acceptance by the original researchers and participants that the histories would be used and shared. However, participants may not have envisaged their names and histories appearing in research publications. Likewise, they might not agree with the particular emphasis my research places on certain push factors for migration or the legal/policy reasons behind their experiences.

To cover the first point, I anonymised the oral histories by assigning each narrator a random three-digit number preceded by two letters denoting the collection from which they came (for example, CI167 for an oral history from the California Irvine collection). While all the interviews are in the public domain, this will nevertheless help protect individuals' dignity and privacy. I also acknowledge that researchers have responsibilities to protect the privacy of third parties mentioned in oral histories (McKee & Porter, 2012) and I made efforts to omit identifying information to this end.

On the second point, I acknowledge that I will in some cases be reframing people's narratives to highlight my own research interests, for example by looking for reasons for an individual's pre-departure poverty in clues given about ecological destruction or agricultural practices in their immediate environs. Nevertheless, I aim to avoid rewriting their histories in such a way that ignores their own truths, concerns and memories.

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<sup>28</sup> I enquired about assistance with translating other transcripts in this collection from Vietnamese to English, but Covid-19 closures made this impossible in the time available.

### *'Data fit' and validity*

Using secondary sources raises the question of 'data fit' – whether the information is actually relevant to my study. In this case the data was collected for different purposes to my own research aims. However, I believe this to be a valuable attribute of the oral histories. In oral histories, people are asked to describe those aspects of their experience that matter most to them. In doing so, they may inadvertently repeat themes relevant to a specific area of research, which may at the time appear incidental. The influential oral historian Alessandro Portelli argues that the value of oral histories lies precisely in this selective retelling. Oral history interviews, he argues “always cast new light on unexplored areas of the daily life of the nonhegemonic classes... they tell us a good deal about [an event's] psychological costs.” (Portelli, 2006:36). In my explorations of these data sets, I found the themes of agriculture, internal displacement and human rights violations coming up repeatedly, even though they are not necessarily central to the narratives and do not feature in the interviewers' lists of questions. This suggests that these themes shaped the storyteller's experiences and left a psychological imprint, regardless of whether they or the interviewer feels they are significant. I believe this repetition is *more* telling than if I had 'led' participants in a structured interview on the topics of agriculture, the environment, displacement or specific human rights violations.

A further issue in using secondary data concerns the veracity, validity and quality of the data. In this case, I have chosen four sources that are reputable, and through cross-referencing I attempted to validate the data by looking for consistent themes. A lingering question remains: 'What is missing from these archives?' I answer this with reference to other archival sources. However, one oral history participant, who had herself been an interviewer for the project, commented that some people withdrew their testimonies for fear of a community backlash, stating “*definitely we did miss some of them*” (CI124). Unfortunately, the oral histories can never be fully representative of the Vietnamese migrant experience, not least because of the extremely high death toll among those who took to the seas. I acknowledge, therefore, that many boat people's stories will never be told.

### *Justification*

The role of a historian is to tease facts and new understandings from historical archives, diaries, letters, photographs and other records and ephemera. The repetition of this method makes analysis of secondary materials appear normal and uncontroversial (Bornat, 2008; Moore, 2010). Thus, the ethical considerations of archival research risk being overlooked,

while the ends are automatically assumed to justify the means. In contemporary social science research, there is a greater acceptance of the requirement to justify the research goals in accordance with the original intentions of the creators of secondary sources.

My aims intersect with the aims of the oral history projects, particularly the imperative to keep the refugees' memories alive, to publicise their experiences and to help future migrants to transition into safer lives. Therefore, my research into these particular archives is justified by the terms and objectives of their creation. While my findings may highlight different aspects of the refugee experience, my research purpose is not at odds with the aims of the projects to which these participants contributed.

#### *Analysing podcasts – new methodologies and ethical considerations*

Although “audioblogging” began in earnest in the 1980s, the modern podcast form dates to the early 2000s and became popular post-2010. Hence, it is a relatively new medium, and I found minimal discussion of methodologies for analysing podcast content.

Many podcasts, including the one whose episodes I analyse for my research – The Vietnamese Boat People Podcast (VBPP) – take the form of oral histories, giving participants an opportunity to speak at length about their experiences. Yet the selection and editorial process differs from traditional academic oral history collections. In her study of the self-representation of Vietnamese refugees, Espiritu (2016) notes that digital technology in general “allows users to ‘route around’ the traditional gatekeepers and express themselves in ways that previous generations could not” (p. 22). Nevertheless, podcasts still have producers and editors, and therefore gatekeepers. They are therefore perhaps an extreme example of oral history being “the product of both the narrator and the researcher” (Portelli, 2006:39). I investigate this process with reference to the popular US podcast, Radiolab.

#### **Podcast analysis – Radiolab case study**

Radiolab is produced by New York Public Radio. It was the USA's 11<sup>th</sup> most downloaded podcast of 2020 and has won numerous awards. In 2012, Radiolab released an episode entitled “Yellow Rain”, an attempt to apply the podcast's investigative journalism to the alleged use of chemical weapons in Laos and Cambodia.

The episode received an immediate backlash. An elderly Laotian Hmong man, Eng Yang, had been invited by Radiolab to give testimony of witnessing chemical attacks on Hmong villages in the 1970s and 1980s. The podcast episode concluded that there was insufficient scientific evidence that the substance Eng Yang described was a chemical agent. The hosts were later criticised for their relentless cross-examination of Eng Yang's account, which had elicited a highly emotional response from Eng Yang and his niece-interpreter. The hosts subsequently published rebuttals to the audience criticism, framing their actions as truth-seeking, and issued an amended episode.<sup>29</sup>

In dismissing Eng Yang's eyewitness account in favour of information gathered from scientists, Hillmer & Yang (2017) accused the Radiolab hosts of "confirmation bias", and called for the "discredited" accounts of chemical weapons attacks to be re-examined (p.3). They note that, in Radiolab's framing, key evidence from Eng Yang was not translated for the listenership. Thus, a purportedly objective, science-based podcast nevertheless promoted and excluded certain evidence to support its chosen narrative (Hillmer & Yang, 2017).

Radiolab's podcast journalism has nonetheless become an exemplar of "good" public broadcasting. According to one journalism school, Radiolab's successful storytelling techniques include: "Establish tension.... Show curiosity and marvel.... Use dramatic language [and] strong action verbs.... End with significance" (Stony Brook University, 2014). Radiolab's framing of science stories thus deviates from a simple presentation of the facts; yet students are encouraged to emulate it.

Eckstein (2014) argues that in many episodes, including "Yellow Rain", Radiolab "creates a tension between subjective experience [that of Eng Yang] and external, replicable observations" (p.42). Eckstein notes how the 17 interview questions emailed to Eng Yang before the recording did not focus on chemical weapons, suggesting that he was misled and removing any justification for the aggressive cross-examination. Ultimately, Eng Yang and his niece withdrew from the interview, positioning interviewer Robert Krulwich as the victor in "gotcha journalism" (p.45). In the 15 seconds of silence following the truncated interview, the listener is invited to form their own judgement of the 'truth'.

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<sup>29</sup> The full (albeit amended) version of the episode, along with the hosts' subsequent statements, can be found at: [wnycstudios.org/podcasts/radiolab/segments/239549-yellow-rain](http://wnycstudios.org/podcasts/radiolab/segments/239549-yellow-rain)

Podcasts are not bound by the same ethical standards as academics or archives when gathering, storing and sharing oral histories. Podcasts are inherently journalistic constructs, edited to present a version of the truth. The Radiolab example moreover demonstrates the particular sensitivities of reporting on the issue of chemical warfare and the wider Indo-Chinese conflicts. Thus, my analysis of VBPP required sensitivity to the issue of editorial values and choices. To this end, I contacted the founder and producer of VBPP, Tracey Nguyen Mang, to discuss her editorial process.<sup>30</sup> She did not express any ethical concerns with my proposed use of the content from her podcast in my research, so long as individuals are given anonymity, to which I agreed.

Tracey Nguyen Mang shared copies of the release form and interview questions and explained how stories are selected and edited for publication on VBPP. She also noted that all unedited recordings from VBPP were in the process of being deposited at the public archive of New York University Tamiment Library,<sup>31</sup> adhering to Tamiment Library's own ethical procedure for admitting and storing content. The meta-information provided by Tracey Nguyen Mang during our conversation demonstrated that the podcast content was indeed heavily curated to serve a particular audience and a rhetorical and educational purpose. Nevertheless, the content of the published podcast interviews uncovered clues as to the causes and nature of the boat people exodus, which I believe remain valid and relevant to my study. Their content was further corroborated through my comparison and triangulation with oral histories from the other collections.

The following chapter contains my findings and analysis of the aforementioned archival documents and oral histories.

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<sup>30</sup> Zoom conversation with Tracey Nguyen Mang, 19 March 2021.

<sup>31</sup> These unedited, archived versions were not available for analysis at the time of writing.

## Chapter 5 – Vietnam case study: findings and analysis

### 5.1 Introduction

*“As a group Vietnamese [refugees] are under-researched and disadvantaged by the lack of significant and reliable statistical information... This is linked to, and reflected in, a lack of attention in official policy documents.”*  
(Tomlins et al., 1999:21)

This chapter outlines the findings of my archival and oral history research into the Vietnam War and subsequent exodus, and analyses these findings in relation to the research questions. It concludes that environmental degradation was among the main drivers of the exodus, and was thus a catalyst for widespread human rights abuses and other harms experienced by the boat people, particularly children. My analysis shows how the policies of various governments contributed to these harms.

As the quote above suggests, there are gaps in the available governmental and statistical sources, particularly relating to Vietnamese children. This chapter employs archived oral histories to fill these gaps through first-hand accounts of the Vietnamese refugee experience. In doing so, it uncovers lesser-documented environmental drivers of migration from Vietnam and challenges the recent literature’s focus on political drivers of the exodus.

The following sections summarise my findings on the following topics in turn:

- Section 5.2: Environmental and agricultural destruction during the Vietnam War
- Section 5.3: Push factors for the boat people exodus
- Section 5.4: Experiences of the refugees, particularly children, during flight
- Section 5.5: Experiences of reception and resettlement in the UK and USA

Alongside oral histories of Vietnamese refugees, this chapter cites historical archival records. The references for archival materials are presented in bold type. The bibliography provides the location and format of each document cited. Sources for the oral history interviews are given in brackets, for example (CI056), using the following two-letter codes:

CI = University of California Irvine’s VietStories

BL = British Library/Refugee Action Vietnamese Oral History Project

VB = The Vietnamese Boat People Podcast

VV = Voices of the Vietnamese Boat People

The three-digit number denotes the speaker. I have anonymised the speakers and any third parties mentioned, and randomised the number order. Quotes from oral histories are presented in italics. I have identified those for whom it could be confirmed that the speaker was a child refugee.

## 5.2 Environmental destruction during the Vietnam War

*“A fly caught between two fighting buffaloes”*  
– Vietnamese villager (cited in Martini, 2012:55)

This section answers my first research question for this case study: How did conventional and non-conventional weapons degrade the environment of South Vietnam during the Vietnam War?

### 5.2.1 Evidence of environmental destruction

Defoliation efforts were first authorised by President Kennedy in 1961, and thereafter rarely distinguished between civilian and military targets (Zierler, 2011a). By the mid-1960s, scientific evidence of the dangers of defoliants was growing. Swiss pharmacologist and paediatrician Jean-Pierre Guignard compiled evidence relating to chemical and bacteriological warfare in South Vietnam. In 1967, he disseminated his findings in a pamphlet highlighting the US government’s campaign of misinformation:

“Large numbers of doctors, chemists, bacteriologists and technicians are engaged in this work [producing herbicides]. But only 15 per cent of their studies are published in the scientific journals; the greater part of their work makes up a secret literature, the exclusive property of the U.S. Department of Defense”  
(Guignard, 1967:4)

Guignard’s pamphlet demonstrates that, as early as 1967, the dangers to human health from defoliants were common knowledge, as was the US military’s strategy of food denial via chemical warfare. **Guignard (1967)** compiled evidence of “extremely grave ailments”, particularly in children and the elderly exposed to defoliants (p.5), and “[h]eavy crop destruction” beginning in 1963 (p.14). When I contacted the long-retired Dr Guignard in April



2021, he told me that his pamphlet had been part of a strategy by Swiss doctors to “denounce the plans of the Pentagon to develop chemical weapons”. In our email exchange, Dr Guignard linked the ecological destruction with human migration: “Destruction of the crops and insecurity clearly pushed the population to abandon their villages and farms” for cities, and subsequently some of these refugees “escaped from these crowded areas as boat people”.<sup>32</sup>

Meanwhile, journalists and relief agency staff (e.g. **Pepper, 1967; Carlisle, 1969**) were recording injuries and fatalities among children exposed to defoliants, white phosphorus and napalm. In 1968, UK MP David Kerr noted that this “chemical and biological warfare... is, in fact, occasioning starvation among an already starving population”. The UK Foreign Secretary responded that it was “inevitable in the operations of war that there will be an interdiction of food supplies” (**Hansard HC Deb., 20 May 1968**).

The UK Government supported the use of defoliants by the USA and South Vietnam, despite mounting evidence of their harms, including that compiled by Dr Guignard which was widely circulated in several languages.<sup>33</sup> In 1970, UK government minister George Thompson claimed: “We have no evidence that [defoliant] use in Vietnam is causing lasting harm to the ecology of the country or is having any poisonous effects on human beings” (**Hansard HC Deb., 6 April 1970**). The continued support for the US position from the UK Government was evidenced in 1972, when FCO Minister Baroness Tweedsmuir was questioned about the destruction of crops, irrigation systems and soil by US bombing. Her reply: “My Lords, all wars involve destruction of the environment.” She confirmed she had assurances that the USA “would not bomb dykes deliberately, although they could possibly do some incidental damage” (**Hansard HL Deb., 28 July 1972**).

Wartime documents demonstrate anxiety among North Vietnamese officials over the destruction of agricultural land and natural disasters, as they anticipated reunification with the South. An article in North Vietnamese newspaper *Hanoi Hoc Tap* (1972) notes that:

“the fundamental role and strategic significance of agriculture have become more prominent under present circumstances. First of all it is necessary to develop the production of grains and foodstuffs in the [Mekong] delta, the middle region and the mountain region. It is necessary to urgently complete the preparation for the

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<sup>32</sup> Email exchange with Dr Guignard, April-May 2021.

<sup>33</sup> Email exchange with Dr Guignard, April-May 2021.

struggle against floods and the calamities caused by nature or the enemy during the coming rainy season” (p.82).

In 1973, the North Vietnamese authorities waging war in South Vietnam (known to the USA as COSVN), issued a Directive to regional committee members stating that they should focus on, among other things “urging the people to return to their ricefields and orchards” through propaganda activities and slogans (**COSVN, 1973:10**). COSVN’s political strand, the People’s Revolutionary Party, noted in its economic plan for the envisaged post-war era:

“The rural area [of South Vietnam] has been heavily devastated by war.... Waste land is immense. Irrigation and flood control systems have been almost entirely destroyed.... The peasants’ reserve stock is nil. It is too late for the people returning recently from enemy-controlled areas to work for the main crops. Flood disaster will cause us difficulties in stabilizing the people’s life and production activities. In some places, famine, disease, and shortage of salt are occurring”

**(People’s Revolutionary Party, 1973:10)**

Key challenges envisaged by the Party included: “motivat[ing] rural people who have been relocated by the enemy to return home to farm” (**People’s Revolutionary Party, 1973:13**)

The document emphasises the risk of famine if wartime land degradation is not quickly reversed.

The Party Committee in one coastal province noted in 1974 that typhoons and drought which struck that year had been overcome. People internally displaced by the disasters were now self-sufficient, but “food supply in combat areas is not adequate” (**Binh Dinh Province Party Committee, 1974:31-32**).<sup>34</sup> While local Party members might be inclined to exaggerate local successes, the statement nonetheless demonstrates that environmental disasters were driving further internal displacement, and that officials were preoccupied with agriculture, natural disasters and food availability as the war ended.

A month prior to the fall of Saigon in April 1975, US Congressman William Chappell informed President Ford that the South Vietnamese government was already taking refugees from camps, putting them “through training programs” and dispersing them to “the countryside, fishing, etc., where they could be productive”. This was considered a positive move to grow

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<sup>34</sup> The COSVN, PRP and Binh Dinh Party communications cited here were intercepted and translated by US intelligence in 1973/4.

the country's economy, and Chappell called for US aid for these programmes (**White House, 1975f**). These policies, designed to reverse the loss of agricultural capacity due to war damage, relied on forced relocation of already displaced families, not necessarily to their region of origin.

A decade later, agricultural production remained the leading concern of reunified Vietnam, with forced relocation still the main solution. In a pamphlet from 1984, Communist Party General Secretary Le Duan notes the imperative to restore damaged forests and cropland, so that "every hectare of land is exploited". Restoration of land through population relocation would be approached in a military fashion: "the work force must be redistributed on a nation-wide scale to expand farming areas with the same zeal as in the fight against the enemy" (**Duan, 1984:10**).

In each of the four oral history collections I analysed, issues surrounding agriculture and the environment were raised, albeit by a minority of interviewees. For example, in the California Irvine collection, 19 out of 158 participants specifically discussed subjects such as the effects of bombing on the countryside, and pressures on those whose livelihoods depended on farming. Eight talked about the New Economic Zone (NEZ) relocation system. Additionally, 24 refugees discussed their experiences of forced agricultural labour in post-war Vietnam; sometimes undertaken while they were children.

The British Library/Refugee Action collection includes mentions of natural disasters. Several speakers, including former child labourers, describe relocation to NEZs and forced agricultural labour, including at re-education camps. These themes also arise in the Vietnamese Boat People podcast (VBPP) and Voices of Vietnamese Boat People (VV) collection. Moreover, in each oral history collection, post-war food shortages and rationing are cited as migration drivers.

The relatively low number of refugees raising these themes in their oral histories is likely the result of a lack of interview questions on environmental and agricultural issues. The California Irvine project, which represents 69% of the oral histories I analysed (158 out of 229 interviews), provided interviewers with 133 questions/discussion topics, only 14 of which relate to wartime and post-war experiences in Vietnam.<sup>35</sup> None of the questions enquire

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<sup>35</sup> Full list of questions available at: <https://sites.uci.edu/vaohp/resources/vaohp-protocol-packet/>

specifically about environmental or agricultural issues or ecological degradation. Likewise, the British Library/Refugee Action project (representing 14% of the oral histories analysed) did not include questions specifically on these topics. Interviewees who raised these subjects therefore did so spontaneously, despite the constraints of the interview, suggesting that they were noteworthy features of their pre-migration experience. It cannot be estimated how many other participants may have shared similar experiences, had they been directly asked. However, I conclude that the incidence of people mentioning environment- and agriculture-related themes, although low, is significant enough to suggest that it acted as a driver of migration for some refugees. This is particularly true for issues relating to forced agricultural labour and forced relocation to NEZs; the environment-related themes most commonly mentioned across the four oral history collections. The following section considers the extent to which these issues drove onward internal or overseas migration.

### 5.2.2 Conclusion

The archival documents cited above, originating in both Vietnam and Western nations, attest to the vast extent of wartime environmental destruction and the impact of natural disasters on South Vietnam's economy and populace, although they do not reveal the experiences of children specifically. The far-reaching consequences included periods of famine and a harsh government programme of forced relocation, demonstrating that the use of defoliants, bombs and other ecocidal weapons in rural areas provided a motivation for post-war primary and secondary migration.

### 5.3 Push factors for the exodus

*"As in every other aspect of the war, statistics on [internal] refugees have almost no real meaning because they fail to reflect reality." (Schell & Weisberg, 1970:27)*

This section considers my second research question for this case study: To what extent did these environmental factors influence internal displacement during the war and overseas migration post-1975? I use the framework of eco-global criminology helps to identify chains of causality, specifically how environmental change is a first-order impact that leads to second-order migration drivers.<sup>36</sup>

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[https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/5/522/files/2014/07/9.Interview-Questions\\_Eng.pdf](https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/5/522/files/2014/07/9.Interview-Questions_Eng.pdf)

Additional questions were included for participants from certain backgrounds such as the military.

<sup>36</sup> The notion of first- and second-order impacts of disasters comes from Ingram et al. (1981a); see Chapter 8.2.1.

### 5.3.1 Environmental causes

As the boat people refugee crisis made headlines in Europe, British parliamentarians were divided as to its root cause. In 1978, it was noted in the House of Commons that many of the refugees were pastoralists or fisherfolk (**Hansard HC Deb., 15 December 1978**), not only political refugees as assumed by many twenty-first century accounts. Yet the archives show that there were also urbanites among the boat people, evading forced relocation to the countryside, which the *Daily Telegraph* (1979) likened to being sent to a Siberian gulag. Lord Segal asked his fellow peers to consider the “countless thousands uprooted from their urban homes and dumped into bare, rural areas without adequate subsistence and little hope of survival” (**Hansard HL Deb., 14 February 1979**).

Labour MP Stan Newens linked environmental destruction to a reduced standard of living, which was driving the exodus:

“Should we not recognise that Vietnam has suffered an unparalleled measure of destruction, loss of life and misery in the wars of the past 30 or 40 years, and that that has been aggravated by natural disasters? Is it therefore not natural that many people wish to leave the country merely because of the lowering of the standard of living, as many of them have indicated?” (**Hansard HC Deb., 18 June 1979**)

His suggestion that wartime destruction and environmental degradation were driving the refugee crisis was struck down by MP Ian Gilmour, who blamed the Vietnamese government for the exodus. Yet, since Vietnam’s policy of forced relocation to rural areas was prompted by the wartime degradation of agricultural land, these arguments amount to the same conclusion.

A confidential briefing to Prime Minister Margaret Thatcher notes:

“many of the ethnic Vietnamese of the former middle class in the South... who face the stark alternative of being transferred to a ‘new Economic Zone’ will prefer to risk leaving by sea” (**Foreign and Commonwealth Office, 1979b:1**)

This demonstrates acknowledgement within the British government that the NEZ-based policy of land reclamation, driven by environmental and agricultural degradation, was indirectly and partly responsible for the ongoing refugee crisis. More broadly, the narratives of the day acknowledged that the boat people included both rural and urban dwellers fleeing for economic and environmental reasons, not only political refugees.

A 1979 Oxfam report records several environment-related migration drivers, including:

“Above all... a sustained attempt... to manipulate – and completely transform – the entire physical and human environment of a country... The natural vegetation cover, the rainfall regime, the soil pattern, the natural drainage pattern, the complex of animal life, and the complex of disease-bearing organisms were all... manipulated to fight the enemy” (Ashworth, 1979)

The report describes the “infertile, cratered moonscapes” left by bombing raids, as well as defoliation, bulldozing, erosion and flooding. Similarly, a handbook to assist UK health professionals in supporting refugees mentions defoliation of crops and bombing of irrigation systems as relevant to the experiences of Vietnamese refugees, reminding them that “the country still has not recovered” from the wartime damage to food supplies (Mares, 1982:108). In the USA, a wartime briefing produced by the US Navy’s Scientific Advisory Group (Warren, 1968) presented significant evidence that crop defoliation was pushing rural peasants to join the Viet Cong and, in the case of the Montagnard tribes, causing starvation and internal displacement.

Multiple contemporary sources therefore support the hypothesis that deliberate environmental degradation combined with natural disasters contributed to internal displacement and, ultimately, to people fleeing Vietnam. This is borne out by oral histories of refugees who resettled in Britain and the USA, some of whom directly mentioned environmental factors as colouring their pre-migration experience and migration decisions:

*“the war came through [our village], and not a single structure survived. There’s nothing survived. Even trees, we don’t have any old trees there. Everything wiped out” (CI138)*

*“war destroy the environment, destroy the people” (CI084, child refugee)*

*“[There were] a lot of hurricanes and flooding, and those houses made of straw and leaves were blown away.” (BL026)*

More commonly cited reasons for fleeing were fear of Vietnam’s so-called ‘re-education’ system and forced relocation to NEZs. Recent estimates suggest 2.5 million people were interned for re-education (van Zyl, 2017). The archives of human rights research organisation Amnesty International provide an insight into the re-education system and its links to the

environmental conditions post-war and subsequent exodus. In 1979 Amnesty reported that, in addition to former military personnel, re-education camps detainees included “medical doctors, former civil servants and diplomats, journalists, academics, schoolteachers and writers” (**Amnesty International, 1979**). Some detainees remained in camps twenty years after reunification (**Amnesty International, 1995**). Throughout this period, the organisation noted that forced manual labour was a feature of the re-education system (**Amnesty International, 1987 & 1978**).

The reports of forced labour are relevant here since one of the main purposes – if not *the* main purpose – of the re-education camp system was the provision of vast amounts of slave labour to reconstruct the agricultural sector and transform the landscape of South Vietnam, depleted by ecocidal weapons. A **Foreign and Commonwealth Office (1983)** briefing contains testimony from the former Prime Minister of South Vietnam, Nguyen Van Loc, who was an inmate of a re-education camp between 1976 and 1980: “He described how inmates were forced to clear jungle swamps, farm the area and build a dam; two or three people died every week from malnutrition or disease.” The briefing concludes: “Many of the [re-education] camps are simply pools of forced labour, and no attempt is made at ‘re-education’ or indoctrination”.

Of the 158 oral histories analysed from the California Irvine collection, 18 participants, including children, had themselves been detained in a re-education camp, and 57 participants had seen at least one family member detained. These periods of internment lasted from a few months to 13 years, with some participants’ family members never returning, presumed (or certified) dead. Several participants in the VBPP and VV collections had also been detained or seen family members detained. The camps were commonly referred to by speakers as “concentration camps”, with some making explicit connections to Nazi death camps. Many speakers confirmed that the purpose of these camps was to extract forced agricultural labour:

*“[I]n reality, the re-education camp is more like the hard labor camp.” (CI033)*

*“The job was farming, cultivating crops” (CI034)*

*“[My father] had to work intense physical labor, farming for roots and vegetables” (CI043)*

*“[W]e cleared the forests with our hands.... After finishing planting, we moved to another location to prepare the soil for planting” (CI096)*

The final speaker here noted that pregnant detainees gave birth in the camp, their children being removed from them at the age of three. Overall, the camp system represented a mass case of arbitrary detention without due process.<sup>37</sup> Other human rights violations perpetrated by the authorities against camp inmates, as evidenced in the oral histories, included torture and other ill-treatment; extrajudicial executions; lack of food, sanitation and medical care; lack of access to family members and the outside world; enforced disappearance; and detention of children alongside adults.<sup>38</sup> The evidence demonstrates that the re-education system was intrinsically linked to the wartime depletion of farmland and the wider countryside. It thus had the dual purpose of punishing ‘undesirables’ while rehabilitating the decimated agricultural sector.

In some cases, human rights violations, including labour exploitation, continued even after victims were released from camps, as evidenced by five speakers in the VV oral history collection. VV011 described how he was considered a “*noncitizen... under strict surveillance*” and his children were barred from further education. The stigma associated with detention and forced labour thus also contributed to the desire to migrate.

VV010 described being left alone with his brothers when their father was detained in a re-education camp. The four children made a shelter from sticks and leaves, in which they lived for a year. When the youngest child was hospitalised with malnutrition, they were sent to an orphanage. When their father was released from the camp, the family was relocated to a NEZ:

*“The people who drove us there told us to cut down the trees and build our own house.... We [the children] cleaned the yard, cut bamboo down, and planted tomatoes and corn, but we still did not have enough food. We would sometimes be so hungry that we would cut bamboo and boil the inside to eat. Sometimes we would get it out before it was done because we were so hungry. Sometimes we thought we would die.” (VV010)*

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<sup>37</sup> A violation of Article 9 of the ICCPR (ratified by Vietnam in 1982).

<sup>38</sup> Most of these rights are contained in the ICCPR and ICESCR, both ratified by Vietnam in 1982. Vietnam ratified the CRC in 1990. It has yet to ratify the Convention on Enforced Disappearance; however, the prohibition of enforced disappearance is considered a *jus cogens* norm and is thus applicable in Vietnam.



When their father spoke up about conditions in the NEZ, he was jailed, leaving the children alone again: *“If you tried to get out [of the NEZ], they would shoot you”* (VV010). Nevertheless, the children escaped to an uncle’s house, where they were beaten and forced to work on the family farm. After many failed attempts, they bribed an official and escaped by boat.

In a letter responding to concerns raised by Amnesty International in 1980, Vietnamese officials confirmed that detainees released from re-education camps would be relocated with their families to NEZs, to continue working the land (**Socialist Republic of Vietnam, 1980**). The **Foreign and Commonwealth Office** briefing (1983) noted that this forced resettlement “will almost certainly only be available in a rural area where life for them and their families is harsh and unfamiliar.” One former teacher described such an experience after he was released from three years’ detention: *“I had to become a rice farmer. I’ve never done something like manual labor”* (CI067).

CI133 similarly described being sent to grow rice for the government after release from re-education; and being given only a starvation ration for himself. The speaker begins to describe life in the countryside, but the interviewer focuses their subsequent questions on the political situation, rather than CI113’s experience of rural labour. This is one among many examples in the oral histories where the preconceptions of the interviewer about life in post-war Vietnam direct the participants to focus on the political context, to the potential exclusion of other migration drivers.

Forced agricultural labour, while prevalent in re-education camps, was not confined to that system. The cycle of imprisonment, forced labour and forced resettlement also applied to people caught attempting to leave the country (**Amnesty International, 1980; 1981 & 1982**). In the worst cases, those trying to escape, including children, were summarily executed or imprisoned for up to 12 years (**Amnesty International, 1990**). Those imprisoned for escaping might be forced to do agricultural work or sent to a NEZ. In such cases, children could be separated from their parents. CI083 was 13 years old when her family was captured while trying to leave Vietnam. Imprisoned for a month, she was forced to do manual labour: *“There was nothing to eat and they forced you to work”*.

In other cases, families were forced to labour on farms, either full-time or in addition to their regular jobs or studies. CI053 was a child agricultural labourer: *“my family went to the country*

*work on the farms. But not live there. We went to the farm in the morning and got back at night."*

Some former child refugees described how forced agricultural labour became a part of their post-war school curriculum:

*"they began to call for youths to go do labour work, do irrigation projects, dig a ditch or a dam for the state. We were fed but not quite enough.... I got sick.... I was nothing but skin and bones" (BL026, child labourer)*

*"[school children] study ½ of the time, the other ½ time work in the fields, planting sweet potatoes, yam, and sugar cane" (BL009, child labourer)*

*"kids like us we had to go on to these coffee plantations. We had to pick up the coffee beans... [and] turn these in to our school, and they would sell it" (CI059, child labourer)*

These children were directly exploited by the state to reverse war-time damage to the agricultural sector, affecting their health and education, among other rights.

Post-war food shortages and rationing were common themes in the oral histories, particularly for former child refugees. Some directly attributed this to wartime environmental destruction.

*"I would say the majority, at least 80%, the people in my neighbourhood did not have enough to eat everyday... A lot of crops got destroyed [in the war]." (CI065, child refugee)*

*"citizens were forced to become farmers and manual labourers to help rebuild the country. Food was scarce and rationed." (VB005, child refugee)*

*"many families only had meat a few times a year.... You couldn't get meat even if you had money." (BL027)*

Violations of the right to food were gravest for those forcibly relocated to NEZs, where “the land allocated was often unproductive, the people relocated not skilled at farming and with no inclination to learn, and the tools they had were very primitive” (Dalglish, 1989:23). This is supported by oral history narrators:

*“[S]uddenly one night... [government officials] took the truck come over and load... [my neighbours] in and they took them away. They drive them to the countryside and they threw them in the forest” (CI076)*

*“They just came to [my cousin’s] house and say ‘okay you have 30 minutes to take whatever you can and get out the house’ and they put them into a truck and load them into a farm” (CI063)*

*“There were a lot of forest and infertile ground where they relocated us” (CI075)*

CI141 describes how a female friend entered into an unwanted marriage with a military official to avoid forced relocation to a NEZ. Child refugee VB020, originally from a wealthy urban family, recalled being sent to the Central Highlands with his family, where they struggled to sustain themselves. For others, the mere threat of being sent to a NEZ drove them to risk their lives as boat people:

*“[M]y family was about to be sent to away [to a NEZ]... but the countryside wasn’t ready for us, they were just going to throw us on some [uncultivated] land, how are going to survive?” (CI042)*

*“I have 8 children and my children still young so if we go to countryside we afraid they not survive” (CI076)*

*“[T]hey keep making us work for the government [growing rice] but we don’t get any money to survive” (CI133)*

Each of the speakers quoted above, and many others in the oral history archives, cited these experiences as part of their motivation for leaving Vietnam, frequently invoking the concept of “survival”. Their stories describe internal displacement and instability, brought about directly

or indirectly by wartime environmental destruction and/or natural disasters. This destruction of the countryside led the post-war government to create policies which caused mass violations of human rights, in its desperate attempt to rebuild the agricultural sector. Each of the speakers above subsequently fled their home, carrying their memories of forced labour, imprisonment, hunger and loss to their new lives in Britain and the USA.

### 5.3.2 Forced expulsion and trafficking

While the stories recounted above provide a powerful insight into environmental degradation as a direct or indirect migration driver, archival records point to other push factors too. These include what has been described as the deliberate trafficking of Vietnamese citizens out of the country by the Vietnamese government.

In a letter to Margaret Thatcher, Prime Minister Kriangsak Chomanan of Thailand described the boat people migration as a “human export” (**Chomanan, 1979**). Likewise, a telegram from the Governor of Hong Kong noted that the boat people were Vietnam’s “single most profitable export commodity”, considering the bribes paid for departure (**MacLehose, 1979**). In a confidential telegram to London, Britain’s Ambassador to Hanoi notes that a Vietnamese diplomat strongly disputed this accusation, while admitting there “might be some corruption” (**Margetson, 1979**). In the House of Commons, Conservative MP Philip Goodhart listed several “social and economic pressures” to depart, including fear of re-education camps and the “arduous, primitive and bleak” NEZ system, religious persecution and ethnic discrimination (**Hansard HC Deb., 15 December 1978**). The FCO estimated in 1979 that “3,000 people a day may now be leaving Vietnam on ‘official auspices’, over half of whom drown” (**Foreign and Commonwealth Office, 1979b:1**).

Minutes from a meeting between the FCO and UNHCR record how the UN agency was preparing to directly assist Vietnam in removing tens of thousands of “their unwanted population” from the country (**Foreign and Commonwealth Office, 1979a**). With the backing of some Western nations, on 30 May 1979 UNHCR signed an agreement to support the Vietnamese government with the expulsion of these undesirables through an ‘Orderly Departure Programme’ (ODP):

“The selection of those people authorized to go abroad under this programme will, wherever possible, be made on the basis of the lists prepared by the

Vietnamese Government and the lists prepared by the receiving countries”  
(UNHCR, 1979).

The removal of these people from Vietnam with UNHCR’s assistance was considered preferable to leaving them at the mercy of the sea. While the aims of the ODP were ostensibly family reunification and humanitarian ends, the criteria for one’s name appearing on a government list, and the voluntariness of departure, remain unclear. An archived UK Government document contends that the intention of the ODP was to help Vietnam rid itself “of large numbers of ethnic Chinese” citizens (JCRV, 1980d).

Between 1979 and the mid-1990s, 650,000 people left Vietnam via the ODP, “the only time UNHCR has extended its assistance on a large scale to help persons to leave their country of origin” (Kumin, 2008:104). Kumin’s research corroborates the notion that the ODP was backed by the Vietnamese government as a method to deport Chinese nationals, whom it feared may become a ‘fifth column’. Nonetheless, she suggests the ODP might be a useful model for easing irregular migration today, something discussed in Chapter 9.

The ODP benefited some of the oral history narrators. For CI036, an unaccompanied minor, the programme allowed his mother to join him in the USA. The ODP has never been evaluated (Kumin, 2008), so it is difficult to know the extent to which it (a) provided an additional migration driver, (b) saved the lives of would-be boat people, or (c) provided an internationally assisted method for Vietnam to deport its unwanted population. Yet, it is clear that the Vietnamese authorities profited massively from those desperate to leave, often extorting huge amounts of money to permit departure, even by boat. Dalglish (1989) notes how the ethnic Chinese population “were welcome to leave as long as they could pay” and that “local government officials would assist their journey” (pp.21-24).

One ethnic Chinese refugee, VV002, describes paying “\$6,000 in gold so that my son and I could escape” from Vietnam. Their flight was hastened by the threat of being sent to a NEZ: “*These were places with poor soil, little food, and no medicine. To avoid this, my family went underground, just like so many others did in the same situation*”. Several sources (Edholm et al., 1983; Chong, 1999; Lipman, 2020) suggest that the policy of deporting the Chinese population led Vietnamese people to fake Chinese identities in order to buy their way out. Seven oral histories from people bound for the USA and UK described pretending to be Chinese, including these children:

*“[M]y mom had to buy me a fake passport, with a fake Chinese name.” (CI110, unaccompanied minor)*

*“[W]e had... pretended to speak Chinese in order to get past the... investigators” (CI115, child refugee)*

These stories are significant since the perceived notion of an influx of “middle class Chinese businessmen” (Mares, 1982:29) reported by the British press may have fuelled prejudice against Vietnamese refugees in the UK. Jones’ (1982) study of the Vietnamese in Britain states that “the largest proportion were ethnic Chinese refugees” (p.15). Yet slightly later archival documents (Edholm et al., 1983; Mougne, 1985) demonstrate that most refugees in Britain, particularly unaccompanied minors, were ethnically Vietnamese, with working class or peasant backgrounds, from rural villages or coastal fishing towns. Oral histories suggest that these were the demographics most likely to have been affected by rural environmental degradation. “Very few (4 per cent) of [the 100 families interviewed] said that they left because they hated communism” (Edholm et al., 1983:36); many were escaping poverty and/or seeking educational opportunities. Yet their motivations for migrating may have been distorted in the official narrative by their adoption of fake Chinese identities, creating a lasting impression that Britain’s Vietnamese population were predominantly Chinese merchants escaping political persecution, rather than poorer rural or internally displaced people fleeing the long-lasting impacts of war.

### 5.3.3 Other drivers

Refugees in Britain interviewed for the British Library/Refugee Action oral history project gave a variety of reasons for leaving Vietnam. For example:

*“[After our home was bombed] we lived under bamboo and leaves until 1979 when we left our homeland” (BL019)*

*“If I stayed there, I would be doing hard labour” (BL026)*

*“We were also to be sent to the ‘New Economic Zone’... we were told that people just could not survive there. That was why we decided to leave Vietnam.” (BL032)*

*“[BL011] did not want to stay there under communism!” (Interviewer’s summary)*

Two women (BL021 and BL030) fled for their personal safety due to their husbands’ respective involvement in the military and opposition parties, which left them at risk of reprisals.

Summarising the oral histories in its collection, **Refugee Action (2003)** noted: “Many young people still don’t know the full reasons why their families left”.

Among the California Irvine oral histories, reasons for fleeing were equally diverse, and included fear of being drafted into the military; escaping from the Communists; hunger and poverty; lack of employment and educational opportunities; confiscation of property; forced dispersal and forced labour under the NEZ and re-education systems; and the vague but oft-cited notion of seeking “freedom”. Some children and young adults mentioned forced agricultural labour as a push factor:

*“[W]hen you reach 17 years old you got to go to farm and work very hard, and they send you all to even to the mountain, and no food support for you. A lot of people cannot survive and they die over there. So that’s why it make us scared, so everybody want at that time... to escape out of Vietnam and find a free country” (CI032, escaped aged 18)*

*“They may take all your family put in the mountain, take all your house, and everything... that’s why I think most people want[ed] to escape Vietnam” (CI087, unaccompanied minor)*

Other former child refugees mentioned conscription, lack of education and economic motivations for fleeing:

*“They forced me to [join the military at age 14] .... during the training I escape[d]” (CI120, child refugee)*

*“Because I was 13, my brother was 16... we would most likely have to go to the military. We would be fighting. So I knew that we had to leave.” (CI010 – unaccompanied minor)*

*“[M]y father was... part of the old government meaning that none of the kids in the family would be able to go to college.” (CI065, child refugee)*

*“[H]ad we stayed my brothers or even my father would have been arrested and taken to educational camps.” (CI126, child refugee)*

In the Vietnamese Boat People Podcast interviews, former child refugees cited the following push-factors: poverty, loss of family property or business, internal displacement caused by the conflict, re-education camps, child labour, the war with Cambodia, military conscription, lack of medical care, and generalised fear, trauma and adversity. In the Voices of the Vietnamese Boat People (VV) collection,<sup>39</sup> reasons for leaving included forced agricultural labour, poverty, lack of medical care, family separation, religious persecution, lack of education, loss of family livelihood, state surveillance, military conscription and generalised fear and uncertainty.

#### 5.3.4 Conclusion

Drivers for leaving Vietnam were therefore varied. Using the framework of eco-global criminology to identify chains of causality, the findings demonstrate that issues related to land, the environment and food scarcity played a significant and previously overlooked role in triggering the boat people migrations, alongside other political, social and economic factors. Interviewees often had multiple reasons for fleeing, of which environmentally related drivers could be one aspect. Even where environmental factors are not explicitly mentioned, archival evidence demonstrates that environmental degradation and natural disasters acted as first-order drivers, significantly influencing post-war government policy and accelerating the economic downturn, which pushed people to leave Vietnam to escape forced labour and starvation. The evidence shows that other second- and third-order impacts of environmental degradation included lack of access to education, family separation, poverty and uncertainty about the future. Rarely do interviewees connect these phenomena explicitly, leading Western literature to focus on the political causes of the exodus, to the exclusion of environmental factors that lie behind these drivers.

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<sup>39</sup> Most participants in the VV collection appear to have been child refugees, but rarely are precise ages stated.



## 5.4 Experiences during flight

*“Without food, without water  
Our children lie exhausted  
Until they cry no more.”*

*- from “A Prayer for Land” by an anonymous refugee at a camp in 1978  
(cited in Grant, 1979:50)*

This section responds to the following research questions: What risks and harms do child migrants face? And which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm? It considers the experiences of Vietnamese refugee children during their journeys to understand the risks that child migrants face in a complex, partly environmentally driven migration scenario. This is the kind of mixed-migration flow that climate change is likely to engender, where people migrate for multiple reasons, many of which have environmental factors in their chains of causality. Applying eco-global criminology, this section also identifies the perpetrators of harms, where possible.

Excluding the oral history testimonies, the archives examined rarely give voice to refugees’ experiences during sea and land journeys, since they focus on policy responses to the refugee situation. Nevertheless, they include valuable information on attitudes of various governments towards the boat people and the conditions in transit camps. Some of this information pertains to children, and shows how many harms suffered by children and adults resulted from the policies of receiving governments. Discussion here centres on four examples of refugee responses that caused human rights harms to children: Operation Babylift in April 1975; the *Roachbank* incident, in which children were left at sea for weeks; ill-treatment of children in Hong Kong’s camps; and the experiences of unaccompanied and separated children.

### 5.4.1 Operation Babylift

Operation Babylift was an attempt to evacuate some 2,000 South Vietnamese children as North Vietnamese forces encircled Saigon in early April 1975. From its conception, the effort was misguided, since there was no evidence that children would be targeted (Hastings, 2018:614). Instead, archival accounts suggest that Operation Babylift was driven by pressure from what Hastings called “crassly sentimental foreign philanthropists” and American couples desperate to adopt a child.

The archived papers of P.W. Buchan, Counsel to President Gerald Ford, reveal that he received an urgent call on 2 April 1975 from celebrity actor Yul Brynner. Brynner “called from his dressing room” on behalf of the organisation Friends for All Children, asking for “an airlift by a 747 from Saigon to the United States” to evacuate 500 children to be adopted by American families (**White House, 1975c**). The following day, no doubt under similar pressure from other sectors of civil society, President Ford hurriedly allocated \$2 million to evacuate “2,000 Vietnamese orphans [who were] all in the process of being adopted by American families” (**White House Press Secretary, 1975**). A day later, the first flight left Saigon with 226 hastily amassed children on board. Many were babies, sealed in the cargo hold of the overcrowded and poorly maintained aircraft. It crashed within minutes of take-off, killing some 78 children and dozens of adults accompanying them (Aviation Safety Network, 2022).

Despite the disaster, airborne evacuations of ‘orphans’ continued over the following days. In addition to the crash deaths, three children died en route or shortly after arrival on subsequent flights (**United States Air Force, 1975**). On 26 April, a flight landed in the USA carrying 201 children said to be “the surviving members of the [Indigenous] Montagnard tribe of Vietnam” (**Department of Justice, 1975b**). No further details were provided about their origins, or how their parents had supposedly died. However, an internal report from Save the Children noted that 153 Montagnard children were sent to Denmark for temporary housing, pending repatriation to their families in Vietnam, suggesting that they were not orphans. When their return to Vietnam became “no longer feasible or desirable”, the children were fostered or adopted in Denmark (**Mougne, 1985:8**). The Montagnard example demonstrates the complete absence of proper procedures for identification, family tracing or adoption for many of the hastily evacuated children.<sup>40</sup>

Operation Babylift was immediately controversial, and not only because of the crash. Questions were soon raised as to the identities of the so-called ‘orphans’, many of whom were suspected of having living parents, and whether the evacuation had truly been in their best interests (**Department of Justice, 1975a; United States Air Force, 1975**). Confusion and hyperbole flourished. Senator Jesse Helms wrote to President Ford that orphans of “mixed

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<sup>40</sup> There were few legal protections against child removal for adoption in 1975. Today, Article 11(1) of the CRC (1989) calls on states to “take measures to combat the illicit transfer and non-return of children abroad”. The Inter-American legal system contains several treaties relating to the abduction, transfer and adoption of children; the USA is not a signatory to these. A law suit was brought in 1975 (*Nguyen Da Yen, et al. v. Kissinger*) on the premise that the children had been unlawfully detained by the US government (Center for Constitutional Rights, 2007).

Vietnamese-American blood... stand marked for slaughter” by the Communist regime, and urged the President to rescue 1,000 such children stranded on Phou Quoc island, who were guaranteed lodgings by some nuns in Kentucky (**Helms, 1975**). After a brief investigation, no action was taken since the reports of the stranded children could not be confirmed, and North Vietnamese troops had taken control of the island (**White House, 1975e**).

The final days of the war were chaotic and confusing; nevertheless, policy on child welfare should never be altered at the behest of a celebrity. Plans to evacuate Saigon had long been drawn up in anticipation of the invasion, suggesting that the last-minute removal of ‘orphans’ was an afterthought driven by sentimentality or guilt rather than the best interests of the children. A class action law suit in the USA found that many of the children had been ineligible for adoption. Because of the passage of time and lack of birth records, only a handful were ever reunited with their biological parents (see Centre for Constitutional Rights, 2007).

Other countries made similar ad hoc arrangements. In the UK, the *Daily Mail* newspaper was responsible for organising and funding an airlift in 1975 which brought 105 ‘orphans’ to the UK. **The Guardian (1975)** reported “criticisms that the operation had been planned carelessly and with too much speed”, and that only six of the children had existing adoption arrangements in place. An internal Save the Children report noted that “little or no documentation exists on the outcome of the numerous adoptions which occurred prior to [1979]” (**Mougne, 1985:73**). Spontaneous and misguided attempts to ‘help’ from various countries thus separated children from their families without proper justification.

Whether environmental causes lay behind these children’s vulnerable situation pre-evacuation is hard to ascertain. Chapter 4.2.2 related how Indigenous tribes were hard-hit by crop destruction, which killed at least 200,000 Montagnard people. The 201 Montagnard children who were airlifted to the USA and eventually ended up in ad hoc fostering arrangements in Denmark (see above) may have lost their parents due to these food denial tactics.

Several of the oral histories analysed contain testimony from Operation Babylift children. In each case, their mothers were alive in Vietnam and had arranged their passage. CI143 is the widowed mother of six children, five of whom left via Operation Babylift. She describes how, in 1974, a friend took her to visit two adoption agencies, who coerced her to give up the five youngest children:

*“There I was shown pictures of the Vietnamese children adopted by American families.... The two Centres, moreover, convinced me that, after adoption, I would still be able to frequently communicate with my children.... Many times, I wanted to go to the centres begging them to let me have my children back” (CI143)*

As the war drew to a close, she was banned by the agencies from visiting her children, *“for fear I would change my mind, and mess... things up for them”*. On arrival in the USA, the siblings were split up and adopted by three separate families in different states. Despite the adoption agencies’ promises, CI143 was not permitted to communicate with her children following their adoption. It would be 16 years before she saw them again, by which time they had forgotten Vietnamese. She describes how they communicated instead through the language of *“tears”*. As they were no longer legally her children, they could not sponsor her to live in the USA. CI143 moved to the USA via a separate humanitarian route in the early 1990s.

Other families resulted to drastic decisions to enable their children to leave South Vietnam. CI074 was put up for adoption by his biological mother and was sent by the adoption agency to the USA to replace a child killed in the 4 April crash. He recalled: *“Of course, I was very sad to be separated from my family, but my mother, my Vietnamese mother, explained that it was for my future”* (CI074).

VB009’s mother also signed the paperwork so that he could join Operation Babylift aged two. His oral history describes his struggles with racial identity growing up a white American family, and emotional turmoil over his mother’s decision. Operation Babylift saved him from being raised in poverty but deprived him of a life with his biological family and the opportunity for his birth mother to reverse her decision. The actions of Western governments and childcare agencies deprived these children and their parents of the right to a family life<sup>41</sup> with their biological families. A more human rights-friendly programme would have supported Vietnamese families *in situ*, or allowed the evacuation of whole families, rather than removing children before their best interests could be determined.

#### 5.4.2 The *Roachbank* incident

On 23 May 1979 a British merchant vessel, the *MV Roachbank*, picked up 293 Vietnamese boat people in the South China Sea, some 80% of whom were children. Their boat had been at sea for 11 days, during which a number of the refugees had already perished. The *Roachbank*’s

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<sup>41</sup> Provided by Article 23 of the ICCPR.

captain later described the rescue as “absolutely awful. Six died before they could get aboard” (**Guardian, 1979a**). When the *Roachbank* arrived at Taiwan on 25 May, she was refused permission to enter port (*Ca Venezolana De Navegacion v. Bank Line, 1987*). There was urgent concern for the health of the children on board, yet archival papers suggest their disembarkation was deliberately delayed by the UK Government.

Six days after the rescue, while trying to demonstrate publicly her government’s humanitarian approach to the crisis, Prime Minister Margaret Thatcher privately acknowledged that “in the end, the UK would have to accept the Roach Bank [sic] refugees”. However, she was “determined to show other countries up in the process”. Her Home Secretary prompted her to resettle the refugees in Britain immediately because of “the public relations aspect of the high proportion of children on board” (**10 Downing Street, 1979f**). The same day, a press statement was released from the Prime Minister’s Office, criticising Taiwan for refusing to land the refugees “despite the fact that... many of those on board are children” (**10 Downing Street, 1979e**). This line is absent from the draft statement given to Thatcher, saved in the same archive, suggesting that she inserted it herself to contrast Britain and Taiwan’s respective policies towards Vietnamese child refugees.

In a further private meeting on 2 June (**10 Downing Street, 1979c**), the Foreign Secretary stated that “his main concern [was] about the health of the children on the Roach Bank”, to which Thatcher replied that she was “most concerned about the reaction of British public opinion to our taking the refugees from Taiwanese waters”, and suggested rerouting them via Hong Kong, prolonging their journey. The Foreign Secretary proposed ascertaining first “that the children [are] all right”, before taking “the opportunity of denouncing the Taiwanese for not agreeing to take the children off”. Despite having accepted from the beginning that Britain had ultimate responsibility for the *Roachbank* refugees, Thatcher agreed with this approach, being keen not to appear as a “soft touch”, suggesting that she would deliberately prolong the children’s ordeal as a show of political strength. The children finally disembarked in Taiwan on 26 June; 45 days after leaving Vietnam and following more than a month in inadequate conditions aboard the *Roachbank*; victims of a dangerous game of public relations and political point-scoring.

Following the *Roachbank* and similar incidents, Thatcher noted in a Cabinet Meeting “her concern that we seem to have no legal position... which would enable us to decline to accept

further boatloads of Vietnamese refugees” (10 Downing Street, 1979a). The Home Secretary notified her privately that “UK Masters were now re-routing their ships so far as possible to avoid the areas in which the refugees were afloat” (10 Downing Street, 1979b). Several of the oral histories speak of the effect of such actions. CI148 recalled: “*We had 23 ships go by, but they [did] not pick us up.*” CI059, a child refugee, remembered: “*seeing a lot of... ships passing by they would come close enough to take a look at us, and then they would leave.... I didn’t understand why, until much much later.*” VV015, a 15-year-old unaccompanied minor, drifted at sea for 30 days with his fellow escapees after their engine failed. During this time, many ships refused to rescue them, and he watched 17 people die. Eventually he was saved by Filipino fishermen.

Ironically, had Thatcher’s government labelled the boat people as environmental or economic (rather than political) migrants, this may have allowed Britain to evade some of its legal responsibilities towards the boat people altogether, since neither British nor international refugee law provides protections for such migrants (see below and Chapter 9). International maritime law requires that vessels rescue others in distress. However, it would have been easier to reject calls to resettle the refugees had their stated reason for fleeing not been political. Instead, the anti-Communist rhetoric of political persecution was more advantageous and compelling to Western decision-makers than the evidence being presented in Parliament and elsewhere of the more complex drivers of the crisis (see above).

#### 5.4.3 Hong Kong

Boat people who reached neighbouring shores were frequently confined to camps while awaiting resettlement. Archival sources show that Asian governments began building refugee camps partly as a response to unrest in countries including Thailand and the Philippines, where local populations resented the migrants’ presence (e.g. **Chomanan, 1979**; **UK Mission in New York, 1979b**). Conditions and lengths of stay in Asian camps varied tremendously (see 4.2.3 and 5.4.4).

Some of the largest camps were in British-administered Hong Kong. In mid-1979, around 1,000 Vietnamese boat people arrived every day (**UK Mission in New York, 1979b**). At first, Hong Kong recognised the Vietnamese as refugees and housed many in open centres with freedom of movement. Several oral history narrators found jobs in factories or as domestic workers

during this period. BL017 worked as a seamstress during her 18 months in Hong Kong: *“I was happy”*, she stated.

But not everyone’s memories of Hong Kong were so rosy; a child refugee rescued by the British ship *Sibonga* in 1979 described their two-week detention there before being transferred to the UK: *“they didn’t allow us to go out.... we slept on the floor”* (BL022). An unaccompanied minor who arrived in the late 1970s recalled her experience:

*“[F]or eight months.... We lived like being in prison.... there were no classes.... The people managing the camp... were kind of vicious... They screamed at us and... if someone did something wrong, they hit him or her right on the spot.... We were very scared”* (BL016)

Beatings were recorded in open camps too, along with limited food and sanitation, as described by narrators BL028 and CI055, among others. Such privations and physical punishments in detention amount to ill-treatment and are prohibited under human rights standards.<sup>42</sup> The British government bore ultimate responsibility for these violations in its territory.

As third-country resettlement offers declined in the 1980s, Hong Kong began detaining all refugees in closed camps to deter new arrivals. This deterrent policy failed, and when 18,449 boat people arrived in 1988, the Hong Kong authorities abandoned the policy of according them automatic refugee status. Henceforth, Vietnamese arrivals were labelled ‘illegal immigrants’ and were subject to screening. This separated those who would be detained prior to repatriation, and those earmarked for resettlement elsewhere who were sent to departure centres; practices which **Amnesty International (1994)** labelled as arbitrary detention, contrary to Article 9 of the ICCPR.

These new deterrents also failed at first. Twice as many people sought refuge in Hong Kong in 1989 than the previous year. Human Rights Watch (1997) recorded that arrivals only declined

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<sup>42</sup> The UN Convention against Torture, which prohibits “acts of cruel, inhuman or degrading treatment or punishment” (Article 16), was adopted in 1984. It is based on the earlier prohibition of torture and other ill-treatment in Article 5 of the UDHR (1948) and Article 7 of the ICCPR (1966), which is recognised as a *jus cogens* norm. The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment were adopted in 1988 and call for the humane treatment of detainees, with special provisions for children. Amnesty International (2003) notes that: “Specific aspects of the treatment of prisoners, such as overcrowding, lack of access to food and water, lack of medical attention” among others have been ruled as constituting (or potentially constituting) ill-treatment by international and regional human rights bodies and courts (p.77).

once large-scale repatriations began in 1991. The repatriation policy was based on guarantees of non-persecution from the Vietnamese government. These so-called ‘diplomatic assurances’ are generally opposed by human rights bodies, since they indicate a risk of ill-treatment and do not prevent persecution occurring (Amnesty International, 2021), thus violating the *non-refoulement* principle of international law. Nevertheless, Hong Kong repatriated thousands of migrants to Vietnam throughout the 1990s, coming under increasing pressure from China to clear the camps before its resumption of sovereignty over the territory in 1997 (Human Rights Watch, 1997).

Around 70% of refugees held in Hong Kong’s camps were women and children (Human Rights Watch, 1997). BL026 arrived in Hong Kong aged 20 in 1982, and spent nine years in a camp, giving birth to four children there. She described how families were given plywood to construct furniture or partitions. For BL024, who arrived in 1989 aged 18, conditions were even more primitive. The Hong Kong authorities took the 27 people from her boat and dropped them on an island with some tents, cakes and tins of milk. They drank stream water, caught fish to eat, and lived without any sanitation facilities. Following a cholera outbreak, they were transferred to a closed camp on the mainland, where BL024 married and had a baby. In the closed camp she experienced violence, both among camp inmates and from her husband, and had inadequate food and water. After 10 years in the camp, her sister sponsored her and her son to resettle in the UK.

For younger refugees, experiences of ill-treatment in Hong Kong’s camps left indelible marks. CI062 developed a fear of dogs after being guarded by Dobermanns when he was nine years old. BL014 recalled a distressing incident in which all his family’s possessions were stolen when he was aged eight. CI007, a child refugee from Vietnam’s Central Highlands, described being stripped naked and deloused. Later, he witnessed violence and killings between North and South Vietnamese refugees who were housed together in the camp. VV019, an unaccompanied minor, was separated from his mother and sisters for 14 months because they arrived separately. A southerner, he was unprotected from attacks by North Vietnamese detainees.

Freeman and Huu (2003) recorded many similar stories from unaccompanied minors in Shek Kong camp, Hong Kong, who lacked basics such as mosquito nets and were surrounded by “physical violence, drugs, prostitution, teenage pregnancies and sexual abuse”. The



unaccompanied children they saw “were pale, undersized for their age, listless, and lethargic”. During camp searches, when guards would tear apart the refugees’ sleeping quarters, “small children, terrified, hid behind their relatives or, if they had no one to protect them, stood trembling, not knowing where to turn” (pp.21-22).

In 1989, human rights groups began reporting widespread abuses of refugees in Hong Kong, including children. Archived reports from **Amnesty International** from **1989** and **1990** record how hundreds of Vietnamese adults and children were beaten by staff in detention centres, amid growing tensions stemming from:

“overcrowding, poor sanitation and fears of forcible repatriation to Viet Nam.

The screening procedure instituted in 1988 to evaluate individual claims for refugee status was seriously flawed” (**Amnesty International, 1990:115**)

In 1995, more than 22,000 Vietnamese remained detained in Hong Kong, most awaiting forced repatriation. Human rights violations were rife: “Physical force was used in the process of conducting forcible returns, reportedly leading to hundreds of Vietnamese refugees requiring medical assistance” (**Amnesty International, 1995**). Human Rights Watch (1997) raised concerns that child refugees were barred from attending secondary education, and described conditions in the camps as “squalid and inhumane”. Privacy was lacking, with whole families sharing one bed, separated from strangers by just a curtain. Disease was rife, and the right to food compromised by food distribution being under the control of Vietnamese gangs. Most concerning was the incarceration of children in Victoria Prison in “glaringly inadequate” conditions alongside adult prisoners, prior to repatriation (Human Rights Watch, 1997).<sup>43</sup>

By their nature, few of the oral histories mention repatriation, since all the speakers eventually resettled in Britain or the USA. However, CI125 described her repatriation to Vietnam in 1996 after spending six years at Bidong camp in Malaysia. Once she and her fellow returnees were marked out for repatriation – and effectively stripped of their refugee status – they were moved to a separate area of the camp and subjected to extremes of temperature and rain, sleep deprivation and tear gas to maintain order; conditions which led “to several deaths and suicides” (CI125). She spent two years back in Vietnam, bribing officials to provide her with documentation, before being admitted to the USA via a humanitarian resettlement scheme.

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<sup>43</sup> The imprisonment of children alongside adults is contrary to Article 10(2)(b) of the ICCPR (1966) and Article 13.4 of the UN Standard Minimum Rules for the Administration of Juvenile Justice (1985).

In Hong Kong, meanwhile, Freeman and Huu (2003) found that unaccompanied minors were harassed by UNHCR into returning to Vietnam by methods such as “reducing their food rations [and] curtailing their schooling” (p.107), policies that undermined the children’s human rights and wellbeing. In total, between 1989 and 1997, almost 100,000 people were repatriated to Vietnam, the majority from Hong Kong. As the next section demonstrates, unaccompanied children fared particularly badly as a result of the policy of repatriation.

These experiences, perpetrated by the Hong Kong authorities, compounded the traumas already experienced by children in Vietnam and on boats. The multitude of traumas described by the boat people in their oral histories is deserving of a separate study in itself, and many horrors could have been avoided had safe passage been available. These were not accidental sufferings, but harms perpetrated through the actions or indifference of state actors, for which the British government bore ultimate responsibility.

#### 5.4.4 Family separation and unaccompanied minors

Almost 60,000 unaccompanied Vietnamese children survived their journeys to countries of first asylum (Freeman & Huu, 2003). How many more died en route is unknown (see Chapter 4.2.3, footnote 15). As discussed in Chapter 4, children travelled alone for several reasons. Many left of their own volition or were sent away by their parents; some were separated from their families or witnessed them die on the journey. Others departed accidentally or through coercion.

Family separation is a major theme in the oral history narratives. In the California Irving collection, 103 out of 158 participants mentioned separation from their immediate family members during or due to their escape. In the British Library/Refugee Action collection, the figure was 15 out of 32. The circumstances of family separation were diverse:

*“[O]ne of [my] sisters got left behind. She was sleeping. Everything was in a rush because we want everybody to get on board [the boat]” (CI007, child refugee)*

*“[M]y parents try to send the kids different times. So [each] time, couple kids, because we have ten of us, so we don’t want the whole family go and something happen” (CI077, age not specified)*

*“My parents had no idea where I would end up, but they trusted that God would take care of me” (VV013, unaccompanied minor)*

*“They just told me that the next day they were going to take a big trip very early in the morning... to join my brother to go... I didn’t fully understand the [significance] of the whole thing.” (CI121, child refugee)*

*“only my siblings and I went on this trip. I lost my two sisters... when the boat capsized” (CI045, age not specified)*

*“there was a couple... and his wife had given birth to a baby only a few hours before [on the sinking boat], so the husband and wife decided to leave the baby behind.... I took care of that baby” (BL016, unaccompanied minor)*

*“[11-year-old boy] was with his father on a fishing trip at sea... Playfully... [he] jumped over on board [an]other boat. Little did he know that they were escaping Vietnam. [He] recalled crying desperately when he realised that he was leaving home and that there was no turning back” (BL001, unaccompanied minor, interviewer’s summary)*

In each case above, the family separation and subsequent risks were a direct result of migration policies of the Vietnamese government and third countries which prevented safe and regular passage. In contrast, those who qualified for the ODP and later humanitarian programmes were able to leave in a safe and orderly manner as family groups.

For the purposes of this study, I defined ‘unaccompanied minor’ as a child under the age of 18 travelling without their parents or adult siblings. Freeman and Huu (2003) found “no evidence that attachment to a caregiver other than a parent provided adequate protection” for Vietnamese child refugees (p.84), while UNICEF (2022) defines unaccompanied children as those “not being cared for by an adult who, by law or custom, is responsible for doing so” (p.7).

Many of the oral history narrators were either unaccompanied minors themselves, or had sent their children away, or had assisted unaccompanied children unrelated to them. VB023's mother sent him away with strangers at the age of seven: "*Sometimes I wish I don't remember [the journey]*", he recalled. VB025 took care of a lone nine-year-old on his boat, lying to camp authorities about their relationship, and eventually reuniting the child with his family when they were resettled in the USA. CI147 similarly cared for a lone child for two years in a camp, only to be separated when the child was sponsored. CI045 sent her five- or six-year-old daughter out of the country alone with false documents. CI021 sent her school-age daughter on a similar journey, but the child died at sea. CI087's sister left alone, and drowned herself to avoid imprisonment when their boat was intercepted. He himself left as an unaccompanied minor shortly afterwards. There are other similar stories in the oral history collections, but these provide a snapshot of the circumstances in which these children departed Vietnam. In each case, child separation resulted from a lack of safe, regular migration options.<sup>44</sup>

The psychological effect of being an unaccompanied child was profound. Compare the recollections of these three child refugees, the first travelling with his family, the others travelling alone:

*"I was very worried and scared, but yet somehow I felt okay because I was with my parents and with my two siblings, so together we were still a family so that gave me a bit of comfort" (CI112, child refugee)*

*"You start missing your family, and you start looking after yourself because you know there's no one taking care of you. So you look for friends, you try to look for food and try to fight for yourself for survival" (CI110, unaccompanied minor)*

*"I just lay there that night [in the boat], thinking about my parents and my sisters and brothers. What would I do in a place where I had no relatives? I would have nowhere to turn. Even though I didn't know these men, I knew I had to stick to them like sticky rice. I was so sad and afraid" (VV019, unaccompanied minor)*

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<sup>44</sup> The right to freedom of movement, including the freedom to leave one's own country, is provided by Article 13 of the UDHR and Article 12 of the ICCPR. Violations of this right by the Vietnamese authorities led to people undertaking dangerous, clandestine journeys, undermining their non-derogable right to life, among other rights.

These unaccompanied children had reason to be afraid. Boat peoples' journeys were fraught with risk: risks of drowning; death from exposure; hunger or thirst; pirate attacks; and push-backs from hostile coasts. Many were wholly unprepared for the trip.

*"[A]ll I [had was] a shirt and a short and sandal[s]" (CI011, unaccompanied minor)*

*"[W]e like starve for five days without water, without food." (CI057, unaccompanied minor)*

*"They [Malaysian navy] wanted to get us lost, they led us [back out to sea]. At 2am, they cut the rope and left us, so we [knew] nothing about where we were." (CI051)*

*"[F]our or five time[s] pirate get to my boat" (CI087, unaccompanied minor)*

*"I knew all the women got raped [by pirates], all the pretty girls got raped." (CI110, unaccompanied minor)*

*"One time three girls... 11, 12, and 13 years old were taken away [by pirates]. You know what that means." (CI067)*

In some cases, it was every person for themselves in the battle for survival: *"A lot of people died on the boat. There was not much to eat... I lost everything that I brought because someone stole it"* (CI079). In these circumstances, lone children were particularly vulnerable to abuse and exploitation. Children were also at heightened risk of death and injury:

*"[O]ur boat [sank]... Kim was three months old. She was the youngest on the boat. Some two to three year old kids died." (CI107)*

*"[T]he boat busted, so our first daughter... drowned and died... She was 4 years and several months old" (CI034)*

*"The day that boat went down... I also lost my daughter... plus my two younger sisters and my sister's son" (CI045)*

*We wrapped... gold with each of the bodies hoping someone would take the gold and [bury] the children's bodies. We actually did that. Phu, my own son..." (CI097)*

Again, these tragedies resulted from a lack of policies allowing for safe and regular migration routes, leaving children (and adults) at the mercy of the ocean.

For those children who survived the journey, life in camps brought new risks, especially for unaccompanied minors. In some camps, lone children were housed separately for their safety, but this was not always the case. VB019 was a volunteer aid worker in Singapore. She helped establish a safe house for the large number of unaccompanied children who passed through the camp:

*"[S]ome [were] quite little... six or seven. Some of them had very harrowing stories... their parents couldn't accompany them but wanted a better life for them.... Some of them had seen their parents drown at sea, or commit suicide. Some of them had seen pirates come on board and rob everybody... rape their parents" (VB019)*

Children in camps in Malaysia described, as VB003 put it, "every single day, getting up and looking for ways to survive":

*"Malaysia[n] people, took everything so we don't have anything, we don't have food... my brother [and I] have to go the other Island to find some pieces of wood... [and find] fruit" (CI040, unaccompanied minor)*

*"[T]here [was] no running water. So every day, I had to go to a place so I can get water... So that water, [my younger brother and I] use for drinking and cooking." (CI036, unaccompanied minor)*

*"[T]he island was so filthy and dirty because it was overpopulated and there is no public toilet, there is no water, people would have to dig the well to find water.... Very hard, you go back like in the primitive life.... It's very hard, very, very, hard life during those 6 months" (CI063, unaccompanied minor)*

*[Y]ou [had to] build your own little huts. Go up to the forest, chop down the trees, and build the hut.... I was little, and they chopped down a log about this long and you have to carry it down the hill, falling all over the place.... there was no electricity, no fresh water for months” (CI121, child refugee)*

Children in Indonesian camps shared similar experiences:

*“They had no basic necessities. It was tough. You kind of build your own shelter from [what] you find in the jungle” (CI065, unaccompanied minor)*

*“You would see how people treat each other when everything is scarce. Everything is so scarce from water to food. Survival; people harsher on each other” (CI138, child refugee)*

*“[The camp was] pretty horrific in terms of a lot of people dying” (VB027, child refugee)*

An unaccompanied minor, CI087, received no assistance despite his age and lone status and survived 14 months in a Thai camp by scavenging other families’ food scraps. Adults in the camps described children dying from neglect:

*“A lot of kid[s] die because we don’t have medication. Die from the water we drink.” (CI107, Malaysian camp survivor)*

*“[T]here was an orphan in the camp that was playing in the ocean and he drowned” (CI067, Thai camp survivor)*

Camps run by the US authorities provided much better facilities for children, but their emotional and psychological needs were often unmet. While one 13-year-old recalled the US camp on Guam as *“a pretty place... an adventure”* (CI126), an unaccompanied 13-year-old, also on Guam, described being *“devastated”* because of the lack of information about his family (CI010). One participant described how another child was separated from the friends he had made in Asian camps upon arrival in the USA:

*“[H]e didn’t have anyone, so he got sent all the way to Illinois. They have a camp for the [unaccompanied] kids in Illinois under eighteen. They would scatter them around for foster parents” (CI110, child refugee)*

CI017, the oldest of seven children, spent three months with his siblings in a camp in Arkansas, USA, describing the experience as “*very hard*”.

In the UK, unaccompanied minors were housed in a reception camps run by NGOs including Save the Children and Ockenden Venture. They were ineligible for government benefit payments or education grants. To fill this gap, Ockenden Venture set up a “personal sponsorship scheme” to support individual children financially (**UK Association for the International Year of the Child, 1979**).

These testimonies from camps describe numerous violations of human rights law, including the rights to life; an adequate standard of living; food; water and sanitation; health; education; child protection and assistance; child survival and development; humanitarian assistance for refugee children; rest, leisure and play; and protection from economic or sexual exploitation. Many of these rights are endowed by treaties which had already been signed and/or ratified by the UK and USA before the boat people exodus began, making these states responsible for violations on their territories – including, in the case of the UK, Hong Kong. Indonesia, Malaysia and Thailand were not parties to either the ICESCR nor the ICCPR at the time of the crisis. Some of these rights are provided by the Convention on the Rights of the Child (CRC), which came into force in 1989, as the boat people crisis was peaking. Nevertheless, the basis for these rights is codified in the Universal Declaration of Human Rights, to which all UN member states assented in 1948, and which forms part of customary international law.<sup>45</sup> The actions of these states resulted in grave harms that could have been avoided through domestic or international policy and international assistance.

The attitude of the Malaysian authorities towards camp inhabitants is betrayed by a quotation from the Malaysian home affairs minister in 1979:

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<sup>45</sup> The Refugee Convention or its Protocol were also ratified by the UK (1954), the USA (1968) and the Philippines (1981), providing rights to housing, education and employment, among others. Indonesia, Malaysia and Thailand have not ratified the Refugee Convention or its Protocol to date.



“I said [to the Vietnamese envoy] why don’t we arrange for a garbage can in your country and let the garbage [undesirable citizens] go into a United Nations camp, so then they can be removed in an orderly way” (**Guardian, 1979b**)

Despite such unwelcoming, dehumanising attitudes, not all the oral history descriptions of refugee camps were negative. Many children described being able to attend lessons in camps and some had adequate food and shelter. Yet, as VB008 noted, there was widespread trauma and little psychosocial support in camps. This is supported by Freeman and Huu (2003), who found unaccompanied children in Palawan camp, Philippines, to be “highly stressed” (p.41) despite the camp having the best facilities for refugees in Southeast Asia.

“The [Asian] camps profoundly affected the children who were in them....

Even in the best of the camps, the international standards were violated or disregarded; in the worst camps, the children were deeply scarred” (Freeman and Huu, 2003:4-29)

These problems continued for children repatriated to Vietnam from Asian camps. Freeman and Huu found that unaccompanied children were more likely to be repatriated to Vietnam than children travelling with their families; the latter usually being resettled in third countries. UNHCR employed in-country monitors to try and ensure returnees were not persecuted by the Vietnamese state. Nevertheless, repatriated unaccompanied children faced neglect and abandonment (Freeman and Huu, 2003). Thus, the international community failed in its obligation to secure the best interests of the child and to grant protection to the most vulnerable group of refugees: unaccompanied minors.

#### 5.4.5 Conclusion

The four case studies above reveal both the powerlessness of Vietnamese child migrants and their exploitation and neglect by Asian and Western governments. Chapter 2.2.5 discussed the debate around child refugees’ vulnerability versus agency. The oral histories above demonstrate that, while some children made proactive decisions about migration, others did not. And while some unaccompanied and separated children survived through support, grit and determination, others suffered or died due to their age-related vulnerability, sheer bad luck or as a direct result of the actions or inaction of others. In short, there is no single archetype of the “Vietnamese refugee child” that proves or disproves these contradictory theories. There were as many individual stories and experiences – along a spectrum of vulnerability and agency – as there were Vietnamese child refugees.

Many other instances could have been highlighted, but these examples demonstrate the geographic and temporal breadth of the neglect of children's rights in various parties' response to the refugee crisis. Children were abducted from orphanages to serve the guilt and supposed charitable motivations of Americans; left to drift and die at sea; held on board ships as political bargaining chips; and detained in inadequate conditions in camps and prisons as a deterrent to other would-be refugees. For many, these experiences compounded the traumas of war and its aftermath, which for many had included internal displacement and the maltreatment, detention, death or disappearance of family members. As British peer Lord Elton observed:

“My Lords, in dealing with child refugees we are dealing with young people who have suffered injuries which go too deep to be clearly seen and will last, I think, beyond absolute cure for the whole of their lives. So many of them have seen their parents, brothers or sisters humiliated, brutally treated or actually killed. So many of them have seen what they thought was the centre of the universe and the source of all security in their lives swept away or driven from them.” (Hansard HL Deb., 7 February 1979)

Climate change is increasingly contributing to mixed-migration flows and emergency situations of forced displacement which mirror the complex and irregular Vietnamese exodus. These four case studies are a warning for the potential harms inherent in policy responses to migration, even those which ostensibly have 'good intentions'. In answering the research questions – what risks and harms do child migrants face and what factors contribute to their risk? – this section shows how the most vulnerable refugees in these situations are unaccompanied and separated children, and how state actors cause and contribute to their vulnerability. In the worst cases, Vietnamese children paid for poor refugee policies with their lives. Even the 'lucky' ones – those who were resettled abroad and who narrated their stories for the oral history archives – still recount harrowing memories. Far from being inevitable consequences of a chaotic exodus, the harms experienced by these children resulted from state officials' responses to the crisis. In many cases, these harms continued following resettlement, which is the subject of the next section.

## 5.5 Experiences of reception and resettlement

*“My apartment was bare except for the donated furniture and curtains. Eventually things came. My son made a jigsaw puzzle of palm trees and the ocean that he glued and put up on the wall. It reminded me of home.”*  
– Refugee in the USA (cited in Cargill & Huynh, 2000:169)

This section considers archival evidence and oral history testimony regarding the resettlement policies of the USA and UK towards the boat children and their families. The section above looked at children's experiences on the move; this section looks at children's experiences following resettlement. It contributes to our understanding of the following research questions: What risks and harms do child migrants face? How does child migrants' categorisation and legal status affect their experiences? And which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?

#### 5.5.1 Vietnamese refugees in the UK

In 1979, British peer Lord Monson visited a centre for unaccompanied boat children in Songkhla camp, Thailand. He said: "It was really tragic to see young lives being wasted away like this month after month, year after year, with nowhere for them to expend their energies" (**Hansard HL Deb., 14 February 1979**). Such reports were influential in what Home Secretary William Whitelaw described as a "shift of [public] opinion in favour of accepting more refugees", demonstrated by letters received from around Britain (**10 Downing Street, 1979g**). At this time, Prime Minister Thatcher was co-ordinating a conference in Geneva where various countries would pledge to accept quotas of boat people. For this, she is credited in the literature for her humanitarian efforts to solve the refugee problem. However, archived minutes of her private meetings and correspondence show a different motivation; that of distributing the Hong Kong-based refugees around the world so that Britain would not have to shoulder the whole burden of the people encamped on its territory.

When presented with evidence of public support for the refugees, Thatcher privately told Whitelaw that:

"in her view all those who wrote letters in this sense should be invited to accept one [refugee] into their homes. She thought it quite wrong that immigrants should be given council housing whereas white citizens were not.... The Prime Minister... said that she had less objections to refugees such as Rhodesians, Poles and Hungarians since they could more easily be assimilated into British society" (**10 Downing Street, 1979g**)

The pair discussed a potential quota of 10,000 boat people for resettlement in Britain, but bemoaned the 1971 Immigration Act, which mandated the UK to admit refugees' dependents.

In these meetings – the minutes of which were classified for several decades – Whitelaw privately assures the Prime Minister that he is designing “a kind of steeple-chase, designed to weed out South Asians in particular” (**10 Downing Street, 1979g**). These anti-Asian policies and attitudes were at least partly rooted in fears that non-white immigrants would fail to integrate, turning public opinion against the government. In private meetings, Thatcher voiced her fears of “riots in the streets if the Government had to put refugees into council houses”, while simultaneously acknowledging Britain’s obligation to relieve the “dreadful problem” in Hong Kong (**10 Downing Street, 1979b**).

Among other archival sources, the following sections cite information from three UK Government-commissioned studies – **Jones (1982)**, **Edholm et al. (1983)** and **Duke & Marshall (1995)** – available in the city archive in Manchester. However, as noted in Chapter 4, these studies largely fail to mention children’s needs or experiences.<sup>46</sup> The exception to this is the description in Edholm et al. of the benefits of the UK education system to Vietnamese children. Far from documenting children’s difficulties in Britain, their report contends that “children are the group that ‘adapts’ most easily” (**Edholm et al., 1983:27**). This statement is contradicted by evidence from other archival sources and oral histories, as established below.<sup>47</sup>

These three government-commissioned studies documented three waves of immigration of Vietnamese boat people to Britain. The first, between 1978 and 1982, saw the admittance of some 16,000 people, including those filling Britain’s quota pledge from the 1979 Geneva conference. The second was a steady trickle for which there were no systematic reception arrangements. The third wave was the admission of a quota of 2,000 people, mostly from camps in Hong Kong. Some 7,978 people entered Britain in the second and third waves between 1983 and 1992, most on family reunification grounds. Some unaccompanied minors were also admitted on humanitarian grounds.

Evidence in archival sources helps explain the dearth of information in the literature on Vietnamese refugees’ experience of resettlement in the UK. As was the case for the Montserratian arrivals (see Chapters 6 & 7), “Vietnamese is not recognised as an ethnic group in any of the government’s social surveys”, including the decennial Census, and local

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<sup>46</sup> This is part of a wider trend in documentation of child refugees. Rutter (2006) notes that, until the late 1990s, UK authorities resisted acknowledging refugee children in official reporting, leading to their partial invisibility.

<sup>47</sup> This assumption is also discredited by the Montserrat case study (see Chapter 7).

authorities did not routinely keep records showing Vietnamese people as a distinct ethnic or cultural group (Tomlins et al., 1999:4). The authors of this paper, which focused on housing, noted:

“As a group Vietnamese people are under-researched and disadvantaged by the lack of significant and reliable statistical information arising from research, surveys and routine monitoring of service delivery. This is linked to, and reflected in, a lack of attention in official policy documents” (Tomlins et al., 1999:21)

By the time of Tomlins et al.’s study, the Vietnamese community was no longer considered a refugee group for policy purposes, despite the fact that the latest arrivals had been in Britain less than two years.

Although official data and literature is therefore relatively scant on Vietnamese refugees’ experiences (and even more so on the subject of children), through the archives outlined above and the British Library/Refugee Action oral history collection, I reconstructed a snapshot of the Vietnamese experience in the UK between 1978 and the late 1990s. The sections below set out various aspects of this experience and the policy gaps that led to avoidable harms being perpetrated against refugees, particularly children. Positive examples of good practice, often by non-state actors, are also highlighted. These bear striking similarities to the experiences of Montserratians in the UK in the late 1990s, outlined in Chapters 6 and 7.

#### *Arrival*

Memoranda relating to boat people picked up by the *SS Staffordshire*, who arrived in the UK via Thailand with UNHCR assistance, record failures in the treatment of refugees during transit from Asian camps to the UK. On arrival, the “refugees’ clothing was totally inadequate – many were in pyjamas and had no other clothing”, and information about family groupings was incorrectly conveyed, causing “distress to families who were inadvertently split” (JCRV, 1980b).<sup>48</sup> The latter issue caused confusion as to the status of unaccompanied minors and their housing needs. Moreover, the *SS Staffordshire* refugees arrived in the UK two days earlier than expected, preventing access to medical care on arrival, and information on medical screenings, vaccinations and potential ill-treatment in Thailand was missing from their files

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<sup>48</sup> ‘JCRV’ refers to the Joint Committee for Refugees from Vietnam, a body established by the Home Office in October 1979 to co-ordinate reception and resettlement, particularly via liaison with voluntary bodies.

(**JCRV, 1980c**). Such failings delayed access to the rights to family life, health, and child protection.<sup>49</sup>

Rather than ensuring that refugees were well-equipped for their journeys prior to departure, the focus was instead on forcing them to sign “promissory notes” agreeing to refund the cost of their air fare to the UK. While the Home Office later recognised “the unrealistic demands it made and the distress this caused to refugees”, it instead proposed asking refugees to make voluntary contributions (**JCRV, 1980i**).

In general, “no serious attempt was made to analyse the needs of the refugees” upon arrival (**Edholm et al., 1983:16**). However, local voluntary groups provided information for refugees arriving in their communities, often of a high standard. **Manchester City Council Refugee Working Party (n.d.)** published a booklet covering wide-ranging topics from obtaining benefits, housing, translation and children’s services to information on using the postal service and libraries, starting a business and contacting councillors. **Refugee Action (1991)** published booklets on various topics including schooling, health, family reunification, housing and racial harassment. In both cases, the publications provided practical advice and information on refugees’ rights, in a neutral and non-judgemental tone, helping to fulfil the refugees’ right to information.<sup>50</sup>

The positive focus of these NGO-issued booklets can be contrasted with the information provided by the Home Office to Montserratians several years later (see Chapter 7), which appeared to be designed to discourage people from travelling to the UK. In fact, several archival sources suggest that, around 1979-80, the UK was actually struggling to fulfil its quota and empty the Hong Kong camps, since “it was proving difficult... to find sufficient refugees who wished to come to the United Kingdom” (**JCRV, 1979a**). Remedial efforts included sending a delegation to “stimulate interest” in the UK. The JCRV files contain scripts for a promotional film shown to refugees in Hong Kong, promoting the UK’s “democracy, freedom and liberty” (**JCRV, 1980e**).

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<sup>49</sup> Provided respectively by Articles 16 and 23 of the ICCPR; Article 12 of the ICESCR; and Articles 3 and 19 of the CRC.

<sup>50</sup> The right to receive and impart information is fundamental to the right to freedom of opinion and expression. It is also integral to the right to education and essential for understanding and accessing other human rights.

Many oral history participants were indifferent about which country resettled them. This contradicts neoclassical migration theory, which suggests that individuals seek the country in which they can maximise their wellbeing (Castles & Miller, 2009), and busts the media myth that Vietnamese refugees were desperate to get to the UK:

*“I stayed in the refugee camp for too long, so any country would do!” (BL025)*

*“Every country was the same to me” (BL026)*

*“Nobody thought about Britain, no one knew what was Britain?” (BL031)*

*“I wanted to go to Canada, but... Canada selected people within their criteria. They were very strict, so we just gave up [and went to the UK].” (BL017)*

One father (BL020) opted for the UK because of its reputation for education; similar to many Montserratian parents (see Chapter 7). However, the general lack of enthusiasm for, and prior knowledge of, the UK may help explain why some refugees struggled to adapt. They were neither mentally nor practically equipped for the enormous cultural differences they would encounter, and the UK Government and UNHCR did little to prepare them.

#### *Reception centres*

For ‘quota refugees’, reception arrangements were made by voluntary organisations, although overall responsibility lay with the Home Office.<sup>51</sup> Jones (1982) observed that the success of the reintegration programme therefore relied on volunteers, especially in the absence of an existing Vietnamese diaspora in Britain.

New arrivals lived in reception centres while awaiting rehousing. The official policy, as stated in an archived Home Office report, was explicitly to make the reception centres unwelcoming, “to ensure that the centres are not seen by the Vietnamese as homes or indeed village communities in themselves but as transit centres before resettlement” (Home Office, 1982:6). Despite this, volunteers went to heroic lengths to help refugees feel at home. A visitor to a reception centre managed by Save the Children noted in his personal correspondence that volunteers had re-decorated the property themselves, and had “obtained donations of

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<sup>51</sup> This mirrors Home Office arrangements for the reception of Montserratians in 1997 (see Chapter 7).

furniture, bedding and clothing”, to the extent that “the refugees were rather better clothed than the staff” (Oliver, 1980). The oral histories record gratitude for the volunteers’ efforts:

*“[T]hey could see that it was cold... and that we didn’t have any clothing so they let us into [a] room to choose the clothes, to choose winter coats and shoes”*  
(BL022, child refugee)

*“[I didn’t have] any luggage. [I] wore only one pair of clothes.... I felt so cold but when arriving to the reception centre, they gave us some clothes.”* (BL028)

*“They helped us wholeheartedly.... I have so many good memories of that centre.”*  
(BL026)

The government authorities’ attitude to the arrivals is betrayed by the aforementioned Home Office report, which states: “Many [Vietnamese refugees] lack education and literacy even in their own language. Most... have had little contact with Western civilization” (Home Office, 1982:12). These stereotypes of a backward, uncivilised diaspora played into fears that Britain was being overrun by people who would ultimately fail to assimilate. The report also raised a further harmful stereotype; that of the cunning, grasping immigrant:

*“[In reception centres] the Vietnamese proved themselves adept, understandably, in playing one side [administrative staff] against the other [teaching staff] in order to get the best deal, as they saw it, for themselves”* (Home Office, 1982:7)

Narratives of a group who were on the one hand ignorant, while on the other hand sly and calculating, are invalidated by other sources. Edholm et al. (1983) noted high levels of illiteracy, but explained that trauma and anxiety had reduced refugees’ capacity to learn English while in Asian camps.<sup>52</sup>

Oral histories demonstrate that getting what the Home Office called “the best deal” in terms of English language tuition was essential, thanks to unhelpful policies in the UK’s public services. BL023 recalled: *“People who [go] to the dentist without an interpreter – they are refused by the dentist. They go to the hospital without an interpreter and they will be sent*

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<sup>52</sup> The high levels of illiteracy among refugees settled in Britain also supports the hypothesis that many of the UK-bound refugees were rural people, fleeing poverty and environmental degradation, compared to those who settled in the USA and elsewhere.



*home.*” Rather than seeking an unfair advantage, the refugees’ own narratives therefore suggest they were simply trying to survive in an often-hostile environment, fashioned by state policies that did not consider their needs.

#### *Housing and dispersal*

Some Vietnamese refugees in the UK – at least 6.9%, or around 400 people – had spent more than a year in reception centres by 1982, and when housing became available, the quality varied (**Jones, 1982**). Lengthy stays in these centres caused institutionalisation and dependency, and refugees became “impatient, disillusioned and angry” (**Jones, 1982:16**). Even the best efforts of voluntary organisations could not satisfy refugees’ desire for permanent family homes. The failure of governmental and local authorities to provide timely accommodation prolonged the wait and frustration.

The fact that running reception centres accounted for £21 million out of the £23 million of public money spent in the first 10 years of the UK’s the Vietnamese resettlement programme assumed that rehousing “would either take care of itself or be managed through existing and non-specialised policy instruments” (**Robinson & Hale, 1989:5**). This attitude, coupled with a dispersal policy primarily designed to avoid “draw[ing] fire from the racist lobbies” (**Edholm et al., 1983:15**), created serious, ongoing social issues for refugees.

JCRV minutes record how: “When refugee families left the reception centres they had virtually nothing, and there was a clear need for urgent relief” (**JCRV, 1980h**). During dispersal around the country, support was once again largely provided by local volunteers, who furnished homes, raised money to cover refugees’ everyday needs, and registered them with local service-providers. One government evaluation (**Jones, 1982**) reported conversations with volunteers who were overwhelmed by the disorganised resettlement system and untenable workload:<sup>53</sup>

“We were told we were to have two families – suddenly three arrived – two months later three more were coming.” (p.44)

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<sup>53</sup> These conversations mirror the experiences of volunteers receiving Montserratian refugees, who were also given insufficient information and resources (see Chapter 7).

“I have never had any communication whatsoever from the area resettlement officer. My Vietnamese couple were ‘dumped’ here.” (p.45)

“I did a lot of work (unpaid) which I feel should have been done by skilled workers” (p.47)

Some refugees found themselves dispersed to poor quality, poorly-furnished housing, foregoing heat or light for fear of expensive bills. One study noted: “In one house occupied by a pregnant woman and two children under five, there was no gas and they had no cooking or heating facilities for a month in winter” (**Joly, 1988:29**). Oral history narratives confirm such experiences:

*“[T]he electricity cost was expensive. I didn’t dare turn on the heat” (BL016, unaccompanied minor)*

*“The room [I rented] didn’t even have the heating, so I was really fed up.” (BL025)*

*“[W]e had a house with no lights” (BL015)*

*“I didn’t know how to ask for money to buy a refrigerator... [I didn’t have] a washing machine. I had to do the washing by hand... with 6 children, so I was working very hard” (BL030)*

While **Edholm et al. (1983)** found that most of the 100 families they interviewed “felt secure” and were, at a “material level... content”, they also reported significant disparities in clothing and furnishing allowances, depending on the area of resettlement. Long delays in accessing benefit payment were also reported, and “the local visiting officer had wide powers of discretion [in allocating grants]” (p.40).

Papers of the JCRV likewise record that delays in administering Exceptional Needs Grants left some families with no furniture or other household items for more than six weeks. Charitable donations were “often in poor condition and badly soiled. The possession of these items, however, precludes them from their [grant] entitlement, regardless of their condition” (**JCRV, 1980a**). The JCRV also acknowledged the six-month qualifying period for receipt of child

benefit, and delays in receiving Family Income Support, leaving families with children in financial hardship. In some areas, charities stepped in to fill the gap, but their support was ad hoc. BLO28 recalled how *“the women who were in the church group, they were very enthusiastic and they helped a great deal”*. Yet BLO24, who had a young son, received little support:

*“I sought the help of the community centre to apply for welfare benefits.... [It was] not until a year later that I got a flat and welfare benefits. During that time, my son and I faced difficulties [but I had] no one I could talk to, [or] seek help from.”*

**Edholm et al. (1983)** found that volunteers were untrained and unprepared to meet the complex needs of refugees, despite their best efforts. Ultimately, compassion fatigue set in and support waned. Yet the **Home Office (1982)** insisted that voluntary agencies were best-placed to assist. This decentralised approach ignored the fact that most support came from untrained individual volunteers rather than “suitable welfare services” provided by “properly qualified organisations”, as recommended by the UN.<sup>54</sup> The impact of these policies was to violate the refugees’ human rights to an adequate standard of living, adequate healthcare and social security.<sup>55</sup>

Moreover, the Home Office’s dispersal policy contravened the Refugee Convention provision that refugees have “the right to choose their place of residence” (Article 26). Minutes of JCRV meetings in 1980 describe how a “hard line” was taken against families who refused to move into allocated housing, with the threat of being forcibly evicted from reception centres by the police (**JCRV, 1980g**).

The dispersal policy left people isolated and in unfamiliar surroundings. BLO16, an unaccompanied minor, recalled: *“when we arrived in Scotland, we saw only mountains and fields. We were scared out of our wits.... My first impression was fear.”* Another child refugee, BLO14, remembered feeling *“cold, lonely and sad”*. BLO26, aged 20, recalled how the new surroundings *“felt very lonely and isolated and dull.... They took me to a place with all fields and farms. How could I live?”*

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<sup>54</sup> This guidance on treatment of refugees during resettlement comes from §IV(c) of the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (1951). Hereinafter referred to as the “Final Act, 1951”, this document guides state interpretation and implementation of the 1951 Refugee Convention.

<sup>55</sup> Provided respectively by Articles 11, 12 and 9 of the ICESCR.

**Edholm et al. (1983)** perceived that “the quiet of the countryside was frightening and oppressive [despite] many families [coming] from rural areas in Vietnam” (p.16). Yet urban resettlement could be just as problematic:

“Since many of the [existing] tenants were themselves confronted with severe problems, neighbourhood support of the kind that was needed for the refugees had not been available.” (**Edholm et al., 1983:13**)

BL011 and BL012 were both resettled in Birmingham. They were given no choice as to the type or location of their housing, and received no community support. BL011’s house had no furniture, carpets or bedding. BL012 described the home he shared with his family, as “*cold, there was no heating apart from a gas fire in the sitting room*”.

Participants in **Tomlins et al.’s** study (**1999**) expressed a range of experiences of living in London. Some enjoyed it, some complained of racism and aggression. However, many appreciated being in close proximity to other Vietnamese people; something that was missing in other areas.<sup>56</sup> As a result of the dispersal policy, secondary migration became common. BL026 was resettled in Nottingham but moved to Birmingham because there were so few Vietnamese people in Nottingham. BL017 recalled: “*I was told that things in London were cheaper and better. So I took the lead to come here.*”

Racism was partly a symptom of the dispersal policy, and was another push-factor for secondary relocation. **The Daily Telegraph (1981)** reported how, following a village meeting in Sutton St. Edmund, Lincolnshire: “An offer to house a family of Vietnamese refugees... has been rejected because of hostility from would-be neighbours.” Yet the media also contributed with unhelpful language, such as **The Guardian (1979c)** describing the refugees as “tinted folk” in an article that also gave air to the views of the anti-immigration politician Enoch Powell.

Oral history narratives are divided on the subject of racism. Many do not mention it, or talk positively about their relationships with neighbours: “*they say hello*” (BL014). Others shared more sinister experiences: BL018 was confronted by a man who allowed his dog to bite her, BL003 moved house to escape racist neighbours, and BL015 suffered racist bullying. Both **Edholm et al. (1983)** and **Tomlins et al. (1999)** mention racism as a serious concern.

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<sup>56</sup> In Sweden, by contrast, refugees were dispersed in groups of 50-plus to provide community support, with a state-funded worker to assist with integration (Dalglish, 1989).

The dispersal policy created a mass secondary movement of Vietnamese refugees who sought communities where they would feel at home. This added to the uprootedness they had already experienced in Vietnam, in camps and during resettlement. It also deprived the refugees of ways to practice their culture alongside people from their own ethnic background. The dispersal policy was abandoned in 1984 “when the reality of secondary migration became impossible to ignore” (Tomlins et al., 1999:4). However, dispersal was reintroduced in future government resettlement policies, including for Montserratian arrivals in the 1990s, demonstrating that lessons were not learned from the Vietnamese experience of dispersal.

#### *Children and unaccompanied minors*

Children arriving in the UK with their families had mixed experiences of home life and schooling. However, their stories were largely invisible. Joly (1988) found that data held by local education authorities was not always disaggregated to list Vietnamese children as a sub-category, causing difficulties in researching Vietnamese children’s experiences.

Minutes of 32 JCRV meetings between 1979 and 1982<sup>57</sup> include almost no mention of children, apart from brief references to unaccompanied minors from late 1981. In one case, the JCRV denied responsibility for three unaccompanied children at risk of being returned to Vietnam, on the basis that “the particular case was privately sponsored and was of no concern to the Committee” (JCRV, 1981). There is scant mention in other records too: the Home Office (1982) acknowledged that “able Vietnamese children” were “being placed in classes for the Educationally Sub-Normal”.<sup>58</sup> Tomlins et al. (1999) raised the issues of lack of support for disabled children, and domestic violence in Vietnamese households.

Child refugees themselves, through their oral histories, present varied memories of schooling. Teachers could be “helpful” (BL013 & BL014) or “useless” (BL015). Moving from one location to another interrupted schooling, as did family problems. BL013 recalled: “we knew [Hackney] was a temporary stay so I think I just stayed at home.” BL015 described how: “I didn’t always go to school, there was problems or, you know, no one to pick me up [from] school.”

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<sup>57</sup> File BS 18/5, National Archives, Kew.

<sup>58</sup> BL014 described being taken at age 10 to “some sort of special school” in Leeds.

Some children worked alongside their studies. BL015 was expected to do “*all the scrubbing and the cleaning*” at home. Aged 16, she got a part-time evening job: “*It was a lot of hard work... it was so exhausting... I was still tired from school*”. The problems she encountered at home, including domestic violence and malnutrition, left her feeling suicidal with only her siblings for support.

BL020 described feeling that he and his wife had “*neglect[ed]*” their children as a result of having to work hard. BL022 found herself alone after her father died, and went to live with the next-door neighbour while she completed her education. She worked while studying to pay the neighbour for her upkeep.

In addition to the children who were resettled with their families, by 1984 there were an estimated 9,500 unaccompanied boat children in Europe, 300 of whom were in the UK. The majority of the latter had been picked up by British ships (**Mougne, 1985**). The **Home Office’s 1982** report acknowledges that the UK authorities were ill-prepared to deal with unaccompanied minors, there being no “[g]overnment-confirmed code of practice” for their treatment (p.10).

The **Mougne (1985)** report – *Vietnamese Children’s Home* – was an internal study commissioned by Save the Children (StC) on unaccompanied minors and their experiences of care in a StC-run facility in Richmond, London. StC established the Richmond facility to house unaccompanied children together, after failures with fostering and adoption arrangements. Mougne notes that British families had expectations of receiving “a young [Vietnamese] orphan whom they could incorporate totally into their lives” (p.6). However, most of the children were not available for adoption, and fostering arrangements frequently broke down, to the children’s detriment. Moreover, the **Home Office (1982)** opposed adoption of children into Vietnamese families because “the provision which the Vietnamese family would make for an adopted child... would not match that expected in this country” (p.9). This demonstrated a prejudice against Vietnamese families’ ability to care for an adopted child – no such statement is made about the ability of white, British families to do so – and may have prevented Vietnamese children being cared for by people with whom they had travelled, including distant relatives.

Compared to the government-commissioned reports, the Mougne report is a more well-rounded investigation into the practical and psychological needs and experiences of child refugees. However, it only considers the situation for unaccompanied minors. The Mougne report also compares the treatment of unaccompanied minors in the UK with those in other countries, finding that “as yet, no internationally agreed guidelines exist for the placement of unaccompanied refugee minors in resettlement countries” (**Mougne, 1985:73**).

Among the first unaccompanied minors to be housed by StC were four girls rescued by *MV Roachbank* (see section 5.4.2). The report confirms that unaccompanied children’s reasons for leaving Vietnam varied:

“Most of them appear to have come from close, loving families, and had been sent out of Vietnam by their parents for their own safety.... Some of the children, particularly the younger ones, had no idea what was planned... [until they found themselves] on the escape boat.... there were a few children who had left by accident or on the spur of the moment.” (**Mougne, 1985:26 & 58**)

They often arrived at the StC home “lost, frightened and desperately shy” (p.45). Letters received from family in Vietnam or Asian camps “could often be distressing [to the children] because of deteriorating conditions and problems obtaining exit visas” (p.37). Children were also painfully aware of “the massive death toll amongst refugees taking to the sea” (p.58).

Housing the children together appeared to have been psychologically beneficial, and some unaccompanied children applied for family reunification during their stay with StC. However, Mougne found that “recently the Home Office has been increasingly reluctant to issue entry visas for families of unaccompanied minors” (p.18). **The Home Office (1982)** itself noted, without explanation, that:

“it is a fundamental principle of child-care that children should be reunited with their parents. However, a number of applications for visas made on behalf of these children have been refused” (p.15)

The JCRV files note significant difficulties and delays with the family reunification process, stemming from Home Office policy and procedures and the Vietnamese government preventing people leaving Vietnam. These policies contravened the “principle of unity of the family” and the recommendation that governments ensure “that the unity of the refugee’s family is maintained” (Final Act, 1951:§B(1)), as well as the right to family life provided by Article 23 of the ICCPR. It was not until March 1982 that the JCRV discussed the need for “a

legally based code of practice” on the status of unaccompanied children and their right to reunification (JCRV, 1982).

### *Conclusion*

The section above mainly considered ‘quota refugees’ arriving between 1978 and 1982. Later waves had similar problems, while those arriving outside of the quota system faced particular difficulties in accessing suitable accommodation, in some cases leading to homelessness (Duke & Marshall, 1995). Where family reunification was granted, new arrivals entered existing households, causing significant overcrowding (Tomlins et al., 1999:5). Despite these findings being reported directly to the Home Office, an almost identical system was put in place in 1997 to resettle Montserratian evacuees (see Chapters 6 & 7), with similar outcomes. As with the Montserratian arrivals, education was provided to help Vietnamese refugees integrate and find work, and children were usually accepted into mainstream schools. Yet the Vietnamese had an additional language barrier which often left adults relying on children for everyday tasks, overturning traditional family power relations (Jones, 1982) and placing additional pressure on children. Oral history narrators (including BL008, BL017, BL021 and BL028) described how this power shift caused friction in the family, sometimes fuelling domestic violence.

The official dispersal system, along with housing issues that triggered further migration within the UK, exacerbated the itinerant nature of Vietnamese refugee experience. As shown above, recurrent migration began for many with wartime displacement and forced internal resettlement, often for reasons related to environmental degradation, and continued as they left Vietnam and moved through transit camps. Some oral history narrators spent most of their childhoods in a state of protracted migration, and suffered serious harms as a result. This was compounded by UK Government bureaucracy and language barriers which left Vietnamese refugees feeling powerless (Jones, 1982). Edholm et al. (1983) went further: “their powerlessness was absolute.... Their range of options was minimal” (p.33). The early years were thus fraught with anxiety and frustration. Nevertheless, refugees’ situations improved after five years’ residency, with the opportunity to apply for UK citizenship and regularise their status (Refugee Action, 1991).

In his report to the Home Office, Jones (1982) criticised the policy of “front-end loading”, where money is spent on initial reception rather than long-term funding for integration, and



characterised the resettlement programme as “a plethora of temporary measures” rather than a co-ordinated long-term strategy of settlement and integration (pp. 49-50). In view of the similar mistakes made vis-à-vis the Montserratians 15 years later, his conclusion is particularly prophetic:

“All too often it is thought that new refugee situations are isolated, deviant and non-recurring. A direct consequence of such beliefs is the common failure in refugee programmes to learn from the lessons of the past, a failure to develop and institutional memory, and a constant need, in connection with each new situation, to re-invent the wheel.” (Jones, 1982:49)

**Edholm et al. (1983)** reached the same conclusion: “refugee problems tend to be seen as isolated and non-recurring. Thus there is a degree to which each occasion has been treated as an isolated emergency” (p.7). Despite having accepted more than 2 million immigrants since the end of the Second World War, the **Home Office’s 1982** report on the Vietnamese refugees contends that “[t]he UK is not a country of immigration” (p.16). This attitude of ignoring the past perpetuated the UK Government’s inability to design and execute an efficient and human rights-based resettlement plan.

The cost of these failures was the catalogue of human rights violations described above, which plagued the memories of Vietnamese refugees when they recounted their stories, and had a particularly deleterious effect on child refugees. The perpetrators of these harms were state actors, including UK Government officials, who failed to abide by provisions in human rights legislation which their countries had ratified. The archival and oral history sources considered in this case study help to fill the considerable gaps in both the literature and the official, statistical sources pertaining to Vietnamese refugees in the UK. This is especially true for the near-invisible experience of Vietnamese children, particularly those who arrived without their families.

In response to the research questions, therefore, I conclude that children faced a catalogue of harms prior to and following resettlement in the UK. These were to some extent ameliorated by their status as refugees under the Refugee Convention definition – which allowed them to leave Asian camps and receive additional support from charitable organisations in the UK – and their eventual right to apply for citizenship. Unaccompanied and separated children faced particular traumas, including early failed attempts by the state to have them fostered and adopted, although the approach of charitable organisations was partly successful in improving

conditions for later arrivals. Family reunification programmes could have helped more children to realise their right to family life, but this was hindered by Home Office practice. Children residing with their own families also faced harms, albeit of a different nature. These included domestic violence, cold and unfurnished homes, neglect, and sub-standard education. Where abuses within the family and community, such as domestic violence and racism, are endemic, this points to a failure by state officials to take preventive action.<sup>59</sup> In conclusion, the UK state had overall culpability for a vast range of harms experienced by Vietnamese children from 1978 onwards. In the next section, we consider similar issues from the point of view of those who settled in the USA.

### 5.5.2 Vietnamese refugees in the USA

From early 1975, the USA accepted that it bore some responsibility for the refugee crisis – especially towards those who had assisted its military operations in Vietnam. During the April 1975 evacuation, the US Attorney General conceded that some Vietnamese people had refugees status because of their well-founded fear of persecution in Vietnam or third countries, including those “to whom the United States Government has an obligation” (**Department of State, 1975**). A month later, the President’s Advisory Committee on Refugees was created partly to “encourage a positive, national mental attitude towards refugees from Southeast Asia” (**White House, 1975b**).

The USA’s resettlement policy was entirely different to that of the UK. It required each refugee to have a ‘sponsor’, who would be largely responsible for their living costs and integration. These were usually private individuals or community or church groups. Schools received additional resources to support children’s English language learning and cultural orientation. However, sponsors were expected to meet refugees’ immediate needs, including adequate housing, medical expenses, ‘pocket money’, furniture, food, clothing, and assistance in accessing education and employment. The government committed to intervene as necessary, since “sponsorship is not a formal, legal commitment” (**Interdepartmental Task Force on Refugees, 1975**), although it often failed to do so, as shown below. It also reimbursed local government’s resettlement expenses up to \$500 per refugee (**Inter-Agency Indo-China Task**

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<sup>59</sup> State responsibility for domestic violence has been affirmed by General Recommendation 19 of the UN CEDAW Committee (1992). Regarding racism, state responsibility for ending racism by private actors has been asserted repeatedly in General Recommendations of the UN CERD Committee and is provided by the CERD Convention itself.

**Force, 1975**). Oral histories of those who resettled in the USA describe the effects of these policies on individual children and families.

As with the previous section on arrival in Britain, this section contributes to our understanding of the following research questions: What risks and harms do child migrants face? How does child migrants' categorisation and legal status affect their experiences? And which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?

#### *Arrival and reception*

As with the UK arrivals, there were distinct waves of Vietnamese refugees to the USA. In keeping with the 'vintages' theory of migration (Kunz, 1973), different waves – or vintages – of Vietnamese refugees in the USA fell loosely into groups with shared characteristics and experiences. Participants in the three US-based oral history projects<sup>60</sup> came from a range of backgrounds and arrived via various routes. Some came from absolute poverty and made arduous boat or land journeys. Others were well-off, had connections with America and were airlifted to safety. Still others came through humanitarian routes, often after spending time in Asian camps. Many had been political prisoners and/or re-education camp detainees. While the vast majority were from former South Vietnam, some escaped from the North or had links with neighbouring countries. Thus, they arrived in the USA with varying expectations, resources, connections and skills.

Silove (2004) describes the reception given to different vintages of refugees:

“In the early phase, Indochinese refugees were seen as heroes since they supported the Western mission in Southeast Asia. As time progressed, they were subjected to increasingly stringent screening procedures in refugee camps... Finally, the focus of geopolitics turned to solutions of repatriation rather than resettlement, a reflection of ‘refugee fatigue’.” (p.15)

Moreover, oral histories show that these attitudes played out within the US refugee community itself. Those who arrived via the 1975 airlifts saw themselves as distinct from the later waves of boat people and humanitarian cases, as these child refugees explain:

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<sup>60</sup> The California Irving collection, the Vietnamese Boat People Podcast, and Voices of the Vietnamese Boat People. Participants are given the prefixes “CI”, “VB” and “VV” respectively. See Methodology section in Chapter 4.

*"[T]here was a difference between the girls who came in 1975 and the boys who came afterwards, like us. So they got a little bit prejudice, they called us "F.O.B": fresh off boat. The other girls and the other guys speak better English than us, so we were sort of castigated, one group to another." (CI110, unaccompanied minor)*

*"Vietnamese people who were there before us looked down on us.... once people find out who came first that's like a pecking order. An explicit pecking order, because if you came earlier you're more advanced, you know more" (CI115, child refugee)*

These self-imposed categories caused discrimination and conflict within the community. CI124, a child refugee, described a *"kind of discrimination between the Vietnamese to the newer Vietnamese"*. CI122, who fled Vietnam aged 18, recalled:

*"[S]o many different categor[ies] of people [in the USA]... we don't like the Vietnamese [Communist] community, but a lot of people bring those Communist language come here. So they kind of starting— we don't say pollu— contaminate. Affecting the community here. Not as pure as before... we [came] purely [as] people against communists."*

Several interviewees mention an incident in Orange County, California, in 1998 when a Vietnamese shopkeeper faced a protest by 8,000 Vietnamese refugees after he hung a portrait of Communist leader Ho Chi Minh in his store. The event resulted in the closure of his business, and highlighted political and ideological tensions between different vintages in the community.<sup>61</sup>

While these tensions clouded the resettlement experience for some oral history narrators, the majority of those who were asked said they identified as Vietnamese American. CI137, who arrived aged five, explained:

*"I didn't realize that it was a part of this larger thing.... [until] I was graduating college.... I thought refugees were people came from boats. I didn't know that I was a part of refugee program. Through reading this book, [I learned] about the*

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<sup>61</sup> Such tensions were not reported by UK-based oral history narrators, possibly due to the UK's dispersal policy which prevented large Vietnamese communities forming.

*waves of being Vietnamese immigrants, different waves of 1975 all the waves to the early 1990s and I realized that I was a part of that.”*

There were many positive first impressions of arrival in the USA. Child refugee CI154 said *“I love to be here. It’s awesome. Getting out of Vietnam was a great thing.”* Another child arrival, CI053, recalled finding Americans to be *“polite and very organized”*. Yet the absence of a comprehensive reception centre programme – as existed in the UK – or any overarching strategy for helping refugees to settle and assimilate, left many utterly dependent on their sponsors and the wider community. These child arrivals describe the enormous culture shock of the early months:

*“In addition to the language, the food and customs were difficult to adjust to.”*  
(VV013, unaccompanied minor)

*“I was scared.... How was I going to survive in this new society?”* (VV001, unaccompanied minor)

*“You’ve never seen so many cars, you’ve never seen the streets so wide, you’ve never seen a moving escalator.... you’ve never seen so much food in one place.”*  
(CI126, child refugee)

*“The first two weeks in Memphis I was too terrified to leave the house”* (VV008, child refugee)

The difficulty was compounded for unaccompanied children and those who became separated from their family members in the USA. Family separation happened for a variety of reasons. When CI004 was aged 16 or 17, his parents moved to another city for work: *“I stayed behind and I bounced around between friends’ houses.”* He spent almost a year sleeping in his aunt’s garage. Another child, CI126, recalled how *“our family of nine split into two to make it easy for people to sponsor us”*. Child refugee CI115 described what happened to his two young cousins:

*“[They] came over [to the USA] and stayed with us for 6 months, my parents filed papers for them to be adopted by foster parents, because it was too hard to look after four kids. They were very upset, and never forgive us for that.”*

Compared to the UK, the USA provided less of a safety net for children, particularly those who arrived alone. Former child refugees who participated in the VBPP oral history podcast described initial experiences of mental health issues, trauma, shame, language barriers, school problems, bullying, instability and loneliness. In some cases, their struggles grew as they settled into their new lives.

In other cases, the sponsorship programme worked well, with children and families receiving welcome assistance. Child refugee CI005 described how their sponsor provided *“pots and pans, second hand clothing. They help us out a lot.... They bought us canned food. Showed us where to go.”* Church groups were particularly supportive. Child refugee CI126 recalled how a local church *“help[ed] us with the housing; they rented out the small apartment for us. They gave us clothes, furniture, other stuff that we needed for daily living – stove, refrigerators. And they helped my father to find a job.”*

Yet, others were left to struggle alone or were actively exploited by their sponsors.

Unaccompanied minor VB023 described how he never met or received any support from his sponsors. CI145 recalled how her brother was sponsored by a woman who expected cheap labour in return. When he fell out with the sponsor over the exploitative working conditions, she cancelled the arrangement to sponsor his sister, CI145, to join him in the USA. VB002, who arrived aged 10, described how her family was sponsored by a businessman with the intention that her brother would work in his car dealership. CI042 was sponsored by a man who kept a number of teenaged Vietnamese refugees in his home, whom he extorted and abused:

*“the sponsor walked around the house in his underwear.... There were 8 other teenagers living there. The governmental rule for refugees was that we were to receive \$250 in cash, but...The \$250 he deducted [for] living spaces. The foods stamps... he took them too. [The other refugees] told me that every night he would pick them off one by one and sexually abuse them.”*

While such accounts are uncommon in the oral histories, the sponsorship programme, which allowed the US government to shift the financial burden of resettlement onto private individuals, was nevertheless a lottery for refugees, many of whom were forced to rely on charities, friends or relatives to survive. It left vulnerable and young refugees open to exploitation and abuse by private actors; abuses which were ultimately the responsibility of

the state to prevent and prosecute. There is no evidence in the oral histories of steps being taken by the US authorities to prevent such acts.

#### *Housing and welfare*

Experiences of poverty in the USA are mentioned regularly in former child refugees' oral histories, suggesting that deprivation was a common experience. CI038, who arrived aged 15 with his disabled father, said: *"We applied [for welfare]; we didn't get help."* Finding suitable housing was another common difficulty. Sponsors or the refugees themselves were expected to find and pay for their accommodation. This was another a major variance with UK policy, where local authorities provided social housing, albeit of varying quality. Some child refugees in the USA describe families of eight or 10 people living in one- or two-roomed accommodation (e.g. CI012 and CI139). Some had to share their cramped spaces with other families (e.g. CI007). Adult refugees recall conditions that would be unlikely to meet the definition of adequate housing under human rights standards. CI017, a woman refugee aged 19 at the time, recalled: *"when I first went to college... [I] slept in a car for the whole month because I could not find a place to stay"*. CI022 described being homeless with his pregnant wife: *"at night I wrapped my wife in a blanket and had her [lie] in the car."* A parent, CI097 described his family's situation as *"pitiful"*. He recalled:

*"People would let us [stay] in a trailer, [and] gave us some blankets and clothes. They also gave us bags of rice [but] our children craved the milk which we couldn't afford to buy.... That time was a miserable time."*

Refugees in the UK were asked, but not generally forced, to repay their airfares (see section 5.5.1). In contrast, the US government's repayment policy sometimes meant refugee families spending their entire disposable income servicing this debt. CI102 described how her family had to repay *"\$10, \$15, or something every month until, you know, like a thousand dollars for three tickets"*.

Food insecurity and lack of basic goods left a lasting impression on former child refugees. VV001, an unaccompanied minor, initially lived with his brother's family, who themselves lacked adequate food. During high school, he moved into a rented trailer with his girlfriend and survived on handouts. Other children described the emotions they experienced due to poverty:

*“[I]t’s very hard to adapt to a new country without the financial security – it’s pretty scary that you didn’t have the financial power to back you up if something goes wrong - so it was pretty nerve-racking” (CI013, child refugee)*

*“[I]t was a very miserable time because we just came over and everything is borrowed. Everything was ragged.” (CI073, child refugee)*

The sponsorship system and reliance on charity left refugees at the mercy of private individuals for all their basic needs. In very few cases do refugees mention receiving government support. Although problems with receipt of government assistance also plagued the UK-based refugees, a lower proportion describe poverty in the UK. These precarious conditions in the USA not only represent a violation of the state’s duty of care towards refugees; they also created opportunities for child exploitation, as discussed below.

#### *Child labour and exploitation*

I analysed at least 85 oral histories from former child refugees in the USA.<sup>62</sup> Of these, 22 described having one or more paid jobs in the USA before they turned 18, some in exploitative conditions. This is significant since interviewees were not specifically asked about this, but volunteered the information spontaneously. This suggests that more child refugees may have been affected by this issue – had they been asked – and that these experiences had a significant enough effect to be recalled years later.

Here is a sample of children’s refugees’ experiences of work in the USA:

*“My first job I worked at a construction site doing the same thing the adults did.... Manual labor. It was hardcore. I was like 14 and I dug ditches.” (CI004)*

*“when I was 7 [years old].... I had to wake up at 3 in the morning and start picking berries at 5... I was always soaked always freezing... Me and my sister she was six and I was seven... Can you imagine six and seven without a parent? We were just by ourselves.” (CI005)*

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<sup>62</sup> The number is approximate since some oral history interviewees did not provide their exact age. Only 85 of the 197 US-based interviewees stated explicitly that they were under 18 when they left Vietnam, but the actual figure may be higher.



*“we did a lot of sewing, sewing the clothes and we also had a big huge paper route. And even in school, most of the days we had to wake up really really early, like 4 o’clock in the morning.... It [is] called child labor.” (CI007)*

*“I work[ed] for the fast food [restaurants] when I was in high school... then I do the uh morning newspaper delivery, and go to school at [the] same time.... every day I sleep for two [and] a half, three hours. To survive.” (CI011)*

*“I did not know that it was illegal to work full time for a minor.... I work the graveyard shift [in a bakery]” (CI029, who worked full-time while in school)*

*“nobody really took me to school. Hahaha. I don’t know how I made it through... I work[ed] in McDonald[s]” (CI035, unaccompanied minor)*

*“[My son] worked from 2am to 7am then went to school.” (CI100)*

Some child refugees mention pressures to support their family financially, and the additional burden of domestic duties:

*“[B]eing the oldest in the family, I felt responsible to help my parents so I did odd jobs. I cleaned houses on the weekends, I cleaned bathrooms and we used to... we would go and pick [strawberries and] make jam and things like that, make food stretch a little bit longer.” (CI023)*

*“[My parents] were out working all day and they expected me to take care of my other siblings.” (CI029)*

*“[I was] a teenager, without my parents here... I had to... somehow earn some money and send back to Vietnam to my mom, so she can take care of my brother and my father in the concentration camp... [I was] Selling flowers at the corner of the street.” (CI036, unaccompanied minor)*

*“[W]e would sew you know after school ... there were nights when we would stay up until like three-four A.M.” (CI139)*

Many similar experiences exist in the oral histories. Some appear to stem from a cultural expectation that all family members should contribute financially. Yet many are also indicative of the desperation to survive and thrive in the absence of state support. Such accounts are almost non-existent in the narratives of those who settled in the UK, where government welfare and charity assistance, although patchy, were seemingly more accessible. This suggests that these children were driven into work largely as a result of hardship caused by US government policy, rather than simply cultural expectation.

Many unaccompanied children in the USA waited long periods to be reunited with their families, often living with extended family or foster parents in the meantime, but occasionally fending for themselves. It took VV008 seven years to sponsor his mother to join him in America. VV013, an unaccompanied minor who was raised by foster parents, expressed regret later in life for being unable to help his family, all of whom remained in Vietnam. These delays to family reunification may have left some unaccompanied minors more exposed to exploitation and abuse.

### *Conclusion*

The 197 oral histories analysed for my research into the US refugee experience represent hundreds of hours of richly detailed testimony. In addition to the issues raised above, refugees discussed numerous topics and experiences not mentioned here due to lack of space or relevance. For example, many describe differences in food culture and the Vietnamese celebrations and traditions they maintained. Some children describe their experiences of gang violence, racism, navigating the school system, and residual trauma. The topics discussed above are therefore just *one* aspect of the experiences of *some* of the children who found their way to the USA.

Despite this, common themes emerged of hardship, poverty, exploitation, fear and discrimination. Many of the former child refugee narrators went on to have successful professional careers and families of their own; yet, they often did so *despite* difficulties caused by government's sponsorship-based resettlement policy. The key policies and practices that assisted them to become successful were the opportunity to apply for US citizenship after five years' residency, and freedoms vis-à-vis employment, education, association and movement – things denied to them in Vietnam. Several speakers considered that liberties such as freedom

of thought and speech were important aspects of the American way of life. The USA also gave people a fresh start and the possibility of recovery from the horrors of war: “*here... I sleep at night and don’t [hear] cannon or bombs exploding*” (CI044).

In summary, to answer the research questions, in many ways child refugees’ civil and political rights were well-protected in the USA, and many enjoyed freedoms that were unthinkable in Vietnam. Yet they were let down in other ways by the US authorities, which failed to uphold certain economic, social and cultural rights. Some of these violations were also common to the US-born population, such as lack of access to affordable healthcare. Others were a result of the government-designed sponsorship system. In terms of their particular vulnerability, children suffered from these failings whether they were accompanied or unaccompanied by family. This may be due to the fostering system that the USA put in place for unaccompanied minors; however, children separated from their parents *following arrival* appear to have experienced the highest levels of deprivation. Children also faced particular difficulties caused by having to work while attending school, leading to reduced capacity for learning, increased risk of labour exploitation and potential risks to their health.

## 5.6 Legal status

This section considers in more detail how the Vietnamese refugees’ legal status caused, compounded or alleviated the harms outlined above, in answer to the research question: How does child migrants’ categorisation and legal status affect their experiences?

Vietnamese refugees’ resettlement experiences and the realisation of their human rights depended to a large extent on the legal status they were afforded by different countries. In the USA, Vietnamese and Cambodian immigrants were recognised as “parolees” under Section 212(d)(5) of the Immigration and Nationality Act. This status afforded the right to work and to apply for permanent residence (**Inter-Agency Indo-China Task Force, 1975**). In a briefing paper prepared for President Ford, parole is described as:

“a device by which an inadmissible alien seeking entry is permitted to proceed into the United States, but in contemplation of law is considered to be standing at the water’s edge.... he may be removed only in expulsion proceedings.”

**(White House, 1975d)**

This definition acknowledges the irregular way in which the individual left their own country, but does not penalise them for it. Similarly, the refugees in Britain “represent a special group

of refugees accepted for asylum before arriving in this country” (**Duke & Marshall, 1995:2**). In other words, although they left Vietnam irregularly, they arrived in Britain via a regular, legal channel.

This point of view was not shared by Vietnam’s neighbours. Prime Minister Chomanan of Thailand wrote to Margaret Thatcher that the boat people were “illegal immigrants” (**Chomanan, 1979**). The Malaysian Deputy Premier, Mahathir Mohamad, is quoted as using the same expression in an archived newswire in which he also threatened to “shoot on sight any boat people entering Malaysian waters” (**Reuter, 1979**). The various circumstances and methods by which people left Vietnam, including UNHCR’s co-operation with Vietnam in preventing what it called “illegal departures” (UN General Assembly, 1979: para.16), complicated the issue of legal status. Meanwhile, UN Secretary-General Kurt Waldheim felt it necessary to privately remind a UK diplomat of “the fundamental human right for a man to leave a country freely when he felt seriously oppressed” (**UK Mission in New York, 1979a**).

In Britain, Margaret Thatcher used the terms “immigrant” and “refugee” interchangeably as it suited her political discourse. Minutes from a private meeting attest that she “could not accept the distinction between refugees and immigrants” (**10 Downing Street, 1979b**), since doing so would play down Britain’s previous record of having accepted some 2 million immigrants since 1945. This historical generosity, she argued in the same meeting, should be considered when setting quotas for accepting Vietnamese refugees.

On the international stage, Thatcher was keen to promote her humanitarianism. In a draft letter to Kurt Waldheim she states: “Too many countries appear to have turned their backs on the plight of the refugees, and the international community must be brought to a proper realisation of its responsibilities to humanity” (**Thatcher, 1979**). In private, however, she sought advice from her Attorney General on withdrawing from the 1951 Refugee Convention altogether, and requested that he provide “a cast iron position in legal and political terms which would enable the UK to hold out against admitting refugees from [ships]” (**10 Downing Street, 1979f**). In response, the Attorney General warned of “highly adverse... political consequences of the denunciation by the UK of her international obligations relating to refugees”, and advised that, in any case, the requisite one-year notice of withdrawal from the Refugee Convention prevented this being an immediate solution (**10 Downing Street, 1979d**).

Those admitted into the UK were thus granted refugee status and the associated protections described above. This does not mean, however, that children's journeys were not dangerous or marked by loss. In summarising the oral histories in its collection, Refugee Action noted that, of those arriving in the UK:

“The only people who had a relatively safe and straightforward and legal journey were those accepted under the UK's Family Reunion Programme from the early 1980s and who were often able to fly directly from Vietnam to join relatives in the UK.” (Refugee Action, 2003)

Otherwise, UK-bound refugees had mostly set out irregularly as boat people and were granted refugee status while in Asian camps. Moreover, UK quotas were kept as low as possible, resulting in long waits in Hong Kong's camps for resettlement to other countries and, ultimately, repatriation to Vietnam in the 1990s for tens of thousands for whom no home could be found. The archives I examined did not tell the stories of those who were returned to Vietnam, nor whether the diplomatic assurances of their fair treatment were upheld. However, the oral history testimonies described above do give an insight into the personal harms experienced by those resettled in the UK and USA resulting from refugee policy.

The various waves of Vietnamese refugees in the USA arrived under a series of admittance programmes. These included:

1. Airlifts for those with connections to the US military (1975);
2. Operation Babylift (1975);
3. Some 400,000 people via the ODP from 1979;
4. Boat people sponsored from Asian camps or picked up by US vessels from 1975;
5. The Humanitarian Operation, which resettled 85,000 re-education camp prisoners from 1988;
6. The 1988 Amerasian Homecoming Act, which resettled almost 20,300 children of American soldiers and Vietnamese women, plus 56,700 of their immediate relatives (Freeman and Huu, 2003); and
7. A small number via work or study visas.

Notwithstanding this range of vintages, Lipman (2020) notes that “[m]uch of the popular literature still fixates disproportionately on the South Vietnamese who left in 1975, despite the fact that they make up a distinct minority of Vietnamese diasporic experiences” (p.12). And regardless of the range of legal opportunities for resettlement over the years, the USA

remained selective in whom it admitted. One oral history participant described the impact of this selectiveness:

*“If someone [in the camp said] that they were very hungry in Vietnam and wanted to find a more comfortable life, then they’ll refuse [entry to the USA].... There were some people who were not in the form of political asylum... did not meet the criteria of refugees, so they were retained. That crowd... stayed [in the camps] until the cows came home, can’t go settle in other countries at all. They only let you go because of politics.” (CI034)*

Even in the better-resourced camps, refugees’ lives were on hold, and they were frequently separated from their loved ones and unable to realise their rights to work or education. In camps with poor conditions, these ‘long-stayers’ might face years of human rights abuses as a direct result of the USA’s selective policy on asylum, culminating for some in *refoulement* to Vietnam. In comparison, those who could access a direct-relocation scheme either flew directly to the USA or undertook a short period of cultural orientation in a separate camp. An unaccompanied minor, CI036 recalled: *“my mom went through [the] Orderly Departure Program. So my mom went directly from Vietnam to the US [to join me]. But she stopped by at Thailand before.”*

Direct relocation could still be traumatic and dangerous. CI080, who was evacuated from Saigon by helicopter aged six, recalled the experience as *“chaos... the most frightening thing in my entire life”*. CI131 described how *“many people died”* during the 1975 evacuations, and many families were separated. Yet the oral histories show that those who were relocated directly by air generally faced fewer of the risks, traumas and human rights violations experienced by those traveling irregularly by boat or over land.

People who left for reasons linked to environmental degradation and associated economic hardship were more likely to have their asylum applications rejected by the USA, since their departure was usually irregular and not considered ‘political’. Under the provisions of the Refugee Convention, this categorisation absolves any country of responsibility for granting asylum. Yet there were marked variances in different countries’ approaches to refugee status, making some destinations, particularly the UK, more likely for those fleeing economic or environmental concerns. One 1989 study noted that the majority of Vietnamese refugees in the USA were white collar workers with good educations, compared to those admitted by the

UK, who were mostly rural non-professionals (Dalglish, 1989). Australia only admitted those in good health, in one instance rejecting a family of six because one of the children had learning difficulties (**Guardian, 1979d**). The Australian official in this case recommended the family apply to Switzerland's more relaxed entry system. The UK's screening process in 1979 reportedly amounted to: "talk[ing] to the breadwinner [to] see if he is fairly go-ahead.... The important thing is that they should have some idea of the kinds of jobs they could do in Britain" (**Guardian, 1979f**).

Some scholars have challenged states' differentiation between those who fled Vietnam for political reasons, and 'economic migrants'. Freeman and Huu (2003) note that some refugees themselves "rejected the economic migrant label, claiming that in Vietnam, 'economics' could not be separated from 'politics,' since political decisions were the primary causes of their poverty" (p.13). As demonstrated in section 5.3, agricultural policies were a significant cause of migration; both due to their economic impact and also the widespread use of forced labour to restore damaged farmland – including via the 're-education' system. The threat of detention and forced labour represented a well-founded fear of persecution (Tsamenyi, 1980), the key determinant of refugee status under the Refugee Convention. Tsamenyi argues that all the drivers of migration from Vietnam during that period had a political root, including "drastic changes in the working and living conditions" (p.25). Tsamenyi therefore concludes that all the boat people could be considered victims of political persecution and were thus "genuine refugees under international law" (p.67).

White (2011), a founder of eco-global criminology, advocates for a broader interpretation of the 'persecution test' generally, noting how:

"those who suffer harm do so because of their specific relationship to the perpetrators of the harm. Largely these consist of relations of power, domination and exploitation. It is the social, economic and political characteristics of the victim populations that make them vulnerable to victimisation in the first place"  
(p.111)

In the case of Vietnam, populations who lost their land through environmental degradation or displacement, along with those exploited in the process of rehabilitating that land, were vulnerable to these harms precisely because of their "social, economic and political characteristics", arguably making them eligible for asylum as victims of persecution. Victims of

the natural disasters that struck Vietnam in the late 1970s may also qualify under this definition if their vulnerability to the hazard resulted from political decision-making.

Before the 1979 Geneva Conference, “the international community [had] witnessed the denial of asylum [more] vividly and dramatically” than at any point since 1945 (Kumin, 2008:106). For the nine years between 1979 and Hong Kong’s *volte-face* in 1988 (see section 5.4.3), UNHCR operated a blanket acceptance that Vietnamese boat people were victims of persecution, deserving of asylum (Lipman, 2020), including those displaced for environmental or economic reasons. Most countries of asylum did not abide by this, and voted for refugee screening at the second Geneva Conference in 1989. When fisherman Nguyen Dai Tuan reached Hong Kong just after the territory introduced screening, he hedged his bets during the interview, stating that he “had to flee because rice has become too expensive back home” but that he was also a “genuine refugee [who] would face political persecution if sent back” (cited in Lipman, 2020:126). Under the international policy in operation from 1979 to 1989, the high cost of rice – caused in large part by environmental degradation – would have sufficed to secure him asylum. Yet, the changing tide of international refugee policy left the impoverished fisherman striving to prove he was a political victim, in the face of possible repatriation. His story suggests that some refugees may have cited political – rather than economic or environmental – migration drivers to secure asylum. If so, this could help to explain why environmental push-factors began disappearing from the literature as the crisis wore on.

Where children were concerned, their age and family composition led to further confusion around their legal status. The *travaux préparatoires* for the Refugee Convention support giving asylum to a refugee’s dependants (Tsamenyi, 1980). This, however, appears to have been interpreted in this case as rendering children ineligible to make independent claims. The Women’s Commission for Refugee Children noted that immigration officers in Hong Kong “presumed that women and minors did not have independent asylum claims apart from those of their male spouses or family members”, in some cases causing “the indefinite detention of young people, which led to malnutrition and nightmares” (Lipman, 2020:176). The situation was particularly acute for children who arrived in camps alone. The UN stated that unaccompanied minors were to be given priority for resettlement (UN General Assembly, 1979: para.20). Yet the oral histories cited above and research outlined in Chapter 4 demonstrate that unaccompanied minors nevertheless languished for years in camps, often



facing severe harms and human rights violations, while some were ultimately repatriated to Vietnam against their best interests.

## 5.7 Final conclusions

In the course of analysing 229 oral histories, along with thousands of pages of archived documentation, I made the following contributions to the literature in response to the six main research questions outlined in Chapter 4.1.1.

First, wartime environmental degradation caused extensive damage to the landscape and economy of South Vietnam and the livelihoods of its citizens, which the post-reunification government attempted to overcome through exploitative and abusive policies of land reclamation, forced relocation and detention with forced labour. The resulting hardship, fear and loss of freedoms helped drive the boat people exodus. This overturns the dominant narrative in the literature, particularly twenty-first century literature, that the refugee crisis was purely driven by a desire to 'flee Communism', and instead frames the exodus in more nuanced terms as a mixed-migration flow with multiple drivers. This reframing can also guide our understanding of modern-day migrations in which people leave or are displaced by multiple intersecting reasons, related to both external factors and personal characteristics, and helps identify individual motivations and protection needs.

Second, major harms and human rights violations were suffered by refugees of all ages, with unaccompanied children exhibiting specific vulnerabilities. These harms were perpetrated by the Vietnamese government against those attempting to escape; Asian countries that failed to protect the rights of refugees in transit; resettlement countries that screened-out people entitled to asylum and/or abandoned new arrivals with inadequate support; and the international community in failing to enforce the Refugee Convention or provide adequate financial assistance to countries hosting refugees. Nevertheless, the archives and oral histories provide examples of good practice, where unaccompanied and separated children were given special protection measures which afforded them more positive outcomes, demonstrating that the vulnerability of unaccompanied and separated minors to harm and exploitation can be mitigated with good policy.

Third, while a high proportion of oral histories indicate some degree of harm during migration, those with regularised status who were given safe passage to resettlement countries generally

faced fewer abuses. Both regular and irregular child migrants, however, gave accounts of suffering and trauma, suggesting that their specific needs were often overlooked at each stage of the journey and resettlement process. Again, children migrating with their family in a regularised way tended to fare better, but this was not always true, particularly following resettlement in the USA where many children experienced poverty and labour exploitation. In some cases, private individuals were the perpetrators of abuse, although the state still holds ultimate responsibility for prevention and protection. While it is not always possible (or desirable) for children to be accompanied by their parents or legal carers, these findings demonstrate that family unity and reunification should be important goals of refugee policy, where it is in the best interests of the child. Moreover, the family unit should be protected through the realisation of economic and social rights including the rights to social security and employment.

Fourth, wartime environmental degradation was not considered as a push-factor during refugee status determination proceedings. Had it been, it may have counted against the Vietnamese, placing them in the non-protected category of 'economic migrants'. For this reason, I hypothesise that refugees may have deliberately omitted such details from their accounts. To determine this categorically, further interviews would need to be conducted with the Vietnamese refugee community. If true, it presents the possibility that other refugee flows contain people who deliberately hide the environmental drivers behind their forced migration, leading to a lower appreciation of the role of the environment in migration decisions and a lack of suitable policy responses to people fleeing for those reasons, potentially resulting in *refoulement* and other harms.

The previous findings help to answer the fifth research question, comparing the post-1975 exodus to future potential climate migrations. This is also considered in the horizon scanning exercise in Chapter 8. In summary, oral histories attest to the fact that both slow-onset wartime degradation and sudden-onset natural disasters were drivers of hardship, internal displacement and overseas migration in post-war Vietnam. In the absence of major changes to refugee law since 1975, it seems unlikely that tomorrow's climate migrants would receive better protections without further measures being in place.

My sixth research question focuses specifically on these protection gaps and how the legal landscape has changed since 1975. Somewhat perversely, the human rights abuses

documented during the boat people exodus did have some positive consequences. Alongside other situations of gross human rights violations documented in the 1970s and 1980s, the crisis helped to confirm the importance of human rights law in combating such crimes. Lipman (2020) contends that organisations including Amnesty International, as well as grassroots Vietnamese rights groups, gained prominence as a result of their campaigning for the boat people. The period also birthed new human rights frameworks and international treaties, such as the Convention against Torture (1984), the CRC (1989), the Migrant Workers Convention (1990) and the Declaration on Enforced Disappearance (1992).

Despite these advances, refugee law has not progressed since the 1951 Refugee Convention and its 1967 protocol (see Chapter 9). The boat people crisis signalled a new era of human migration – one in which millions of people risked their lives to escape irregularly from one country's economic collapse and political restraints, and hundreds of thousands of unaccompanied children sought protection independently of their families. Yet the boat people's plight did not trigger a major change in international refugee law, and neither have subsequent large-scale, international refugee flows, such as Syria since 2011, the Rohingyas in 2015, the ongoing Mediterranean boat people crisis, nor the Afghanistan and Ukraine exoduses of 2021 and 2022.

The final years of Vietnamese resettlement overlapped with the arrival of Montserratian evacuees in the UK in the late 1990s. Despite the body of evidence presented to the UK government on the harms to which Vietnamese refugees were subjected during resettlement, the stories of Montserratian relocation are strikingly similar, as the following chapters demonstrate. Lessons were not learned. The question is: *can* they be learned, before millions more begin their flight from climate change?

## Chapter 6 – Montserrat case study: literature review and methodology

### 6.1 Introduction

*“Abruptly and without warning life in Montserrat had changed dramatically and forever.”*  
- Lally Brown’s diary entry for 18 July 1995, the day of the first eruption  
(Brown, 2015:4)

The following Montserrat case study investigates the experiences of children before, during and after an assisted international relocation following a natural disaster. It probes the policy decisions surrounding the response and relocation, to better understand how government decisions affect child evacuees in the context of environmental change. The main purpose of this case study is to assess the risks and benefits to children inherent in assisted relocation and evacuation schemes, as compared to forms of irregular migration discussed in Chapters 4 and 5. This will help inform the design of future assisted relocation schemes, for example large-scale evacuations from small island states threatened by climate change, potentially including Montserrat itself.

This case study examines the experiences of people – especially children – who were relocated to the UK following catastrophic volcanic eruptions on the Caribbean island of Montserrat between 1995 and 1997. Compared to those who have migrated *irregularly* to the UK (for example, from Vietnam), one might expect assisted evacuees to have experienced fewer human rights abuses during and after relocation. This assumption needs testing.

For comparison with children who were evacuated to the UK, I also consider those who stayed behind on Montserrat and grew up in the aftermath of the natural disaster. Most of these children also experienced displacement, since some 90% of the residents of Montserrat relocated internally at least once between 1995-1997 (Clay et al., 1999a:1).

#### 6.1.1 Research questions

In Chapter 1, I outlined my six overarching research questions. These six questions have been broken down further into the following specific areas for investigation for this case study.<sup>63</sup>

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<sup>63</sup> See Chapter 4.1.1 for the comparable breakdown of my research aims and questions for Vietnam.

FIGURE 7: RESEARCH QUESTIONS AND AIMS FOR MONTSERRAT CASE STUDY

| Research questions  | Aims for this case study  |
|---|---|
| <p>1. Does environmental change drive migration?</p>  | <p>Aim:<br/>To understand the extent to which the volcanic eruptions were a driver of mass migration from Montserrat to the UK, by asking:</p> <ol style="list-style-type: none"> <li>1. Were the volcanic eruptions the sole cause of Montserratian migration to the UK in the 1990s?</li> <li>2. What, if any, were the secondary migration drivers?</li> <li>3. What could have been done to prevent the need to migrate?</li> </ol>   |
| <p>2. What risks and harms do child migrants face?</p>  | <p>Aim:<br/>To record the harms experienced by Montserratian children and families before, during and after relocation, by asking:</p> <ol style="list-style-type: none"> <li>1. What negative experiences were significant to Montserratian evacuees, particularly children, during their journeys and resettlement?</li> <li>2. What harms were suffered by those who remained on Montserrat?</li> <li>3. Who perpetrated these harms; could they have been prevented?</li> </ol>   |
| <p>3. How does child migrants' categorisation and legal status affect their experiences?<br/>-- AND --<br/>4. Which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?</p> | <p>Aim:<br/>To highlight the experiences of children in relation to their immigration status, and understand whether the risk of human rights abuses and exploitation differed depending on the individual's status as a regular/irregular migrant, by asking:</p> <ol style="list-style-type: none"> <li>1. Did the environmental catastrophe in Montserrat inform the migrants' legal status?</li> <li>2. How did migration status (regular or irregular) affect the experiences of Montserratian children and families?</li> </ol> |

|  |  |
|--|--|
|  | 3. What policy decisions prevented Montserratians having the legal right to relocate to their chosen country, and how did this affect their experience?  |
| 5. How might climate change mirror the historical environmental impacts seen in these geographic locations and produce similar patterns of migration?  | <p>Aim:</p> <p>To compare historical natural disasters on Montserrat with current climate-related risks, and predict future climate-related drivers of migration, by asking:</p> <ol style="list-style-type: none"> <li>1. Do similarities exist between historical natural disasters on Montserrat and future risks from climate change?</li> <li>2. How have the governments of Montserrat and the UK prepared for these future risks?</li> <li>3. How likely is another environment-related exodus from Montserrat in the near future?</li> </ol> |
| 6. What legal and policy frameworks currently exist to assist child environmental migrants, and are these are sufficient to prevent harm? Specifically, what lessons can be learned from these past migrations to protect future child environmental migrants? | <p>Aim:</p> <p>To evaluate the adequacy of the current protections available to environmental migrants from Montserrat, based on the previous evacuation of Montserrat and the risks evacuees faced, by asking:</p> <ol style="list-style-type: none"> <li>1. What legal and policy changes have been made since the Montserrat evacuation that might help protect future child evacuees?</li> <li>2. What risks still exist for children migrating within and from Montserrat today due to legal and policy gaps?</li> </ol>                        |

These research questions will be answered in Chapter 7 (Research findings), Chapter 8 (Horizon-scanning for future risks) and Chapter 9 (Protection gaps).

*Note on human rights legislation*

I refer below to provisions of international human rights law that are applicable on Montserrat. The UK has extended its ratification of several UN human rights treaties to be legally binding on the Government of Montserrat. The main relevant treaties which are applicable on Montserrat are: the CRC (but *not* its protocols), the ICCPR and the ICESCR. The Constitution of Montserrat also reaffirms the rights set forth in the European Convention on Human Rights (Morlachetti, 2015).

### 6.1.2 Why Montserrat?

As discussed in section 1.4.2, Montserrat provides a contrast to my Vietnam study as an example of a *sudden-onset natural disaster* leading to *regular migration* from a *developed country* in *peacetime*, whereas Vietnam provides a study in *human-made, slow-onset degradation* influencing *irregular migration* from a *developing country* following *conflict*.

Montserrat provides a discrete, time-bound example of a distinct natural disaster causing the mass evacuation of a significant proportion of an island population. In this regard, it has similarities with a number of anticipated future climate-related relocation/evacuation contexts, such as the relocation of Pacific SIDS communities at risk of climate-related erosion and inundation.

The literature suggests that, although the geophysical hazards on Montserrat have been well-studied, the human impact has been less well-researched. Moreover, the long-term effects of evacuation on the (child) population are unknown. The Montserrat community in Britain is a largely invisible minority, often subsumed into other groups such as the African Caribbean community, despite its singular historical British and Irish connections. I hope to redress this to some extent by rendering more visible the Montserratian experience, including by bringing to light formerly classified documentation and hard-to-access archival materials.

### 6.1.3 Background

On 18 July 1995, the long-dormant Soufrière Hills volcano erupted into the lives of Montserratians. In the months and years that followed, frequent heavy ash falls and pyroclastic flows blighted the daily existence on this small British dependency and ultimately claimed some 19 lives. The capital city, Plymouth, and the island's airport were buried under several metres of debris, and other settlements were rendered uninhabitable or unsafe.

Situated in the Leeward Islands of the Caribbean, Montserrat had been no stranger to natural disaster. In 1989, 80% of its buildings were destroyed by Hurricane Hugo. Recovery and rebuilding efforts were almost complete, including the construction of a new hospital, when the volcano began erupting. Seismic activity was, and is, a common occurrence on Montserrat, with previous significant episodes recorded in the 1880s and 1930s (Perret, 1939; Philpott, 1973; Donovan et al., 2014). Today, Montserrat is increasingly vulnerable to climate change (Gray, 2011), which multiplies these existing hazards (see Chapter 8).

Prior to the first eruption in 1995, the population of this 11-mile-long island numbered some 10,600 inhabitants; roughly a third under 20 years of age (Montserrat Statistics Department, 2019b). Following two years of intense volcanic activity, the population fell to 3,338 (Montserrat Statistics Department, 2019a). Between 4,000 and 5,000 people relocated to the UK; more than 2,000 via an Assisted Passage Scheme organised by the UK Government. Those who relocated under the scheme received financial support to travel to the UK; others organised and funded their own travel. The evacuees and other émigrés tended to be young families, and by 1997 there was a disproportionately high number of people aged over 65 remaining on the island (HelpAge International, 1997:178). In later years this imbalance was offset by migrant workers arriving from other Caribbean islands (Hansard HC Deb., 13 April 1999). In Chapter 7, I conclude that the evacuation of Montserrat was in response to a human-made social crisis, precipitated by a natural disaster.

Evacuees arriving in Britain joined established Montserratian diaspora communities or were otherwise dispersed to more than 20 urban centres including London, Birmingham, Leicester, Leeds, Manchester and Nottingham. They faced various struggles to access housing and welfare, encountered racism, prejudice and cultural differences, and integrated into host communities with varying degrees of success. These experiences are discussed in the literature review (section 6.2) and my archival research (Chapter 7).

For those who remained on Montserrat, conditions were frequently inadequate; even life-threatening. Multiple accounts describe squalor in temporary shelters, along with insufficient healthcare, sanitation, education, transport and other service provision. Today, the southern two-thirds of the island remain an Exclusion Zone, meaning that access is heavily restricted, and volcanic activity continues sporadically. UK aid has supported development in the north of the island, and Montserrat continues to govern its own affairs, albeit as a British Overseas Territory. Some evacuees have returned, but the population currently numbers less than half its pre-1995 peak. Conditions for many islanders continue to be inadequate, with some families still residing in temporary, emergency housing not built to withstand the annual hurricane season. Meanwhile, high levels of poverty, unemployment and child sexual exploitation mark the ongoing legacy of the volcano and the inadequate official response.

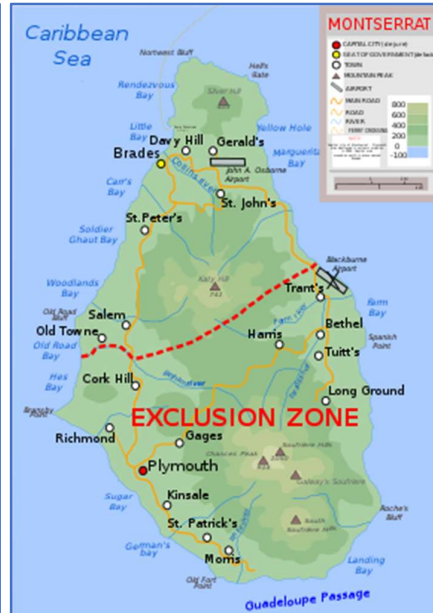


FIGURE 8: MONTSERRAT WITHIN THE CARIBBEAN



Source: [britannica.com](http://britannica.com)

FIGURE 9: MAP OF MONTSERRAT TODAY



Source: [wikipedia.org](http://wikipedia.org)

## 6.2 Literature review

### 6.2.1 Methodology for literature review

Key-word searches on journal databases uncovered a handful of studies into the experiences of Montserratian evacuees. The academic literature is sparse, and mostly spans the period 1999-2005; I could find no recent academic studies (<10 years) on the long-term impacts of relocation on Montserradians. The literature on Montserratian evacuees is largely situated in the fields of human geography, comparative education and cultural studies, although I have incorporated wider discussion from diaspora studies and sociological approaches to natural disasters. Further literature exists on the experiences of Montserradians who remained on the island and there is some published material on recent socio-economic concerns, including a 2016 UNICEF study on children’s welfare. Several self-published memoirs provided detailed first-hand accounts of the crisis and relocation. I also read the handful of PhD theses on Montserratian recovery and resilience. In comparison to my Vietnam study (Chapter 4), there were no challenges associated with sifting the available studies or narrowing down the focus of my review, since so little relevant literature exists. However, this dearth created its own challenges, prompting me to conduct extensive archival research to understand the circumstances of the evacuation (see Chapter 7).

The following sections form my literature review on Montserrat. I focus on social issues arising from the eruption and evacuation, insofar as they are covered in existing studies, and point to knowledge gaps. I have divided my review into four sections, looking at the experiences of children before, during and after migration, as well as conditions for children who remained on the island.

#### 6.2.2 Children's experiences of the eruptions – 1995-1997

##### *Trauma and disruption to family life*

Self-published, autobiographical accounts by three women (Buffonge, 1999; Greenaway, 2011; Brown, 2015)<sup>64</sup> provide insights into the experiences of islanders, including children, during the period of intense volcanic activity from 1995 to 1997. They anecdotally record children's trauma and the dislocation of families during this period:

“[Name removed] has been close to despair, telling me that his boys were having nightmares and waking up screaming. He reached the point where he considered he had no alternative but to leave Montserrat” (Brown, 2015:185)

“school children... were invited to attend [a mass casualty simulation] as observers” (Buffonge, 1999:57)

Greenaway (2011) recalls organising for her school-aged daughter to be “flown out to St Vincent to continue her education away from all the drama and disruptions” (p.680). On her return to Montserrat, the girl found life unbearably stressful since both parents were essential workers. The child was upset by the constant radio alarms and “beepers” used by her parents to receive emergency work updates, and complained of being left alone with nobody to care for her during volcanic eruptions. Such accounts exist in research studies too. Skelton (1999) records a mother taking her children off the island “largely because her son was traumatised by the volcano and became terrified of the noise and wouldn't leave the house or his mother” (p.10).

The volcanic activity and subsequent level of danger “waxed and waned”, exacerbating emotional upheaval (Shotte, 2002:114). Teachers in the UK later reported disruptive

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<sup>64</sup> I have considered these memoirs to be literature, rather than archival texts. Lally Brown's and Sharmen Greenaway's accounts are available as e-books. Cathy Buffonge's memoir is out of print but available at the British Library.

behaviours displayed by evacuated Montserratian children, which Shotte (2002) interpreted as residual trauma. These included attention-seeking, violence and infantile behaviours such as thumb-sucking. These observations are supported by two employees at Heathrow airport, tasked with meeting the new arrivals, who noted “behavioural problems” indicative of trauma among the child evacuees (Mennear & Lancaster, 1999:27).

Pegram & Knaute (2019) observe that, for children:

“Trauma connected to natural hazards, such as witnessing injury and death due to extreme weather disasters, separation from – or loss of – loved ones, and disruption of family and community networks, can have potentially severe and long-term mental health consequences.... Children that become separated from their parents or caregivers, or that are displaced from their homes to shelters, are particularly vulnerable to experiencing fear and feelings of disorientation.” (p.27)

These were all common experiences for children in Montserrat between 1995 and 1998. Yet, as with many migration scenarios,<sup>65</sup> children’s voices are all but absent from the accounts from Montserrat. Moreover, no studies appear to have been conducted into the long-term effects of trauma or family disruption on the child evacuees, and how this affected their lives, relationships, education or mental health into adulthood.

#### *Temporary arrangements – accommodation and schooling*

The literature describes disruption to children’s lives in the immediate aftermath of the eruptions. All schools were closed and converted into health facilities or shelter accommodation (Shotte, 2002), forcing children to attend classes “in homes, on balconies, in tents and under trees” (Brown, 2015). Regular volcanic ash falls, which particularly threatened children’s health (Forbes et al., 2003; Hincks et al., 2006) further disrupted ad hoc lessons (Buffonge, 1999). By the time schooling resumed in makeshift buildings, “young people were restless and unoccupied” (Greenaway, 2011:629).

Uncertainties about the volcanic risk and a lack of adequate alternative accommodation in the safe zone forced families to relocate between their homes and the safe zone up to four times in the first year of eruptions (Skelton, 1999). Families and communities were split up, dislocating support networks (Skelton, 2000). The temporary shelters were overcrowded with

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<sup>65</sup> See Chapter 3.3.2 – Rediscovering children’s voices.

basic facilities, poor nutrition and no privacy (Wilkinson, 2015). Despite being ‘temporary’, hundreds of people were still living in shelters in late 1999 (Clay et al., 1999a). Others “crammed into the houses of relatives and friends” (Skelton, 2000:106), or slept in sheds, boats, cars or half-constructed buildings (Pattullo, 2000). Living at close-quarters with strangers created opportunities for sexual abuse of adults and children (Pattullo, 2000; Mitchell, 2006; Hicks & Few, 2015). Thus, shelter provision led to a range of abuses, including potential violations of the human rights to an adequate standard of living,<sup>66</sup> to private and family life,<sup>67</sup> and the right of children to be free from sexual exploitation and abuse.<sup>68</sup>

On the other hand, although 90% of households relocated at least once, a review by DFID found that:

“Throughout the emergency, involving four major [internal] evacuations at little notice, everyone has had a roof over their head, no one has gone hungry and there have been no reported cases of child malnutrition, and social order has been maintained.” (Clay et al., 1999a:1)

Despite these observations, no wider study appears to have been conducted into the experiences of Montserratian children – or adults – at the peak of volcanic activity between 1995 and 1997, nor the implications for their longer-term resilience, wellbeing or life experiences.<sup>69</sup> Our current understanding of the experiences of the islanders during this period rests largely on unrepresentative anecdotal accounts and small-scale studies. Alexander (1998) derides the use of “anecdotal and purely descriptive approaches” to natural disasters, preferring “a rigorous approach” that establishes common features that can be applied more broadly in comparative studies (p.3). Likewise, in the field of child migration, Okyere (2019) advocates for the use of bare facts and data in sociological studies, rather than emotive case studies, since the objective is scientific advancement, not advocacy. Much of the extant literature pertaining to Montserrat, however, is anecdotal or too generalised. Hicks & Few (2015) describe both the internally displaced on Montserrat and those evacuated as “being in a prolonged vulnerable state”, based on workshops and discussions with “key informants”. The wider disaster studies literature tells us that sudden-onset disasters have the potential to be deeply traumatising and cause long-term suffering and adversity for children (National Child

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<sup>66</sup> Provided by Article 11 of the ICESCR, applicable to Montserrat and the UK.

<sup>67</sup> Provided by Article 8 of the European Convention on Human Rights, Article 16 of the CRC and Article 17 of the ICCPR, all applicable to Montserrat and the UK.

<sup>68</sup> Provided by Articles 19(1) and 34 of the CRC, applicable to Montserrat and the UK.

<sup>69</sup> This may simply be because the authorities and population were in ‘fire-fighting mode’. Barnes’ (1999) PhD study on psychosocial effects of the crisis comes the closest, and was conducted between 1997 and 1998.

Traumatic Stress Network, 2020), with ongoing volcanic hazards affecting the mental health of island populations (Sword-Daniels et al., 2014). While such information provides a useful insight, we nevertheless lack a quantitative, objective understanding of the long-term social and other effects of the eruptions on Montserrat.

### 6.2.3 Children's experiences of evacuation – 1995-1998

#### *The relocation process*

For many children who ultimately relocated overseas, evacuation was conducted in two stages: internal relocation to another part of Montserrat – often more than once – followed by evacuation to the UK or another country. Some children experienced more complex journeys, initially being sent to neighbouring islands or the USA – sometimes unaccompanied – before ultimately departing for the UK, sometimes following a brief sojourn back on Montserrat (Skelton, 2005b). Examples of complex individual journeys are documented by Skelton (2000), Greenaway (2011) and Brown (2015). These sources note a high incidence of family separation, with fathers/husbands frequently staying on Montserrat, or relocating elsewhere to find work, while mothers and children travelled to the UK:

“[Name removed] has sent his wife to England, and said he would have gone too, but he can't afford the fare.... The volcano is slowly dismembering family life.” (Brown, 2015:118)

“One Montserratian we met in Antigua.... had sent his two children to England to live with relatives” (Brown, 2015:218)

“I wasn't going to stay in England too long, but rather get [my daughter] settled in school, leave her with relatives if they would have her, and return home as soon as possible” (Greenaway, 2011:705)

While the long-term effects of evacuation and separation are barely covered in any existing literature on Montserrat, a few sources give anecdotal accounts of children's experiences of leaving. A travel agent, cited in Pattullo (2000), recalled “disorientated” children and described how “[p]eople got separated. Children didn't want to go” (p.159).

The wider literature on migration suggests that children's resilience may be undermined by family separation during organised evacuations and other forms of relocation (see also

Chapter 2.4). During World War II, Freud and Burlingham (1943) studied the effects of evacuation on children in the UK, concluding that separation from their parents was more stressful than exposure to bombing. Kinzie et al. (1986) found that children who fled to the USA from the Cambodian genocide suffered less severe psychological effects when they resided with a family member. Children travelling in a regular fashion alongside their parents also face a lower risk of exploitation and abuse (Hansen et al., 2019), whereas irregular migration journeys that involve long periods in limbo increase opportunities for exploitation (de Boer-Buquicchio, 2019:6).

#### *Arrival in the UK*

Two Heathrow Airport TravelCare employees (Mennear & Lancaster, 1999) documented the moment of arrival for many Montserratians and their own difficulties in providing assistance. They describe how citizens of an island 11 miles long struggled to conceptualise the comparatively vast distances between the English towns to which they would be dispersed. They also note the contrast between evacuees who arrived with “8 large cases” compared to those clutching “a small carrier bag having lost everything” (p.26).

Unlike Bosnian refugees who arrived in the early 1990s – and the Vietnamese before them – the UK Government made no reception centre provision to house Montserratian evacuees awaiting dispersal, nor did they conduct health checks or orientation (Pattullo, 2000). Instead, decisions about housing were often made quickly and arbitrarily, while families, some with small children, waited patiently in the arrivals area of Heathrow Airport. Families were sent to unfamiliar towns simply because another family on the same flight was headed there. Poignantly, Mennear & Lancaster (1999) describe their “enduring memory of the sense of loss in the faces” of the Montserratians they encountered, who, on their crossing to the airport in Antigua by boat, had looked back to witness the volcanic devastation of their hometown (p.25). Mennear & Lancaster particularly acknowledge the suffering of child evacuees. Yet the general attitude of the British authorities was summed up by another service provider, cited in Sives (1999):

“They [the UK authorities] shoved people on a plane, sent them to another country half-way around the world and said, get on with it. They didn’t really give a damn” (p.34)

Skelton (2000) notes how the evacuees’ treatment at London’s airports also threw into question their legal status in Britain: “For those who wrote ‘British’ on their landing form the

message was clear – a line was drawn through it at immigration” (p.108). In Aymer’s (1999) anthropological study of child migration, she compares her own difficult childhood journey from Montserrat to Britain by boat in the 1950s with the evacuees’ journeys. How much more traumatic must it be for a child to arrive by plane, with mere hours to adjust, she asks, than to spend weeks aboard a ship coming to terms with one’s new reality? In contrast, the Vietnamese children’s experiences in Chapter 5 demonstrate that short plane journeys were usually safer and less traumatising than long boat crossings or time spent in transit camps. Yet Aymer’s experience remind us that any dislocation from one’s home, be it sudden or prolonged, has the potential to leave children vulnerable to abuses and trauma.

#### 6.2.4 Children’s experiences post-evacuation – 1995 onwards

The literature covering Montserratian evacuees’ experiences in the UK focuses on education, physical and mental health outcomes, and the maintenance of community identity and culture. This is reflected in the headings below. Where children are mentioned, the literature mostly concentrates on their schooling.

##### *Cultural integration and ‘disaster sub-culture’*

Prior to describing the literature on Montserratian integration in the UK, I will pause to consider the meaning of ‘integration’ in diaspora and migration studies. Castles & Miller (2009) prefer the term “incorporation”, since, they argue, integration “can refer to a specific idea of where the process should lead” (p.246). Yet Alexander (2001) notes that the idea of incorporation can itself take various forms, including “assimilative incorporation” whereby incomers can “enter fully into civil life on the condition that they shed their polluted primordial identities” (p.243). In this thesis, which applies a human rights framework, I use the term integration to refer to a process by which incomers are regarded as equals who enjoy the same rights as the wider community, regardless of their status. This includes the rights to a cultural life, religious freedom and other freedoms which allow the individual to maintain their own identity, traditions and so on, while being free to participate in the cultural life of their adopted community if they so wish.

Contrary to most large-scale resettlement programmes (Foresight, 2011), Montserratian evacuees were following in the footsteps of a significant diaspora, the size of which has “transnationalised Montserrat to the extent of figuratively narrowing its ‘distance’ between it and its hosts” (Shotte, 2007:42). This existing UK-based Montserratian community not only sent money and supplies to volcano-ravaged Montserrat (Pattullo, 2000), but also helped to

integrate evacuee families during dispersal. Esman (2009) notes how diasporas “establish institutions to serve their distinctive cultural, social, informational, entertainment and economic needs” (p.5). In this case these institutions included churches. Participating in religious activities played a significant role in evacuees’ integration and resilience (Barnes & Bradshaw, 2000; Barnes, 2003; Shotte, 2007). Along with other voluntary groups, church-based organisations provided practical and psychosocial support for evacuees, for example by furnishing homes and providing educational opportunities, counselling services and cultural events (Sives, 1999; Barnes, 2003). Yet their services were voluntary and ad hoc, and it is unclear whether they were accessible to all evacuees, or only those in certain locations and/or with particular religious affiliations. Moreover, voluntary services alone could not fulfil the evacuees’ deep-seated emotional needs (Barnes, 2003).

Cohen (2008) observes that forcibly displaced diasporas share a common trait: “the salience of the homeland in the collective memory” (p.4). Several accounts, both personal and academic, note that preserving Montserratian culture and collective memory was important to evacuees and contributed to their resilience.<sup>70</sup> Hill (2014) notes that “it is the post-1995 migrants who have striven hardest to keep Montserratian culture alive here in the UK”, compared to the earlier waves of Montserratian migrants (p.149). Hill proposes that this may be an attempt to countenance the destruction of their homeland, since the cultural events demonstrated nostalgia for Montserratian ways of life pre-volcano. Indeed, Esman (2009) observes how “the homeland” in diasporic imagining may be “an ideological construct” (p.5); in this case of a world that no longer exists. Greenaway (2011) also hints at this desire to capture life before the crisis:

“It is hard to say whether the majority are still going through the grieving process for loss of land and relations; it could be that they are slowly coming to the realisation that something once tangible and valuable emotionally, as well as financially, has gone forever.” (p.3729)

Cultural integration was complicated by stark differences between the evacuees’ food, dress, accents, dialects and attitudes compared to their British neighbours (Greenaway, 2011). Moreover, Montserratians were frequently mislabelled as Jamaican or simply African Caribbean by officials and host communities, leading to frustration, embarrassment and a

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<sup>70</sup> This mirrors evidence in the Vietnamese oral histories of attempts to maintain Vietnamese food culture, celebrations and traditions following resettlement (see Chapter 5).



sense of lost identity (Shotte, 2003; Greenaway, 2011). Esman (2009) theorises that this process often leads members of diasporas to reject their old identities, particularly by adopting “the local language” (p.7). Yet Greenaway (2011) recalls the opposite motivation. Upon realising that she was “losing a part of me that I held dear” (p.3336), she abandoned her attempts to speak ‘proper English’ and reverted to her Montserratian speech patterns. In her autobiographical account, her anxiety over lost identity becomes more acute as she and her daughter settle into their new life, and she is left wondering: “Will the ‘original’ Montserratians be just a memory in the next hundred years, with the only true memory a few skeletons and some pottery in a grave?” (p.1327).

Montserratian evacuees thus simultaneously strove to maintain their distinct cultural identity while attempting to integrate into British life. However, the literature on disasters suggests natural catastrophes create “disaster sub-cultures” (Alexander, 2000:62) which inform decision-making and may alter moral and social codes. The effects of adapting to a disaster sub-culture for Montserratian children is barely explored in existing literature. However:

“The generation of children who saw and heard the volcano ‘rumble and tumble’ will be the ones to tell their volcano stories to their children. They will also be the ones to chart the survival of a post-volcano Montserratian society and culture.... Montserrat’s identity will be forever entwined with its volcano days.”  
(Pattullo, 2000:194)

Since the island is prone to seismic activity and intense tropical storms, such as Hurricane Hugo in 1989, Montserratian culture and history already carried the imprint of natural disaster prior to the volcanic eruptions. Skelton (1996) notes how Montserratian culture and identity pre-volcano was inextricably tied to the land, as on other Caribbean islands with histories shaped by slavery and indentured servitude. In this context, she describes how the twentieth century losses of common land to ‘developers’ and private land to Hurricane Hugo left a deep sense of loss and grief, and “stimulated a cultural production not experienced on the island before”, including the publication of numerous “poems, stories and recollections” documenting the changes (Skelton, 1996:325). Later, others such as Shotte (2007) and Greenaway (2011) would document cultural expression that emerged following the volcanic eruptions, including poetry, short stories and calypso songs. These could be described as artefacts of a disaster sub-culture.

On the other hand, Hall (2003) documents how non-disaster driven diasporas also produce unique forms of cultural expression, while Mitchell (2006) found that natural disasters *per se*

were not an important concern among people he interviewed on Montserrat. Instead, they cited issues including family separation and economic concerns, suggesting that islanders were more preoccupied with the outcomes of disaster and recovery (second-order impacts), rather than the dangers posed by the ongoing volcanic threat (first-order impacts).<sup>71</sup> Buffonge (1999) has an alternative explanation for this: Montserratians gained resilience during Hurricane Hugo which prepared them emotionally for the volcanic crisis.

### *Education*

As discussed above, children's education was severely disrupted by the volcanic eruptions, and evacuation caused further interruptions. I examine this briefly in the context of the human right to education.<sup>72</sup>

Schooling is the sole area where studies give voice specifically to the experiences of children. Barnes' (1999) and Shotte's (2002) respective PhD theses record both positive and negative experiences of schooling in the UK. Nevertheless, Shotte (2003), a former schoolteacher from Montserrat who researched evacuee children's attainment in the UK, acknowledges that "bounc[ing] back and forth between the Montserratian, African Caribbean and the refugee identities, has put great psychological and emotional pressures on relocated students' psyche, [affecting] their educational progress." Other factors to which she attributes lack of educational attainment include family separation, new roles and responsibilities within the family, children's "nomadic" existence during resettlement, and the government's "scattering" of families around the UK (Shotte, 2003). A schoolgirl in Barnes' study noted that relocation-related stress had affected her exam results, and boys talked of the need to foster new friendships to ward off mental ill-health (Barnes, 1999).

Several sources note that parents were surprised by the UK's low standard of education compared to Montserrat, compounded by the assumption from educators that their children were less capable than their British peers, which in turn affected children's motivation (Windrass & Nunes, 2003; Shotte, 2003; Brown, 2015). Greenaway (2011) observed that discrimination and bullying caused some children to miss school, either through truancy or because they were suspended for fighting back. She argues that this created gaps in children's

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<sup>71</sup> This may also help to explain why migrants attribute their migration to the economic and social outcomes of disasters, rather than environmental hazards themselves, as seen in the Vietnam case study.

<sup>72</sup> Provided by Articles 13 and 14 of the ICESCR and Article 28 of the CRC, both applicable to Montserrat and the UK.

education, which ultimately caused them difficulty in being admitted to college and finding work in adulthood. Nevertheless, she acknowledges that some children achieved educational success and found prestigious jobs, and that adult evacuees received opportunities for career and personal development.

The wider migration literature includes research on the educational and employment attainment of second-generation immigrants. For example, Castles & Miller (2009) note that children of immigrants generally do better than their parents, but worse than native-born peers without a migration background. I found no extant studies to determine whether this holds true for second-generation Montserratian children born to evacuees, or what the long-term outcomes were for evacuee children themselves.

#### *Physical and mental health*

Only one study has been conducted into the physical health of Montserratian evacuees in the UK. Cowie et al. (2001) conducted government-funded research into the effects of inhaling volcanic ash, finding a higher incidence of respiratory problems among Montserratian evacuees compared to the general UK population. Despite recommendations from the authors to conduct follow-up investigations into the health status of Montserratian evacuees in Britain, it appears that no such study was conducted. I contacted the lead author, Hilary Cowie, who stated that she was unaware of any studies conducted into other aspects of evacuees' health. Her team carried out a further study into respiratory health five years later, but this only concerned people who had remained on Montserrat.<sup>73</sup>

Avery (2003) and Cooper & Tuitt (1998) investigated the broader health impacts for people living on Montserrat during and following the eruptions, including the effect of losing the island's main hospital. Avery's study uncovered a range of adverse physical and mental health impacts caused by ash inhalation, stress of internal resettlement, overcrowding, poor nutrition, family breakdown, economic hardship and violence. Some of the adverse health impacts listed by Avery likely affected those who later resettled in the UK. Cooper & Tuitt's study focused on the logistics of delivering healthcare services in post-disaster Montserrat.

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<sup>73</sup> Email exchange with Hilary Cowie, Research Director of the Institute of Occupational Medicine, September-October 2020.

Barnes (1999), whose study focused on mental health, found that a minority of her interviewees in Montserrat had participated in some kind of stress management and/or counselling, while none of the evacuees she interviewed in the UK had received any psychosocial support. Her interviewees spoke of the need for this support, including for children. Evacuees were given free access to the UK's National Health Service. However, it appears from the literature that there were no systematic attempts to offer health screening despite the likelihood of evacuees having suffered adverse health effects. Indeed, when designing their respiratory health study, Cowie et al. (2001) found that no official records existed containing the contact details of relocated Montserratians, suggesting that the UK authorities and health service had no system for following up on the health or wellbeing of evacuees.

#### *Immigration and citizenship status*

There is some evidence in the literature that the immigration status of and various labels attached to the evacuees deeply affected their experience of life in the UK, at least until 2002, when people born in British Overseas Territories, including Montserrat, were granted British citizenship (Hintjens & Hodge, 2012). This regularised what had been a very precarious legal situation for the evacuees:

“In fact people did not technically have citizenship at all [prior to 2002]. They were not British and Montserrat, not being a nation-state, could not confer state citizenship on the people residing there.... [D]espite popular belief that they were British, Montserratians, faced with entry at Heathrow or Gatwick, had to join the non-EU citizens line and would receive ‘visitor’ stamps in their passports.... Montserratians, therefore, lived in a constitutional limbo, not British in law and yet British in terms of colonial status.” (Skelton, 2000:107-108)

Evacuees were at times referred to as refugees, particularly in the media (Windrass & Nunes, 2003) but did not have refugee status in law (Shotte, 2007). Even the scholarly literature conflates the terms, with Hill (2014) describing them as “environmental refugees” (p.151), a label with no legal basis (see Chapter 9). Moreover, Skinner (1999) describes ‘refugee’ as “a contentious category when applied to proud Montserratians with historical and cultural links with the United Kingdom” (p.1).

A parallel exists in the experience of Ugandan Asians who migrated to Britain following expulsion from Uganda in 1972. The vast majority were British passport holders. Yet upon

arrival they were treated as refugees and held in camps prior to dispersal to areas with small or no existing Asian diasporas, to avoid inflaming racial tensions (Kushner & Knox, 1999). These policies were a template for later influxes, including the Vietnamese refugees and Montserratian evacuees. The mislabelling of those fleeing Uganda as refugees effectively stripped them in the national consciousness of their status as British citizens, helping to create an atmosphere of animosity even before they arrived (Kushner & Knox, 1999).

Finding an appropriate 'category' or 'label' for Montserratian evacuees proved similarly problematic. Shotte (2007) observes that their experiences of the disaster and displacement "spanned a cross-section of conceptual frameworks that have since evolved into a discernible in-between position" (p.41). As "quasi-refugees", Montserratian children were sometimes placed in English language classes alongside refugee children from other countries, despite English being their mother tongue (Shotte, 2003). Yet they did not receive some other benefits afforded to refugees, such as a warm clothing allowance or support services in schools (Shotte, 2002 & 2003). Shotte (2003) attributes this latter omission to the prevailing, yet largely incorrect, assumption that Montserratian children's "experiences prior to relocation were neither horrendous nor traumatic and therefore did not merit psychological support and counselling".

Moreover, the designation of 'evacuee' denotes a temporary arrangement (Barnes, 2003), which may have caused insecurity in the years before British citizenship was granted in 2002. On the other hand, the bespoke evacuee status granted by the UK government to Montserratians allowed them immediate access to welfare support and exempted them from the lengthy refugee determination process and its heavy burden of proof (Skelton, 2000). In contrast to refugees fleeing persecution, Montserratians were able to travel back to their homeland for work, family visits and cultural events (Shotte, 2007). This desire to return, which Cohen (2008) argues to be a feature of most diasporas, allowed evacuees to maintain ties with Montserrat. Yet it may have contributed to confused identities and an inability to settle fully in the UK. Indeed, many evacuees were still considering repatriation more than 10 years after the main exodus (Shotte, 2007). Greenaway (2011) describes the mental confusion caused by these transnational identities, which resulted in evacuees becoming "homeless, nameless, and unwanted folk" (p.885). Meanwhile, returning evacuees were reportedly treated unfavourably by people who had remained on Montserrat, who regarded them as "misfits" who had "disgraced Montserrat" by leaving (Shotte, 2003).

### 6.2.5 Experiences of children who did not migrate – 1997 onwards

Several thousand people remained on Montserrat following the volcanic eruptions and partial evacuation. One anonymous evacuee, disillusioned by life in Britain, complained that to “come to [the UK] and find ourselves in more stress, it best that we stay home and endure the stress of the volcano” (cited in Sives, 1999:39). Such accounts may have influenced the decisions of potential second-wave migrants. A young woman who opted to stay on Montserrat, explained “I have not lost my country, my country is still there, I still feel I have been brought up as a Montserratian, our culture is still here, so I haven’t lost anything really, I’m a Montserratian” (cited in Skelton, 2011:22). The same speaker expressed her expectation that many evacuees would eventually return, and spoke positively about the support provided by the UK Government to help Montserratians remain on the island. Moreover, there is a sense in some interviews that leaving was never an option, despite their reduced circumstances:

“We were in Brades shelter a long time – it was frightening, confused and it wasn’t nice at all... Mummy now was caring for four children... Daddy he moved out and went to the States for a while to escape but we couldn’t do that”

(cited in Skelton, 1999:7-8)

Whatever the reasons for remaining on Montserrat, it is clear from the literature that this decision had lasting effects on children; effects which continue for the generation born after the catastrophe.

#### *Short-term impact for children remaining on Montserrat*

One might expect that children who remained on Montserrat would suffer from depleted social and economic conditions for several years following the eruptions. However, there is scant direct evidence for this in the literature. The situation can mainly be surmised from statistics indicating high unemployment and difficult living conditions in shelters and temporary housing. For example, Clay et al. (1999a) note that, in late 1999, there were still 322 people living in inadequate conditions in ‘temporary’ shelters. The same year, Skelton (1999) described the ongoing difficulties faced by families in shelters, where women carried out the childcare and almost all household duties in cramped and inadequate conditions, frequently after a day’s paid employment. The ceasing of sixth-form education meant that children remaining on Montserrat had to end their education at the age of 16 (Skelton, 1999). Pattullo (2000) notes that, by late 1997, 58% of children were living in a single-parent household.

*Longer-term impact for children on Montserrat*

Two studies in particular highlight ongoing concerns for children’s wellbeing in the two decades following the peak of volcanic activity. The first is a study on teenage sexuality in Montserrat conducted in 2003 (Phillips, 2006). The second is a UNICEF situation analysis of children in Montserrat (UNICEF Eastern Caribbean, 2016). My searches of UNICEF archives and other organizations’ repositories did not uncover comparative studies on the situation of children pre-eruption, making it difficult to definitively link issues affecting children with socio-economic changes wrought by the disaster. However, there are clues in the Phillips and UNICEF studies that two generations of children suffered socio-economic ill-effects stemming from the 1995-1997 crisis period, including the disaster response.

As context to these studies, I calculated the following pre- and post-volcano demographic changes based on the 1991 and 2001 Censuses (Montserrat Statistics Department, 2019b):<sup>74</sup>

**FIGURE 10. DEMOGRAPHIC CHANGES IN MONTSERRAT, 1991-2001**

| 1991 Census  | 2001 Census   | Significance of change   |
|--|---|--|
| Households in which the household head was aged 15-19 years: <b>37</b>               | Households in which the household head was aged 15-19 years: <b>16</b>              | Adjusted for the 60% reduction in population, the proportion of teenage-headed households pre- and post-disaster is comparable.  |
| Number of children (0-14 years) living with a grandparent: <b>611</b>                | Number of children (0-14 years) living with a grandparent: <b>78</b>                | Adjusted for the 60% reduction in population, the proportion of children living with a grandparent has nevertheless fallen by two-thirds. This is likely due to children being taken/sent, off-island.                                   |
| Number of children (0-14 years) living with somebody not related to them: <b>102</b> | Number of children (0-14 years) living with somebody not related to them: <b>38</b> | Adjusted for the 60% reduction in population, the figures are comparable.  |
| Proportion of households that were female-headed: <b>40%</b>                         | Proportion of households that were female-headed: <b>33%</b>                        | The sex ratio had increased in favour of males between 1991-2002, meaning a small proportional increase in female-headed households.   |
| Proportion of households with 4 or more inhabitants: <b>29%</b>                      | Proportion of households with 4 or more inhabitants: <b>15%</b>                     | The overall household size reduced post-disaster.  |
| Births to girls and women aged 15-19 years: <b>27</b>                                | Births to girls and women aged 15-19 years: <b>3</b>                                | Adjusted for the 72% reduction in female population for this age group, the proportion of teenage births more than halved post-disaster. However, figures are not given for teenage pregnancies that ended naturally or were terminated. |

<sup>74</sup> Percentages rounded to the nearest whole number.

Overall numbers of single-person-headed households with dependents cannot be accurately construed from the data. Neither can the figure for teenage-headed households with dependents, although both Censuses suggest that a handful of these households existed pre- and post-disaster. The proportion of female-headed households with dependents appears to have fallen by 5% post-disaster, although this depends on how households represented intra-family relationships when completing Census forms.

Purely quantitative demographic figures, therefore, suggest that the social situation slightly improved at a household level between 1991 and 2001. However, there are several major caveats. First, at the time of the 1991 Census, Montserrat was still rebuilding and recovering following the devastating Hurricane Hugo less than two years earlier. Thus, the 1991 figures may not accurately represent the demographic situation immediately pre-eruption four years later. Markham & Fergus (1989) record some temporary out-migration following Hurricane Hugo, particularly of school-age children. However, attitudes to race and immigration laws meant that “temporary stay in England [was] alas not easy, let alone migration” (p.14), suggesting that many émigrés may have returned by 1995.

Second, figures are not available for some key indicators discussed in the studies below, such as overall teenage pregnancy rates and number of single-parent households. The number of child-headed households may be higher than officially recorded (as suggested by Phillips below) if, for example, children deliberately hid their status as head-of-household or failed to respond to the Census. The 1991 Census notes that there was one household headed by a child aged 10-14. Whether there were any heads-of-households aged 10-14 is not recorded in the 2001 Census. Finally, the influx of migrant workers to Montserrat post-volcano may have altered figures considerably, particularly in relation to household size. No breakdown of nationality is provided to help determine the effect of immigration on the overall demographic data.

Phillips’ research focused on children aged approximately 12-18, who would have been between four and 10 years old when the first eruption occurred. To provide context, Phillips (2006) records that 10% of the children in her study lived with no parent at all, and 52% lived in single-parent households, almost always with their mother. Only 39% had a father at home. UNICEF (2016) categorises female-headed Montserratian households as a “vulnerable population” owing to their high levels of poverty (p.13), and found that children in single-parent households were susceptible to physical and sexual abuse by other children and adults,



especially while the mother was out working (p.45). As mentioned, the disaster caused family separation with some husbands/fathers emigrating to find work. This will have contributed to the high incidence of female-headed households, poverty, and lack of male role models in the home. UNICEF reported in 2016 that 45% of children under 15 were living in poverty due to limited employment opportunities for their parents.

The results of these social changes on Montserrat's children are startling, particularly the effects of poverty due to the collapse of industry, tourism and other sectors. Phillips (2006) reports that "trade in sex... is widely practiced" (p.36), with school-age girls exchanging sex for cash or material items, both to their peers and also to older men. Even some girls aged 11 and under were said to be involved in transactional sex, and some parents reportedly encouraged their school-aged daughters to bring home money earned through sex with older men: "The more intense the poverty in the family, the more girls are expected to, or engage in, sex for material goods" (p.36). Moreover, Phillips observes that "both boys and girls were aware of a high level of forced sex in their communities" (p.40), and that tensions arising from this situation may lead to "the gang rape of girls" (p.47). With a legal age of consent set at 16,<sup>75</sup> these findings amount to widespread criminal exploitation and abuse of underage girls, preying on their poverty and family dislocation.

The extent to which these social issues existed on Montserrat pre-1995 is difficult to judge, given the lack of published or archived information. As Rock (2013) notes: "Regrettably, the published literature and empirical research on the problem [of child sexual exploitation] in the region remain scarce" (p.145). Census statistics from 1991 and 2001 do not record the comparative poverty rates pre- and post-disaster, and it is difficult to infer this from the information available in the Census given the stark differences in economic activity and the temporary housing situation in 2001. However, the literature gives a general impression of deteriorating conditions during and following the eruptions, affecting all areas of life. Prior to the eruptions, for example, Montserrat was famed for its high standards of schooling (Menear & Lancaster, 1999; Shotte, 2003; Greenaway, 2011) and many households owned their own homes and land and grew much of their own food (Sives, 1999; Skelton, 2005b; Brown, 2015). The disaster destroyed swathes of privately owned land, property and key industries, and left most homes and schools off-limits. For those who remained on Montserrat, the sharp deterioration in education and living conditions, coupled with economic decline,

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<sup>75</sup> Section 139 of the Montserrat Penal Code.

created deprivation unknown in modern times on the island, which continues to affect the generation of children born post-disaster.

Jones & Trotman Jemmott (2009) attributed “evolving trends” in child sexual abuse on Montserrat to the post-volcano influx of migrant workers from other CARICOM nations, “whose cultural norms are different” (p.204). Yet the authors simultaneously acknowledge that foreign nationals may be unfairly scapegoated for such crimes. The study also points to poverty and “the abandonment or neglect of children by parents” as contributing factors to child sexual abuse on Montserrat (p.204). These are all factors to which the volcanic crisis contributed, although we cannot know the extent to which these issues would exist had the eruption not occurred. For comparison, studies have demonstrated an increase in sexual and domestic violence towards children on other Eastern Caribbean islands in the aftermath of two category five hurricanes in 2017 (Pegram & Knaute, 2019). Taken together, these examples suggest a heightened risk of abuse and exploitation for children who remain in disaster-stricken regions. This should be an important consideration for policy makers when designing disaster response programmes, including migration-based responses.

#### *Comparison with other islands in the region*

Drawing a comparison between the current situation of children on Montserrat and other Eastern Caribbean islands is complicated by the fact that the volcanic eruption “completely distorted the island’s economy and demographics” (Morlachetti, 2017:26). Moreover, there are stark differences between rates of socio-economic development in different Eastern Caribbean islands, even among British Overseas Territories (BOTs) and Commonwealth States. Anguilla (a BOT) had an exceptionally low child poverty rate of just 7.2% in 2007-2009, whereas Grenada (a Commonwealth nation) scored worst at 50.9% (Organisation of Eastern Caribbean States, 2017:16). Natural disasters are a significant factor in socio-economic circumstances throughout the region. For example, the previously wealthy British Virgin Islands (a BOT) faced major destruction from Hurricane Irma in 2017, significantly increasing poverty levels (Organisation of Eastern Caribbean States, 2017:30).

Having once been a nation with a high standard of living, Montserrat now has the second-highest rates of overall poverty (35.5%) and child poverty (46.9%) in the Eastern Caribbean region, second only to Grenada. This was attributed by the Organisation of Eastern Caribbean States (2017) as being “likely due to the continuing impact of the volcanic eruption” (p.42).

While Grenada also reports high levels of both poverty and single-parent, female-headed households, children there have increased resilience because of strong extended family and community structures (UNICEF Eastern Caribbean, 2017a); structures which have broken down in Montserrat due to out-migration.

#### 6.2.6 Conclusion

This literature review provides context to the events that shaped Montserrat and its children during the volcanic crisis, and the various impacts on islanders in the immediate and longer term. It illustrated some of the ways in which families were affected before, during and after evacuation and, for comparison, experiences of children who did not evacuate.

The literature lacks a detailed review of the experiences of Montserratians at the peak years of the crisis and the long-term impacts. Recording such experiences is crucial to evaluating the disaster response and evacuation, and thus informing the design of future evacuation/relocation schemes centred around upholding the rights of relocatees and ensuring their wellbeing and other interests. In particular, children's voices are largely absent from the existing literature. Social impacts of the crisis were largely reported *by* adults, *to* adults. When children's issues are mentioned, such as problems concerning education, the adults' point of view dominates, with parents' and teachers' concerns most often cited. There is no clear evidence for the ways in which children were affected by events including family separation, the trauma of the disaster, life in the shelters, unaccompanied migration, moving to a new culture and the loss of friendships and familiar surroundings. The clues provided by the literature are frequently anecdotal and lack hard evidence of patterns of children's experience.

To address this gap, I sought out children's voices in the archival materials to better understand how children experienced the volcanic crisis, and how policy decisions around the emergency response and evacuation affected their lives, as children and into adulthood. Through my research into archival sources and classified documents, I build a more comprehensive picture of life during the Soufrière Hills eruptions which contributes to our understanding of children's experience and resilience in the immediate aftermath of a natural disaster characterised by widespread displacement. I used my source material to provide what Okyere (2019) calls "the bare facts" of children's experiences during the disaster, while incorporating some of the children's own voices and stories. This data is categorised in Chapter 7 under headings that relate to children's specific concerns, for example impacts on schooling, friendships, family life, sibling relationships, and so on.

A further gap in the literature is an understanding of children's experiences of the distinct stages of internal relocation, evacuation and arrival in Britain, and the risk of harms occurring at each stage. I have separated out the phases of children's migration journeys for the present study to understand how Montserratian children were affected by this overlooked period of their lives, particularly their immediate experiences following arrival in Britain.

In my case study of Vietnam, I showed how unaccompanied and separated children were particularly vulnerable to a range of human rights violations during each of these stages (see Chapter 5). While some of the impacts of family separation are documented in the years following resettlement in the UK, I found no literature on the impact of separation on Montserratian children during the relocation journey, which for some children was a lengthy process itself lasting months or years. I also found no recorded data on numbers of unaccompanied Montserratian minors in the UK or elsewhere. In addition to family separation, I hypothesise that separation from home, friends, school and other networks and familiar surroundings likely also affected the child evacuees' resilience in the long term, for example through detrimental effects on their mental health.

Post-arrival, children's experiences of cultural integration are largely missing from studies and personal accounts, except in the realm of schooling where the PhD theses of Barnes (1999) and Shotte (2002) contain some interviews with children. There nevertheless remains a gap in our understanding of the long-term impact of the evacuation on children's education and employment in the UK. I therefore contacted Dr Barnes and Dr Shotte for more information on child evacuees' schooling and subsequent experiences (see Chapter 7).

Adults assumed that children had the malleability to adjust to a new culture (Barnes, 1999); a belief shared by some commentators on Vietnamese refugees in the UK (see Chapter 5.5.1). This may be seen in the "dominant framework" of child psychology and sociology, in which children are seen as closer to nature than culture, and as being "unfinished projects", conceptualised in terms of what they will become (Wyness, 2019). For Barnes (1999), the cultural transition "associated with the exploration of new norms in a new society" caused anxiety and loss of confidence among child evacuees (p.236). My study aims to understand this process of integration from the child's viewpoint, to fill this gap in the literature and to better understand how the process of integration may have affected children's resettlement and subsequent experiences.

I hypothesise that child evacuees' dispersal to more than 20 UK towns and cities may have slowed their integration. Crangle (2016) found that the policy of dispersing Vietnamese boat people around the UK in the 1970s led to social isolation and poor employment prospects (see also Chapter 5.5.1). Fasani (2018) similarly found that refugees subject to dispersal policies in various European countries have substantially worse employment outcomes than other migrants, even 10-15 years after arrival, hindering integration. In the UK, Fasani attributed this to refugees being dispersed to poorer areas with high unemployment rates, which was the case for many Montserratians.

A post-volcano "disaster sub-culture" (Alexander, 2000:62) is much in evidence in the literature, both for those remaining on Montserrat and also as a way of coping with new surroundings for those evacuated. Yet, once again, children's experiences are missing. In Chapter 7, I analyse one artefact of children's disaster sub-culture – a collection of children's poetry responding to the volcanic eruptions – to introduce children's voices to the discussion.

Where disaster becomes deeply ingrained into culture, Alexander (2000) suggests that emigration has historically been one way of "starting afresh" (p.35). During this process, he argues, disaster-affected émigrés are expected to become "ahistorical peoples", their culture being "reduced to the status of an appendage" (p.35). I looked for evidence of this among the Montserratian evacuees in the UK, who fought to keep their pre-volcano culture alive, while inevitably developing a disaster sub-culture that separated them from both the established Montserrat diaspora (Skelton, 2005b) and their own traditions and histories. I hypothesise that, in trying to consolidate multiple identities of migrant/evacuee, 'traditional' (pre-volcano) Montserratian, and disaster victim/survivor, while simultaneously integrating into British culture, evacuees' sense of identity many have become irrevocably jumbled and diluted. In investigating whether this holds true for children, I uncover some clues as to the ways in which children identified – or not – with the supposed 'disaster sub-culture' of the post-1995 diaspora, and how they successfully united their Montserratian identities with British culture.

The literature describes how "evacuee" was a confusing label designated by the UK government, somewhere between refugee and citizen. Other than in Shotte (2003), there is little evidence in the literature of the effect of this unusual immigration situation on child evacuees. Archival documentation and key witness interviews provided an insight into the effects of immigration status decisions on children and their families, particularly the daily indignities and hardships that resulted from mislabelling (see Chapter 7).

The lack in the literature of medical studies or follow-ups on the general health of evacuees potentially demonstrates a lack of interest in their wellbeing. Attainment of the highest possible standard of physical and mental health – and access to the underlying determinants of health – are human rights (UN Committee on Economic, Social and Cultural Rights, 2000). Although my research does not have a medical focus, I examine failures by the UK and Montserrat authorities to fulfil this right in my evaluation of the protections given to evacuees before, during and after relocation.

Finally, on the topic of children who remained behind on Montserrat, there is a handful of studies on the general situation for internally displaced people between 1997 and 2000, with some references to children’s day-to-day experiences. More research is needed in this area to better understand whether staying was truly a beneficial alternative to temporary or permanent evacuation in the early years after the crisis. In section 6.2.5, I used available statistical sources to piece together a picture of medium-term demographic changes and their impact on children. The extant studies on longer-term impacts tend to focus on children’s sexual exploitation on Montserrat. No such narrative of sexual exploitation or violence exists in the literature on evacuees, suggesting that migration was, in this aspect, the less risky option for children. Yet, in the absence of a long-term study into Montserratian children’s experiences in Britain, the literature gives no definitive answers as to whether evacuees also routinely faced exploitation or violence. I looked for evidence of this in the archival literature, and set out my findings in Chapter 7. Importantly, the existence of child sexual abuse and exploitation constitutes a human rights violation perpetrated by the state, insofar as the authorities allow the conditions within which abuse can flourish.<sup>76</sup> In the case of Montserrat, I sought to uncover how the respective actions (or inaction) of the governments of the UK and Montserrat created, or failed to alleviate, the conditions in which children were abused.

While understanding how children on Montserrat fared in the years after 1997 is a secondary aim of my study, it offers an important contrast to the lives of the evacuees. It provides an answer to those Montserratians who continue to wonder “What if...”, and demonstrates the complex choices that must be made when deciding whether to stay or go and, indeed, whether to ever return. Finally, the diarist Lally Brown, after reading this thesis chapter in draft form, told me that she had revisited Montserrat in 2007 and met a group of youngsters who had remained on the island. “[T]hey had grown up into delightful, well balanced and lovely ladies, I was so proud of them”, she said. The

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<sup>76</sup> State responsibility for preventing such abuses is established by Article 19 of the CRC, applicable in the UK and Montserrat.

‘volcano generation’ has thus overcome many of the difficulties listed above, and their achievements represent enormous resilience.

## 6.3 Methodology and ethical considerations

### 6.3.1 Study design

Chapter 3 describes how my study design changed because of Covid-19 restrictions and ethical considerations. In addition to the literature review, my study design was informed by:

**Key witnesses:** Discussions by email and telephone with former and current residents of Montserrat working in various professions including government, education and tourism.

**Montserrat Statistics Office:** Census data (1991 and 2001) and other official statistics helped build a picture of the composition of the population before and after the eruptions, and therefore the demographic impact of the crisis on the population.

**First-hand accounts:** The autobiographical accounts mentioned above (Buffonge, 1999; Greenaway, 2011; and Brown, 2015) detail the crisis and immediate aftermath, allowing me to glimpse the experience through the eyes of people who witnessed it, and focus my methodology towards some of their concerns.

### 6.3.2 Data collection methods

#### *Discussions with officials and key witnesses*

To develop my understanding of the policies of the governments of Montserrat and the UK, I spoke to former civil servants, government officials and politicians who had had various responsibilities during the volcanic crisis. I was also contacted by a civil servant with present-day responsibility for disaster management on Montserrat. I spoke to three academic researchers, two of whom had first-hand experience of the volcanic disaster and evacuation. I furthermore spoke to two people who had lived through the volcanic eruptions and had personal insights about the aftermath, and private individuals in the UK who had voluntarily helped to settle evacuees. Some of these people contacted me after hearing about my research. I reached out to others by writing letters, contacting their offices, or via social media or email. Discussions were conducted over the phone or via email exchange. These were not structured interviews, but loose discussions guided by the respondents. Nevertheless, I use the term “interviewee” as shorthand for those who contributed in this manner.

#### *Archival data*

The archives consulted for this case study are listed in the table below. Full details of each record can be found in the bibliography.

FIGURE 11: LIST OF ARCHIVES RELATING TO MONTSERRAT

| Name of archive or collection                | Location                           | Materials cited   |
|--|------------------------------------|---|
| Hansard and other Parliamentary records      | UK Parliament archive (online)     | Records relating to the volcanic eruption, evacuation and resettlement (see notes below).   |
| Bernie Grant Collection                      | Bishopsgate Institute, London (UK) | 11 papers from the collection of former MP Bernie Grant documenting his visit to Montserrat and the resettlement of evacuees in London. |
| British Library                              | London and Boston Spa (UK)         | Volumes I & II of the DFID evaluation report on the Montserrat response and other minor records.  |
| Hull History Centre                          | Hull (UK)                          | Out-of-print books relating to Montserrat's history.  |
| Hull University Archives                     | Hull (UK)                          | Field report from a seismic survey of Montserrat, 1933-1937.  |
| Records of the Department of Social Security | National Archives Kew (UK)         | Six historical records on the evacuation.   |
| ProQuest newspaper archives                  | Online repository of UK newspapers | 13 newspaper articles relating to the eruptions and evacuation, dating from 1997-1998.  |

**Notes on the use of Parliamentary records:**

My search of parliamentary records including the word “Montserrat” (including *Hansard* records, Select Committee evidence, departmental and other reports) between July 1995 (the first eruption) and the end of 2002 (when British citizenship was granted) delivered 388 results. A further eight relevant House of Commons and House of Lords debates were found in the online *Hansard* archive. I assessed each of these 396 documents for its relevance to the current study. Most related to the socio-economic situation on Montserrat and the UK Government’s response to the crisis, particularly the allocation of financial aid. A handful were unrelated to the volcano/evacuation, while between 60-70 records were of direct relevance to the evacuation arrangements and/or evacuees in the UK. While this information is patchy and sometimes contradictory, together it helped to form a timeline of events and a picture of the UK Government’s response and development of its relocation policy. It also confirmed the names of key individuals and departments for later follow-up.



**A note on archived documents uncovered via FoI requests:**

The following documents were accessed following FoI requests. See section 6.3.3 below for more details.

- (a)** Records of the former Department of Social Security at the National Archives, Kew, relating to policy surrounding the evacuation and the treatment and status of evacuees (redacted).
- (b)** Conclusions of the Coroners' Inquest into the volcano deaths on Montserrat (full report not provided).
- (c)** Papers of former MP Bernie Grant at the Bishopsgate Library (redacted).
- (d)** Telegrams from the Governor of Montserrat to the FCO (my FoI request was unsuccessful, but copies were provided to me by the former Premier of Montserrat after his partially successful FoI request, see 6.3.3 below).

Bold type is used below to identify archival material.

*First-hand accounts and oral histories*

A poetry anthology entitled *Out of the Mouths of Babes*, written by schoolchildren on Montserrat during the eruption phase, provided an insight into children's experiences of the disaster and internal displacement.

In 2019, the Mountain Aglow project collected oral histories, poems, photographs and other records from people in the UK and Montserrat.<sup>77</sup> The first-hand accounts describe motivations for leaving the island; however, children's voices are not prominent. I contacted one of the project's organisers, who explained that some of those interviewed were children at the time of the eruptions.<sup>78</sup> However, the stories are anonymised and it is unclear which narratives represent children's experiences. I include several quotes giving a broader perspective on the evacuation.

6.3.3 Accessing sources

Archival information pertaining to Montserrat was not easy to access. Despite the interest the volcanic disaster garnered from geophysicists worldwide, the human cost was under-

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<sup>77</sup> See <https://mountainaglow.com/about/>

<sup>78</sup> Conversation via direct message with Dr Jenni Barclay, January 2022.

appreciated and thus under-reported, possibly because of the extended timeframe of the eruptions. One interviewee attributed the lack of UK media attention, and thus archived newspaper reports, to other newsworthy events taking precedence in 1997, particularly the Kosovan refugee situation and Princess Diana's death.<sup>79</sup>

One event which did attract media attention was the deaths on 25 June 1997 of some 19 Montserratians during a major pyroclastic flow. Yet even the details of this tragedy are difficult to ascertain. **Clay et al. (1999b)** record "19 *presumed* fatalities" (p.3, my emphasis). Matthews et al. (2002) mention "22 fatalities". The **International Development Committee (1997a:v)** report 19 deaths, as do most other sources, and the official memorial lists 19 names. The Coroner's Inquest also investigated 19 fatalities. However, an Order of Service for a Day of Remembrance held in 1998 at Brades Pentecostal Church, Montserrat, lists 23 dead and missing persons: 21 of whom are named.<sup>80</sup> Moreover, the official memorial includes four names that do not appear on the Order of Service, making a combined total of between 24 and 27 victims. This confusion over the identities of the deceased would be unthinkable for a similar catastrophe on the British mainland. Following the Kings Cross fire in London in 1987, for example, police spent 16 years conducting painstaking investigations to uncover the identity of the 31st victim (British Transport Police, 2021). By contrast, the lack of a definitive record of events surrounding the deaths on Montserrat symbolises a lack of executive interest in the victims of the catastrophe, both living and dead.

Crucial to my research was an Evaluation Report commissioned by DFID in 1999 to evaluate the UK Government's response to the crisis. I consider Volume I of the Evaluation Report (referenced here as Clay et al., 1999a) to be 'literature' as it is available online. Volume II has been redacted from the online version of the report, although its contents page remains visible. During 2020, I made three separate Freedom of Information (FoI) requests to DFID, the Home Office, and the FCO<sup>81</sup> for the contents of Volume II. On each occasion I was told that Volume II was not available. I traced a retired civil servant who was listed in Volume I as having been interviewed for the evaluation.<sup>82</sup> That person provided further details for Volume II, which I used to trace a copy at the British Library's Boston Spa repository. It was unredacted. A

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<sup>79</sup> Telephone discussion with Dr Gertrude Shotte, academic and evacuee, 17 June 2020.

<sup>80</sup> The Order of Service was sent to me by a former Montserrat resident. They could not explain the discrepancies, but believed that two of the names listed referred to the same person.

<sup>81</sup> DFID and the FCO were merged into the Foreign, Commonwealth and Development Office (FCDO) in September 2020.

<sup>82</sup> Individual requested anonymity.

query to the British Library research service confirmed that I was the first person to call up the item, suggesting it had not been previously viewed by researchers.<sup>83</sup> The findings of Volume II are referenced below as **Clay et al., 1999b**. It remains unclear to me why Volume II was redacted from the publicly available Evaluation Report, or why the government departments mentioned were unable or unwilling to provide a copy. However, as detailed in Chapter 7, the findings of Volume II are damning for both the UK and Montserrat governments.

I meanwhile made several unsuccessful requests for official statistics on the evacuations, including via the FoI route, to UK Government departments. It appears that few records were kept of the crisis or the government's response in general. In Volume II of their evaluation, **Clay et al. (1999b)** criticise the lack of proper government record-keeping, noting that the "uncertain and changing responsibilities are reflected in the organisation of the documentation" (p.35). They describe the "near impenetrable documentation" at DFID (p.35), and note that the Government of Montserrat (GoM) also failed to "fully appreciate the importance of documentation" (p.39). Ironically, the very report bringing these charges appears to have been withheld from public scrutiny.

A former UK Government employee involved in the emergency response on Montserrat helped explain the gaps in the official statistics, stating that s/he had recorded the change in population using information from landing and departure forms completed by all travellers on and off the island:

"From this data it was possible to track the downward movement of the resident population and also small upward trends when Montserratians returned in order to enlist on the government Help schemes for migration to other islands or UK. Nobody requested this information and indeed no-one acknowledged it either. It was distributed to the Governor's Office, Chief Minister, DFID and [my] immediate boss in London".<sup>84</sup>

The population information recorded by this individual does not appear in the official documents I have seen. The poor record-keeping, including failure to record reported figures, leads me to conclude that the lack of official migration records has arisen due to a combination of disinterest, ineptitude, and possibly also an attempt to hide certain facts from examination, despite, in some cases, the best efforts of civil servants to keep records. I have tried to rectify

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<sup>83</sup> Email from British Library Reference Specialist, 10 October 2020.

<sup>84</sup> Email exchange with former civil servant, September-October 2020. Individual requested anonymity.

this in Chapter 7.2.2 by collating what information I *could* find on evacuation figures, to better quantify the population under discussion.

A further important document, which took some 18 months to trace, was the Conclusion to the Coroner's Inquest report into the deaths of June 1997. I made numerous requests through official channels to government departments and officials, both on Montserrat and in the UK, to access the full Coroner's report. I also contacted numerous individuals, including the former Premier of Montserrat, Donaldson Romeo; the Governor of Montserrat, Andrew Pearce; and the former Coroner who conducted the Inquest, Rhys Burriss. None were able to track down a copy. The conclusions to the report were eventually provided via a further FoI request to the FCDO, which took five months to fulfil while officials "reached a decision on where the balance of the public interest lies".<sup>85</sup> I then made a further FoI request to access the report in its entirety, including several hundred pages of evidence and witness testimony. In January 2022 I was advised by the FCDO that it does not hold this information.<sup>86</sup> Rhys Burriss, the former Coroner who conducted the Inquest, expressed to me his surprise that the report was not publicly available, since: "one of the purposes of Inquests is to make recommendations to avoid untimely deaths in future like circumstances, so... their conclusions are meant to be available to all to read".<sup>87</sup> Nevertheless, for this study I only had sight of the Coroner's conclusions, the jury's riders, and a few pieces of evidence from the Inquest report which were sent to me separately by a Montserrat resident.<sup>88</sup>

Records from the then UK Ministry for Social Security relating to policy surrounding the evacuation and the treatment and status of Montserratians in the UK are held at the National Archives, Kew. This record was initially closed to the public. Following my submission of an FoI request to the Department for Work & Pensions in April 2020, it was opened in redacted form. Due to the Covid-forced closures, I was unable to view this record at the National Archives until July 2021.

Papers of the former MP Bernie Grant, deposited at the Bishopsgate Institute in London, also contained correspondence relating to the evacuation. Initially marked closed until 2028, I

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<sup>85</sup> Cited in several letters from the FCDO between June and November 2021, on file with the author.

<sup>86</sup> Letter of 21 January 2022, on file with the author.

<sup>87</sup> Email exchange, November 2020.

<sup>88</sup> On file with the author.

requested the records be opened for research purposes, which they were with some information redacted, following a Covid-forced delay of almost a year.

The **International Development Committee (1997b)** report on Montserrat references some 400 telegrams sent by the Governor to the FCO between 1995 and 1997 relating to the governance of the crisis. I requested access to these via a FoI request to the FCDO in July 2022. My request was refused on the basis that collating the telegrams was “likely to cause a disproportionate or unjustified level of disruption or burden”.<sup>89</sup> Yet these telegrams had already been collated as a result of previous FoI request by Montserratian politician Donaldson Romeo in 2010. Access to most of the telegrams had been denied to Mr Romeo since “disclosure may prejudice relations between the United Kingdom and... Montserrat”.<sup>90</sup> The FCO stated at the time:

“We acknowledge that releasing the information we hold could be likely to increase the public’s knowledge of the UK Government’s decision making processes in relation to the volcano. But we also considered the implications that the release of sensitive information could have on the effective conduct of international relations.”<sup>91</sup>

Ultimately, the FCO released less than two dozen of the 400 telegrams, most with redactions.<sup>92</sup>

Finally, I was made aware of a poetry anthology entitled *Out of the Mouths of Babes*, written by schoolchildren during the eruptions. The anthology was printed by a school on Montserrat and copies given to the children; it was never published commercially. Via social media I contacted the Montserratian writer Jo-Annah Richards, who scanned for me her childhood copy of the anthology, for which I extend my thanks.

The unusual lengths to which I had to go to trace documents related to this study are indicative of the elusiveness of information relating to Montserrat and the volcanic crisis, which suggests at best a deprioritisation of Montserrat by the UK authorities, and at worst a deliberate cover-up of policy decisions towards Montserrat. More positively, the success I eventually had in tracing these records is due to the many obliging individuals who assisted me, and whose contribution is acknowledged on page 3.

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<sup>89</sup> Letter on file with the author.

<sup>90</sup> Letter provided by Hon. Donaldson Romeo and on file with the author.

<sup>91</sup> Letter on file with the author.

<sup>92</sup> The released telegrams are on file with the author.

#### 6.3.4 Ethical considerations

The digital archival information obtained for this study was stored on my personal hard drive; however, this information is already in the public domain, so the risks associated with it being hacked or lost are low. The newly opened National Archive and Bernie Grant Archive documents have already had all identifying information redacted. Any potentially identifying information in other sources has been anonymised. There is a small risk that an individual may be able to identify themselves, or that somebody may go to lengths to identify a person referenced in an archived document. However, I believe the risks arising from this are extremely low. Finally, all individuals interviewed for this study were asked whether they wished to remain anonymous. Some did; others were happy to be named. I respected their wishes in each case.

Following a blog I published about my ongoing research, some Montserratians contacted me to share information and documents relevant to this study, some on condition of anonymity. I have treated those as archival sources, redacting any identifying information and considering any potential risk of harm prior to their republication. They are saved in a password-protected location.

## Chapter 7 – Montserrat case study: findings and analysis

### 7.1 Phases of the disaster

*“The volcanic crisis unusually took two and a half years to develop from the first explosions to the most extreme event” – Clay et al. (1999b:5)*

This, the first section of this chapter, considers the policy decisions made by the UK Government and the Government of Montserrat (GoM) at different stages of the volcanic crisis on Montserrat. In response to the first research question (see Chapter 6.1.1) it considers the extent to which the volcanic disaster drove child migration away from Montserrat. In combination with the findings in sections 7.2 and 7.3 below, this section contributes to my conclusion that overseas migration was actually a response to joint government policies, rather than the volcanic eruptions *per se*.

#### 7.1.1 Lack of preparedness

Prior to the first modern eruption of the Soufrière Hills volcano on 18 July 1995, Montserrat had been no stranger to natural disaster, being “highly susceptible to hurricanes, earthquakes, volcanic eruptions and tsunamis” (Gray, 2011:7). It forms part of a chain of volcanic islands with 19 active volcanoes (Pegram & Knaute, 2019), some of which had already experienced major eruptions within living memory, including Mount Pelée on Martinique (1902), La Grande Soufrière on Guadeloupe (1976) and La Soufrière on Saint Vincent (1902, 1971 and 1979).

Volcanic activity in the region is frequently preceded by seismic activity. A paper published in 1988 outlining the risks of the Soufrière Hills erupting states “we deduce that magma is currently available within the crust beneath the volcano and that any eruption will probably involve a considerable precursory swarm of local seismicity” (Wadge & Isaacs, 1988:545). The regular earthquake ‘swarms’ on Montserrat prior to the 1995 eruption should therefore have prompted government action. In conclusion, the authors warned unequivocally:

“Soufriere Hills Volcano... poses a considerable potential threat to the inhabitants of southern Montserrat. With no previous experience to rely on the Montserrat government authorities need to have a full assessment of possible hazards from the next eruption.” (Wadge & Isaacs, 1988:545)

In evidence submitted to a Commons Select Committee hearing, **Christian Aid and Montserrat Aid Committee (1997)** brought to the Committee’s attention a 1987 report by Wadge & Isaacs based on the findings later published in their 1988 article. The Committee found that Geoffrey

Wadge had presented the 1987 report to the Governor and Chief of Police on Montserrat in 1987, warning them of the risks posed by the volcano in their midst. However:

“It appears that none of our witnesses was aware of the [1987] Report until it was brought to their attention after July 1995. Mr David Taylor, Governor between 1990 and 1993... successive Chief Ministers, DFID and the FCO all denied knowledge of the Report before the volcanic activity began.”

**(International Development Committee, 1997b:xiv)**

Under cross-examination by the Committee, former Governor of Montserrat Frank Savage suggested that his copy of Wadge & Isaacs’ 1987 report had been lost during Hurricane Hugo in 1989 when “the Governor’s office was blown totally into the sea” **(International Development Committee, 1997a:90)**. The Committee responded that:

“The Hurricane cannot, however, be blamed for the collective amnesia which then afflicted the authorities on the island. The Report clearly states the need for contingency planning for a possible volcanic eruption. We can only conclude that this warning was not taken seriously since nothing was done. The Government of Montserrat and Office of the Governor must share responsibility since both received copies of the Report.” **(International Development Committee, 1997b:xv)**

Had the 1987 report been acted upon, the Committee suggests, “Montserrat would have been immeasurably more prepared for the crisis” (p.xv). It may also have facilitated the incorporation of disaster mitigation into the reconstruction efforts following Hurricane Hugo. For example, public buildings were reconstructed without the capacity to be effectively converted into public shelters **(Clay et al., 1999b)** and various facilities including a new hospital were rebuilt in the path of the volcano and later utterly destroyed. As Chapter 6.2 demonstrated, these decisions had serious implications during the evacuations and for life on Montserrat in subsequent years.

Volume II of DFID’s evaluation report similarly found that:

“In the pre-eruptive phase from the late 1980s up to 18 July 1995, scientific research and real-time seismic monitoring indicated a need for contingency planning, disaster mitigation in public investment and land-use planning and heightened preparedness. Nevertheless, the eruption was not anticipated by



any of the public bodies responsible and there were no specific preparations for a volcanic disaster.” (Clay et al., 1999b:12)

A *National Disaster Action Plan* for Montserrat was published in 1995, immediately prior to the first eruption. The then-Governor and de facto Chairman of the Disaster Preparedness Committee, Frank Savage, later acknowledged that the plan had been “silent on volcanoes” (International Development Committee, 1997b:91). Clay et al. (1999b) concluded that “the effects of a volcanic eruption were potentially so serious economically and socially, that those in elected public office on Montserrat were prepared to ignore the full implications until this became impossible.” (p.50)

Frank Savage also admitted that the authorities’ mass evacuation plan was never communicated to the public (International Development Committee, 1997b).

Even once the eruptions had begun, “Montserrat’s Governor and Government of the day acted contrary to the advice of world class scientists on the ground”, according to Montserratian politician Donaldson Romeo. He further commented that the Governor and GoM’s joint “desire not to be alarmist while keeping members of the public ignorant of the hazards posed, led to a slow, behind the curve, inadequate response not only to life threatening hazards but to people’s needs.”<sup>93</sup>

### 7.1.2 Phases of the eruption

In addition to the pre-eruptive phase, Clay et al. (1999b:5-13) identified four distinct “social phases” of the disaster, which correspond to phases of the UK Government’s response. The first was “immediate crisis management, extending through July/September 1995”. Despite Clay et al.’s characterisation of “crisis management”, I found no reference to Montserrat in *Hansard* until October 1995, three months after the first eruption. The FCO was at that time diverted by other concerns (Hansard HL Deb., 19 October 1995), and failed to recognise the impending catastrophe in its own territory.

Despite the lack of attention from the UK Parliament, the GoM was in full crisis-mode during phase one. An eruption on 21 August 1995 caused 6,000 people (approximately 60% of the population), including the GoM itself, to evacuate from south to north Montserrat (Clay et al., 1999b:2). They returned some weeks later, against the advice of the Volcano Disaster Assistance Program (VDAP), whose warnings about earthquake swarms and potential

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<sup>93</sup> Email communication with Hon. Donaldson Romeo, 31 August 2022.

magmatic eruption initially went unheeded.<sup>94</sup> Internal evacuations were repeated several times over the following months. The effects of these repeated displacements on children can be seen in children's poetry from this period. These extracts are from **Kinsale Primary School (1996)**:

"Evacuate!! Evacuate!!  
We heard the Monday evening...  
What a confusion, the telephones started to malfunction"  
(Maureen Bramble)

"People began to panic, rush, push  
Seeking transportation by car, pickup, bus  
Looking for room or some shelter  
Waiting for the coming disaster."  
(Trevlyn Tuitt)

"This evacuation brought more frustration....  
We are back at home now  
But we still live in fear"  
(Daunelle Roach)

Another Montserrat resident, speaking in 2019, recalled repeated internal evacuations:

"they get on the radio and they say that you have to move... and here we go, just pack a bag, overnight bag, here we go, we've gotta get the kids, you've gotta get everybody... move today, come back tomorrow, you move, you come back in three days, you move, you come back in a week." (Anonymous oral history account, **Mountain Aglow, 2019**)

The second phase became known as 'waiting on the volcano', "a confused time of conflicting narratives of blame and retrospective regret" (**Clay et al., 1999b:12**). It lasted from September 1995 until June 1997, and saw the permanent abandonment of the capital and the southern

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<sup>94</sup> A statement from VDAP dated 11 September 1995 was submitted to the Coroner's Inquest as evidence of GoM failure to assure islanders' safety. This extract from the Coroner's report was not provided by the authorities despite my Fol request. It was shared by a Montserrat resident and is on file with the author.

two-thirds of the island by April 1996. In a Memorandum dated 2 February 1998, the UK Government reiterated offers to support other Caribbean islands to accept evacuees (**Her Majesty's Government, 1998: para.37**), suggesting that its policy throughout this period was to relocate people within the Eastern Caribbean region where possible. This is supported by a handwritten note in the archived papers of Roger Evans MP, Parliamentary Under-Secretary in the Department of Social Security, in which he states: "Every effort should be made to encourage settlement elsewhere" (**Evans, 1996a**). This stance was supported by the Lord's Minister for Social Security, according to a memo to Evans:

"MoS(L)... has commented: '...It may be worth considering giving help to people who wish to (or are encouraged) to settle elsewhere rather than come to the UK... [This] might lead to considerable future savings as a result of people not coming here and being dependent on IS [Income Support], HB [Housing Benefit] etc.'" (**Marley, 1996**)

Indeed, during phase two, some 3,000 people fled to neighbouring Antigua, to which the UK Government provided financial support (**International Development Committee, 1997a:xxv**). The UK Government's Voluntary Evacuation Scheme was implemented during this phase (see section 7.2). One child's poem recalled varied relocation experiences during phase two:

"Some had lots of fun off island  
And some did not  
Some went to America  
Some went to Antigua  
Some came back  
But some did not"  
(Shanell O'Garro, extract from **Kinsale Primary School, 1996**)

Support for those migrating either within the region or to Britain was considered by the **International Development Committee (1997c)** to be "inadequate" (para.6). This may explain the diversity of migration experiences, which were dependent on families' own resources and any voluntary help received.

The third phase began with the deaths of some 19 people during an eruption on 25 June 1997, and ended on 30 September 1998 when residents were allowed to reoccupy parts of the Central Zone. **Clay et al. (1999b)** note that: "With activity effectively restricted to only 30% of

the island's area, the continuing viability of the island for human habitation was in doubt during this period" (p.5). The fatalities brought media attention and questions in Parliament, ultimately prompting the UK Government to commence its Assisted Passage Scheme (see 7.2). One father recalled his decision to take his family to the UK: "I had two young kids. If there was something catastrophic, you know, you would be helpless.... That is one of the reasons why I moved" (Anonymous oral history account, **Mountain Aglow, 2019**).

The fourth and final phase was marked by reduced volcanic activity, while "public policy on the agenda for the island has shifted gradually to reconstruction and sustainable development" (**Clay et al., 1999b:13**). With the Montserrat Volcano Observatory continuing to report regular seismic activity and rockfalls up to the present day,<sup>95</sup> and public access still restricted for more than half of the island, it is arguable whether Montserrat has yet moved out of phase four.

### 7.1.3 Conclusion

The lack of preparedness for the emergency that enveloped Montserrat has parallels with current inaction around climate change (see Chapter 8). Unusually for a volcanic crisis, the eruption was a slow-onset event rather than a sudden-impact disaster. Consequently, the authorities had a long lead-time of several years, with warnings beforehand from both volcanologists and seismologists. The period between the first small eruptions and the deadly pyroclastic flows was almost two years. Ample time, then, to organise "a relocation institutional framework and a proper relocation policy" (McNamara et al., 2018:115) and communicate this effectively to the public. Unfortunately, these opportunities were missed. In a similar way, governments around the world are currently missing opportunities to relocate people from the path of slow, creeping environmental changes such as drought, desertification and salt-water inundation, despite a rapidly eroding standard of living for affected communities, potentially for some of the same institutional and political reasons. As described in Chapter 8, those responsible for inaction around modern-day climate hazards include the current governments of Montserrat and the UK.

The development of policy during the four phases of the crisis shows that the UK Government was reacting ad hoc to a changing situation. No plan was in place at the outset, and no overarching strategy guided either the evacuation plan (led by FCO) or the delivery of aid to

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<sup>95</sup> The MVO publishes weekly reports at: [www.mvo.ms/pub/Activity\\_Reports/](http://www.mvo.ms/pub/Activity_Reports/)

the island (led, after May 1997, by DFID). Indeed, the two areas of policy were pulling in opposite directions, with DFID aiming to make the north of Montserrat habitable for internally displaced islanders, while the FCO pushed a strategy of depopulation (see below). The confusion and shifting priorities had serious psychological and practical implications for the island's children, as shown in the poetry above and further evidence below.

## 7.2 Nature of the evacuation

*“Slowly people are beginning to drift away from Montserrat”  
- Lally Brown, diary entry for June 1996 (Brown, 2015:95)*

Small numbers of people began leaving Montserrat after the first eruptions in 1995. However, the exact figures were not definitively recorded (see Chapter 6.3.3).<sup>96</sup> Using archival sources I pieced together the total numbers migrating to the UK between 1995 and 1998. First, I describe how the evacuation developed under the UK's auspices.

### 7.2.1 “Voluntary Evacuation” and “Assisted Passage”

In a memorandum from the Parliamentary archives, Parliamentary Under-Secretary of State for the FCO, Baroness Symons, records that the UK introduced a “Voluntary Evacuation Scheme” on 23 April 1996 which allowed Montserratians with a UK sponsor to travel to Britain at their own expense and remain for up to two years (**Symons, 1998**). Full access to healthcare, employment and social security was granted during the two-year period. Yet, as was noted in Parliament 15 months after the scheme's introduction, the prohibitively high cost of airfares meant that “only the wealthier citizens have initially at least been in a position to accept that offer” (**Hansard HL Deb., 14 July 1997**). **Clay et al. (1999b)** similarly found that those able to relocate via the Voluntary Evacuation Scheme tended to have more marketable skills and greater financial security. The situation was compounded by the collapse of the Montserrat Building Society, resulting in many families losing their life savings (**International Development Committee, 1997a: para.594**).

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<sup>96</sup> An FoI request to the Home Office's UK Visas and Immigration department (September 2020) yielded no data on numbers of people who left Montserrat and/or arrived in the UK during the crisis.

Lally Brown,<sup>97</sup> wife of a British official on Montserrat, wrote in her diary in May 1996 that only 11 application forms for the Voluntary Evacuation Scheme had been submitted two weeks after the scheme opened (eight single applicants and three families).

“On the street, ‘dem say’ that no more than twenty families are likely to be interested. It is a big decision to leave Montserrat, and the airfares are very expensive. [Name removed] went for a form, but as a third country national not married to a Montserratian... he does not qualify.” (Brown, 2015:83).

In her August 1996 diary entries Brown notes that, of the 2,500 Montserratians who had thus far departed, only 300 had left via the Voluntary Evacuation Scheme (Brown, 2015:111). In October 1996, she notes that “an additional 106 Montserratians would like to go on the scheme, but say they cannot afford the fare and have requested financial help from the Government” (pp.124-125). Such help would not be forthcoming for another 10 months, presumably because of internal government pressure, such as that from the Ministry of Social Security described above. This left poorer families the choice of suffering “appalling” conditions in the shelters (**International Development Committee, 1997b:xviii**), travelling to neighbouring islands, or flouting the Exclusion Zone and returning to their homes in the shadow of the belching volcano.

Those killed in the pyroclastic flow of 25 June 1997 had disregarded warnings from the Volcano Observatory and GoM and returned to their homes and farms in the Exclusion Zone. Diane Abbott MP put it to the House of Commons that:

“the deaths that we have heard about this weekend were caused by the lack of housing... because there was no housing and sufficient arrangements for resettlement were not made, the small farmers went back to the site of the volcano to continue farming as that was the only way that they felt they could survive. Had there been proper housing and had proper arrangements been made for resettlement, they would not have lost their lives.” (**Hansard HC Deb., 30 June 1997**)

The official Inquest later came to the same conclusion. In the Coroner’s findings, which were made available following my FoI request (see Chapter 6.3.3), 13 of the deaths, including one child, are stated to have had one or more of the following contributory causes:

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<sup>97</sup> Lally Brown’s self-published diary is a rich source of personal observations and statistics. In email exchanges in August-September 2020, she told me that during her time on Montserrat she had access to government information on arrivals and departures. Although her figures cannot be verified against any extant source, they provide an indication of the situation in the absence of published official records.

- “failure of the authorities both local and British to provide alternative lands in the safe area for farmers displaced from the Exclusion Zone” (in nine cases)
  - “absence of proper facilities for the care and protection of the mentally unstable” (one case)
  - “conditions in the public shelters [being] so deplorable” (one case)
  - “the continued operation of the airport despite elevated volcanic activity” (four cases)
- (Montserrat Coroner’s Court, 1998).**

Moreover, the Inquest jury attached riders to the verdict, citing the “persistently deplorable conditions within the public shelters” which included “exposure of children of impressionable age to crude and distasteful behaviour [and] possibilities for child abuse”, as well as a lack of timely public information about the volcanic risk, as reasons for people being in the unsafe zone at the time of the pyroclastic flows.

The verdict was described by an Under-Secretary of State as “ignorant”, since the Coroner, Rhys Burriss, had reportedly “visited none of” the shelters, “spoken to none of” the staff at DFID, and not “done his work properly” (**Hansard HC Deb., 3 February 1999**). When I put this to Mr Burriss, he noted that the British authorities could have appealed his verdict but chose not to, suggesting an implicit acceptance of the findings.<sup>98</sup> Separately, a Montserratian still resident on the island told me: “I was the one incensed that an inquest was held and the British officially blamed”. This person’s anger stemmed from the “absolute stubbornness”, as they saw it, of people who disregarded official advice from UK authorities regarding the volcano.<sup>99</sup> If people truly distrusted the British on Montserrat, we nevertheless need to ask why. This will be examined in the next section.

While the finger of blame pointed at the UK authorities, the GoM also bore responsibility for lives being put at risk. Evidence sent to me by another Montserrat resident which was included in the Coroner’s original report – but which was *not* included in the official response to my FoI request – showed that the GoM was warned that the airport was unsafe.<sup>100</sup> Nevertheless, the airport remained in operation until it was indeed destroyed by a pyroclastic flow just weeks after the warning was issued, contributing to four of the deaths (see above). Moreover, a local newspaper reported that one farmer had a narrow escape after going to the Exclusion Zone to

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<sup>98</sup> Email exchange, November 2020.

<sup>99</sup> Email exchange, November 2020. Individual requested anonymity.

<sup>100</sup> Statement for the Government of Montserrat from W.P. Aspinall for the MVO Scientific Team, dated 09/06/1997, on file with the author.

reap carrots “because she was under so much pressure from the [Montserrat] government to supply vegetables to shelters” (**Montserrat Reporter, 2017**). Brown (2015) confirms that food was indeed scarce in the shelters. Moreover, the Inquest found that “farmers were informally designated as ‘essential workers’ and allowed into the exclusion zone” and that the GoM bore shared responsibility for not making alternative farmland available in the north (**Montserrat Coroner’s Court, 1998**). Barnes (1999) notes that most farmers on Montserrat were women, the majority having lost their livelihoods because of the eruptions. Three of the nine farmers who died in June 1997 were women (**Montserrat Coroner’s Court, 1998**).

The deaths refocused attention on London’s response to the ongoing crisis, and on 27 August 1997 the Assisted Passage Scheme opened for applications, replacing the Voluntary Evacuation Scheme (**DETR, 1999:1**). Under the Assisted Passage Scheme, evacuees had their airfares paid (**Symons, 1998**), providing the option of evacuation to those with few resources. While 62 people requested passage to the USA, Canada or Cuba, the majority went either to the UK or to other Caribbean islands (**Clay et al., 1999b**).

**Clay et al. (1999b)** record that the GoM opposed the introduction of the Assisted Passage Scheme, fearing that the island would become depopulated (see section 7.3). Nevertheless, deteriorating conditions for those internally displaced, alongside financial assistance to relocate overseas, prompted the main exodus from mid-1997. The joint failure of the GoM and UK Government to uphold human rights on Montserrat caused many to accept the relocation offer:

“Various aspects of human insecurity including fears for safety, health and education of children, threats to livelihoods as well as lack of accommodation all impelled people to leave the island.”

**(Clay et al., 1999b:10)**

The Assisted Passage Scheme officially ended on 31 March 1998, and on 1 May 1999 a voluntary repatriation scheme was introduced (**Hansard HC Deb., 26 March 1999**).

### 7.2.2 Calculating the numbers evacuated

Throughout this period, Montserratians did not have British citizenship, and their right to remain in the UK, although extended, was not indefinite (**International Development Committee, 1998a**). Moreover, Montserratians in the UK “are not classified in any official documentation according to their country of origin” (**Clay et al., 1999b:142, FN1**), confounding



my attempts to use Census or other demographic data to estimate the size of the diaspora.<sup>101</sup> Governor Frank Savage's telegrams to the FCO during this period provide some figures on departures. However, as only a handful of telegrams have been declassified, it is not possible to build an accurate picture from this source (see Chapter 6.3.3).

Clay et al.'s evaluation report found several other causes for the lack of documentation on migration, including:

- A reluctance by the GoM to report the numbers leaving, "possibly because of worries about the impact that this information might have on the remaining population and on business confidence" (p.7).
- The difficulty of tracking those who paid their own airfares.
- The high degree of mobility of evacuees, meaning that "the information available provides only an indication of where evacuees *initially* relocated, not necessarily where they still reside" (p.141, italics in original).
- Lack of information on numbers leaving for North America.
- Lack of disaggregation by country of origin of data collected by UK benefits offices.
- A "missing" 4,000 people whose location, according to DFID data, was unknown.
- Discrepancies in the National Audit Office's estimated costs of relocation, meaning that figures cannot be back-calculated from records of expenditure.

(Summarised from **Clay et al., 1999b**)

Despite this dearth of data, I have been able to piece together a rough cumulative total of the numbers of people who relocated to Britain under the two evacuation schemes during the peak years of the crisis. Much less is known about the numbers who relocated to Britain in an ad hoc fashion. These figures nevertheless help to quantify the migrant population under discussion in this chapter.

- June 1996: *Hansard* records that 58 people have left Montserrat under the Voluntary Evacuation Scheme (**Hansard HC Deb., 20 June 1996**).
- August 1996: Lally Brown records that 2,500 Montserratians have left the island, 300 via the Voluntary Evacuation Scheme (Brown, 2015:111).

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<sup>101</sup> As noted in Chapter 5, the British authorities committed similar failures to disaggregate refugee data during the Vietnamese resettlement.

- September 1997: According to an Annex to the **International Development Committee (1997b)** report: “As at 17 September 1997, 2293 Montserratians on island had registered their intention to leave, with 78 per cent [approx. 1,789 people] wishing to travel to the UK.... 832 eligible Montserratians on Antigua have registered under the various schemes, with... 26 per cent [216] wanting to go to the UK”.
- November 1997: *Hansard* records that 1,824 people departed Montserrat under the voluntary evacuation scheme between August and early November (**Hansard HL Deb., 5 November 1997**). Secretary of State Tony Lloyd estimates that there are around 3,000 Montserratian evacuees in the UK (**Hansard HC Deb., 11 November 1997**).
- January 1998: Baroness Symons notes: “As at 15 January 1998, DFID had paid the passage of 2,164 Montserratians who had relocated to the UK” but states that no breakdown by age is available. The number of evacuees living in London is unknown; figures *are* available for those dispersed to other towns (**Symons, 1998**).
- March 1998: *Hansard* records that 3,543 evacuees were admitted to the UK by the end of March 1998 (**Hansard HC Deb., 5 May 1998**).
- 1999: Shotte (1999), citing a Montserratian community organisation, estimates that there are 5,000 evacuees in the UK.

The above, though incomplete, helps to enumerate the flow of evacuees from Montserrat to the UK during the crisis. However, it does not indicate the number of children. Census records show that 34.4% of Montserrat’s pre-volcano population was aged 0-19,<sup>102</sup> falling to 26.5% in 2001 (**Montserrat Statistics Department, 2019b**) suggesting that a disproportionately high number of children were evacuated. The proportion of children who migrated to the UK may be higher than for other destination countries, since Shotte (2003) found that “education was the decisive factor that influenced families to relocate to England”. However, **Clay et al. (1999b)** noted that children were also disproportionality represented among the (small) numbers applying for repatriation from May 1999.

Some UK parliamentarians bemoaned the lack of official demographic data collection during the crisis, until a house-to-house survey was conducted on Montserrat in 1998 (e.g. **Hansard HL Deb., 5 November 1997; International Development Committee, 1997b:v**). The lack of official records of Montserratian evacuees arriving in the UK was likewise the subject of

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<sup>102</sup> The data comprises five-year age bands, starting with 0-4 years.

numerous questions in Parliament (e.g. **Hansard HC Deb., 20 June 1996; Hansard HL Deb., 5 November 1997; Hansard HC Deb., 11 November 1997; Hansard HC Deb., 5 May 1998**).

To estimate the total number of child evacuees from several vague and incomplete sources is unsatisfactory. Yet, in the absence of sound official data, it may be our best hope of understanding the population under investigation. I therefore estimated the number of child evacuees to the UK using the following approximate figures:

Estimated total number of evacuees to UK

Mean of 3,543 registered evacuees (**Hansard HC Deb., 5 May 1998**) and 5,000 estimated total evacuees (Shotte, 1999) = 4,272

Number of people (all ages) who left Montserrat during the crisis

Pre-volcano population of 10,639 (**1991 Census**) minus 2,850 (1998 population survey<sup>103</sup>) = 7,789

Number of children (0-19 years) who left Montserrat during the crisis

3,663 (**1991 Census**) minus 1,140 (**2001 Census**)<sup>104</sup> = 2,523

Percentage of people leaving Montserrat who were children (0-19 years)

2,523 as a percentage of 7,789 = 32.4%

Number of evacuees to UK who were children

32.4% of 4,272 = 1,384

My estimated number of 0-19-year-olds who came to the UK – 1,384 – represents 13% of Montserrat's total pre-eruption population. The number is in line with the demographic make-up of Montserrat at the outset of the crisis. However, it is likely a low estimate, since families were more likely to bring children to the UK for their education following the breakdown of Montserrat's school system, and because we know that a disproportionately high number of children were evacuated overall. Nevertheless, the population under investigation appears to

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<sup>103</sup> Full results of the 1998 demographic survey carried do not appear to be publicly available. The overall population figure is cited in *Hansard*, with no age breakdown (**Hansard HC Deb., 18 February 1998**).

<sup>104</sup> These figures do not take into account changes in birth rate or other demographic factors.

be somewhere in the region of 1,000 to 1,500 child evacuees.<sup>105</sup> The subject of unaccompanied minors is covered in section 7.3.3 below.

### 7.2.3 Conclusion

The UK Government's two-year delay in rolling out the Assisted Passage Scheme left child evacuees in a prolonged situation of uncertainty. Subsequent sections show how this contributed to poor mental and emotional health and reduced access to education, healthcare and a decent standard of living. The situation thus left children in a state of vulnerability even before their migration journeys began, compounded by their parents' lack of resources, and thus limited migration options. They became what Foresight (2011) terms a "trapped population" during these two years. The delay exacerbated the deplorable shelter conditions and lack of basic goods, which in turn contributed to the deaths of June 1997.

Assisted Passage allowed many families to leave Montserrat, but did not solve all the difficulties faced by those who remained. Despite the introduction of the Voluntary Repatriation Scheme for evacuees in 1999, the former Premier, Donaldson Romeo, told me in 2021 that Montserratians in the UK still lack the "right to return", since an absence of adequate housing prevents them from doing so.<sup>106</sup> If true, this would represent a failure by the GoM and UK Government to realise the right to adequate housing on Montserrat.<sup>107</sup>

The lack of confirmed data on evacuee numbers is further evidence of the UK's indifference to the needs of Montserratians, including children. Compared with the numbers of child refugees from Kosovo and Somalia arriving in the UK in the late 1990s, the estimated number of Montserratian child evacuees is small and their dispersal across more than 20 cities has contributed to making them a largely invisible and forgotten population. Nevertheless, their experiences present a microcosm of the personal and long-term effects of government policy in implementing planned relocation schemes following natural disasters. It is to these policies that we turn now.

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<sup>105</sup> By November 1997, 150 people with special medical needs had been evacuated separately to the UK (Symons, 1998; International Development Committee, 1997b:vi). It is not recorded whether they included children.

<sup>106</sup> Discussion by telephone, 14 January 2021.

<sup>107</sup> The right to adequate housing is provided by Article 11(1) of ICESCR, applicable in the UK and Montserrat.

### 7.3 Governance of the crisis and evacuation

*“The Montserrat volcanic crisis is not simply a case of natural disaster. The island’s ambiguous and fragile political situation as a British colony has compounded the harsh realities of living with a volcano.” (Skelton, 2000:105)*

7.3.1 Relationship between the UK Government and Government of Montserrat  
*Hansard* and other Parliamentary records suggest a panicked, muddled and flawed response to the crisis from the UK Government. This was precipitated by existing rocky relations between the ‘mother country’ and its small tropical outpost some four thousand miles away. Montserrat was a British dependency, a legacy of Britain’s colonial past. Today the island is a British Overseas Territory (BOT). King Charles III is the Head of State, represented by a Governor, and Montserratians elect their own government and Premier (formerly Chief Minister). This arrangement, along with Montserrat’s history as a hitherto trouble-free protectorate requiring little attention from London, caused confusion over responsibility for crisis management once the volcano erupted. As ***The Economist* (1997b)** observed: “in abnormal times a gap opens up between Britain’s underlying obligation [to BOTs] and its arm’s length ways.”

In 1981 the UK Government had stripped Montserratians of their British nationality. This decision was reversed in 2002, hastened by the volcanic crisis (Hintjens & Hodge, 2012). Montserratians’ poor relationship with Britain and lack of citizenship rights during the crisis fostered insecurity, seeding doubts about their status in the UK, possibly leading some families to delay their evacuation or make additional steps in their relocation journey. This may have made migration more stressful and traumatic for children, who lived for years with uncertainty about their futures, as well as diminishing their families’ resources and delaying access to education, employment and other entitlements.

In this context of mistrust, rumours swirled on Montserrat about the UK Government’s commitment to the island’s population.

“[C]ommunication does not pass effectively between government and people. The people remain both unaware of and uninvolved in policy decisions. As a result, government is not sufficiently accountable to the public and, when serious problems arise, the public is overly suspicious of government.... there is a perception that the [UK] Government has planned for evacuation rather than to

protect the island's longer term future." (**Christian Aid and Montserrat Aid Committee, 1997: paras 16 & 32**)

In October 1997, Montserrat's then Chief Minister, David Brandt, claimed that "British activity throughout this crisis seems to be directed towards systematically depopulating Montserrat" (**International Development Committee, 1997a: para.237**). Brandt had legitimate reasons for his suspicions. As the crisis unfolded, it fell to the Governor to draw up a covert plan – Operation Exodus – with assistance from the UK Ministry of Defence. **Clay et al. (1999b)** suggest that the GoM was aware of Operation Exodus but was unwilling to "contemplate [it] publicly" (p.47). The extent of GoM's involvement in mass-evacuation planning remains unclear.

Evidence found in **Clay et al. (1999b)** hints at several reasons why Operation Exodus caused suspicion and unease among both the GoM and, eventually, Montserrat's population: it was drawn up hastily within 10 days of the first eruption; it was designed and funded by London and involved British military personnel; it involved no consultation with, or provision of information to, potential evacuees; it represented a shift in authority from the GoM to London, via the Governor; and it was frequently revised as the situation developed. Because of the lack of consultation, the plan "included some socially unacceptable aspects" (**Clay et al., 1999b:47**), and fomented rumours that the possibility of a cataclysmic eruption was being withheld from the public.<sup>108</sup>

Rumours of a depopulation plan endured throughout the crisis. Six weeks before the Assisted Passage Scheme opened, Under-Secretary of State George Foulkes strongly denied the rumors, insisting "we are encouraging people to stay there" (**Hansard HC Deb., 30 June 1997**). In July 1997, *The Guardian* newspaper reported that the UK Government had again been forced to deny it had plans to evacuate all remaining islanders if the population fell below a certain threshold (**Black, 1997**). This denial was prompted by "anti-British demonstrations" on the island, the first since the seventeenth century (**Economist, 1997a**). *The Economist* criticized how the plan was "decided upon and communicated to" the islanders, creating "alarm and mistrust". The GoM did not drop its objections to the Assisted Passage Scheme until days before it began (**International Development Committee, 1997b:xxvi**).

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<sup>108</sup> Such statements suggest why Volume II of DFID's evaluation report (**Clay et al., 1999b**) was redacted from the officially published version, and was not available from government departments, despite my FoI requests. While I have no proof of this, it is plausible that the report was deliberately suppressed due to its criticism of the two governments.

Consequently, accusations proliferated that London had cut aid to Montserrat to force a mass relocation (**Hansard HL Deb., 5 November 1997**). David Brandt wrote to Bernie Grant MP that “the British are in the process of closing down all facilities here including the hospital, thereby forcing people in effect to accept the inadequate compensation package” (**Brandt, 1997**). Development minister Clare Short noted the GoM’s “absolute resistance to giving people any help to relocate them from the island” (**International Development Committee, 1997a: para.115, 14 October**). The Assisted Passage Scheme itself, although entirely voluntary, continued to be seen by the GoM as the machinery for Operation Exodus. As recently as 2015, UNICEF described the scheme as “an incentive programme for depopulation” (UNICEF Eastern Caribbean, 2015:7).<sup>109</sup>

Records of the Department for Social Security show that, as conditions deteriorated, a “last resort evacuation to the UK” of the entire population continued to be discussed (**Bonsor, 1996; Bowman, 1996a**). Private correspondence between parliamentarians demonstrates that Britain’s total evacuation of volcano-stricken Tristan da Cunha in 1961 played on people’s minds (**Grant, 1997a**), as did Britain’s forcible depopulation of Diego Garcia a decade later (**Romeo, 2005**). Furthermore, London briefly considered instigating “direct rule” over Montserrat (**Her Majesty’s Government, 1998: para.48**).

Following the fatal eruption on 25 June 1997, “HMG concluded that those remaining on-island should be given the best possible scientific advice on future volcanic activity and informed choices about their future” (**Clay et al., 1999b:24**). Yet this did not happen. In November 1997, Baroness Symons admitted that the UK Government’s attempts to consult with islanders were swiftly abandoned due to hostility from “both the previous Chief Minister and the current Chief Minister” (**Hansard HL Deb., 5 November 1997**).

### 7.3.2 Inter-departmental roles

Alongside tensions between the governments of the UK and Montserrat, confusion prospered in London over departmental responsibility for the crisis:

“There was apparently no contingency planning on how FCO and the then ODA [Official Development Assistance] would manage an emergency in an Overseas

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<sup>109</sup> UNICEF’s claim ignores the fact that many people migrated of their own accord outside of the two voluntary passage schemes offered by the UK.

Territory (OT) in circumstances that raised difficult issues of governance and risk management as well as the detailed practicalities of emergency management. Ad hoc arrangements had to be put in place, and this was done reactively as the eruption progressed.” (Clay et al., 1999a:2)

In May 1997, newly elected Labour Prime Minister Tony Blair separated development responsibility from the FCO, creating DFID and the post of Minister for International Development, occupied by Clare Short. Short’s mishandling of the Montserrat affair would ultimately taint her legacy. Parliamentary records show in-fighting between new and old government departments (e.g. **International Development Committee, 1997b**), culminating in pressure on Blair to intervene over conditions for evacuees in Britain:

“[The Committee has] heard much anecdotal evidence of poor accommodation, unacceptable delays in the provision of social security numbers and the payment of benefits, and a continuing lack of funds for Montserratians to buy even the necessities for a decent life in this country.... At present Montserratians remain victims of that failure identified in the Committee’s Report—the lack of single executive control in the response to their plight.” (**International Development Committee, 1998b**).

Under cross-examination, Clare Short conceded that confusion over departmental roles had also contributed to substandard living conditions for people who remained on Montserrat, saying: “there are so many players in the decision making that it is quite dreadful” (**International Development Committee, 1997a: 14 October 1997**).

Witnessing senior government officials acknowledging these failures was unlikely to have assuaged the fears of families facing imminent evacuation. Nor did a badly written Home Office leaflet, distributed on Montserrat in November 1997, which described life in Britain in a less-than-reassuring manner:

“The available accommodation in the UK will almost certainly not be what you are used to on Montserrat.... Please note that finding accommodation is being [sic] increasingly difficult and so it is taking longer to sort out. It is also increasingly difficult to place people in the town or city of their choice.... even when you get on the waiting list then it could still be a long time before you get accommodation.... If you refuse an offer of suitable accommodation the authority



may not be obliged to provide further assistance” (**Her Majesty’s Government, 1997**)

The Home Office – the government department that would normally oversee the arrival and integration of refugees and other immigrants to the UK – largely washed its hands of the Montserratians. The overheads of the Assisted Passage Scheme were met from DFID’s budget (**Symons, 1998**) and the Home Office contracted out reception and integration services to three organisations: Heathrow TravelCare, Refugee Action and the Montserrat Project (see respectively Mennear & Lancaster, 1999; **Her Majesty’s Government, 1998; Clay et al., 1999b**).<sup>110</sup> In response to an FoI request I submitted in August 2020, the Home Office acknowledged: “The evacuation of Montserrat was handled by... DFID.”<sup>111</sup> Yet DFID’s expertise lay in the funding and facilitation of overseas development, not the resettlement of communities.

**Clay et al. (1999b)** note how a “Montserrat Action Group (MAG)... made up of senior officials from all Whitehall departments involved in the crisis” was established in August 1997 to coordinate policies relating to both evacuation and rebuilding (p.42). Yet the initiative was too little, too late: the MAG was established more than two years into the crisis, and was disbanded after just 11 months as attention turned to redevelopment and, for some, repatriation.

### 7.3.3 Effects on children

The archival documents contain limited information on the impact of the two governments’ policies on Montserrat’s children. As a BOT, Montserrat is bound by most human rights legislation ratified by the UK, including the ICESCR, the CRC and the European Convention on Human Rights. Yet, data that is essential to ensuring, measuring and reporting on the realisation of these rights was not collected during the crisis. Despite huge demographic changes wrought by evacuations, archives show that no comprehensive survey of the population was conducted until early 1998 (**Her Majesty’s Government, 1998**). **Clay et al. (1999b)** observed that social and demographic assessments, which could have provided such insights, were delayed “because GoM did not regard them as a high priority” (p.47).

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<sup>110</sup> I attempted unsuccessfully to contact Heathrow TravelCare and Refugee Action for more information on their role in resettling evacuees in the UK. The Montserrat Project no longer exists and I have found only scant archival documentation of their work, in Bernie Grant MP’s papers.

<sup>111</sup> Letter on file with author.

### *Rights to education and healthcare*

A report by the UK's Chief Medical Officer flagged that details "concerning the demography of the population or its health needs are unknown" (**Calman, 1997, cited in International Development Committee, 1997b:ix**), making it near-impossible to respond to the islanders' right to the highest attainable standard of health.<sup>112</sup> The decision to rebuild Montserrat's hospital near to the volcano in the early 1990s had immediate repercussions when internal evacuations began and alternative healthcare provision was needed. In 1997 the **International Development Committee (1997c)** described healthcare facilities as "inadequate" (para.2). The same year, Baroness Young labelled the temporary hospital "a disgrace":

"The operating theatre is about a mile away from the main part of the hospital and there are only outside lavatories.... I understand that there are at least 500 old, sick and handicapped people who were left behind [in the evacuation] and who move from shelter to shelter" (**Hansard HL Deb., 5 November 1997**)

The proportion of children affected is not recorded.

I was also unable to determine from available records – including WHO data – whether childhood vaccination programmes or other routine health provision were affected, potentially having long-term impacts on child health. Barnes (1999) records that maternity services were moved to a former school, with mothers giving birth on the school stage without proper facilities such as a toilet or shower, and no privacy. New mothers had to leave the makeshift delivery room shortly after giving birth and return to shelter accommodation with no provision for newborns. The lack of adequate maternity services suggests that routine follow-up checks for new mothers and their babies may have been disrupted too. Dr Barnes stressed to me that healthcare professionals delivered services according to best practice despite the conditions, and although births still take place today on what was the school stage, it has since been converted into a "well-appointed" maternity wing.<sup>113</sup> However, Donaldson Romeo described the current hospital as "substandard".<sup>114</sup>

**Clay et al.'s (1999b)** DFID-commissioned evaluation concluded that the health of the population was "for the most part successfully maintained" because evacuation reduced pressure on health services (p.80). Given the psychological effects of the disaster on both

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<sup>112</sup> Provided by Article 12 of ICESCR, and several articles of the CRC.

<sup>113</sup> Email exchange with Clarice Barnes, November 2020.

<sup>114</sup> Email exchange with Donaldson Romeo, 31 August 2022.

children and adults, however, it is striking that the same report found mental health provision to be a “low priority” for the GoM and DFID (p.78). Clay et al.’s report was written while the crisis was ongoing, and no long-term follow-up study into the effects of the disaster on islanders’ health has been conducted.

As outlined above, government failure to prepare for a volcanic crisis, confusion and conflict over departmental responsibilities, and the lack of a coherent strategy to manage the emergency delayed both the evacuation of, and delivery of aid to, Montserrat. Consequently, internal relocatees suffered months or years of inadequate living standards.<sup>115</sup> Select Committee hearings, memoranda to government, newspaper reports and parliamentary debates all attest to the worsening conditions in Montserrat’s northerly ‘safe zone’ as internal evacuations became permanent and housing remained in short supply. The situation was exacerbated by the authorities’ failure to prevent the collapse of the Montserrat Building Society, (**International Development Committee, 1997b:xxiv**) or alleviate the situation whereby, in 1997, 20% of people with properties in the Exclusion Zone were still paying charges associated with the property and 12% were still paying mortgages (**Clay et al., 1999b**). Both situations put financial strain on families, preventing them from rebuilding their lives either on or off the island. One child noted that people lacked even the funds to travel out of the Exclusion Zone:

“Ee easy fu de Chief Minister fu call evacuation  
But way de money fu transportation?”  
(Terrez Thomas, cited in **Kinsale Primary School, 1996**)

As a result of the GoM’s failure to build emergency shelter accommodation into the post-Hurricane Hugo recovery strategy, school buildings were repurposed for this use, denying children adequate fulfilment of their right to education.<sup>116</sup> More than two years after the onset of the crisis, the **International Development Committee (1997b)** reported that “primary school children are receiving no education at the moment. Secondary school children have to cope with extremely inadequate makeshift classrooms and equipment”. **Clay et al. (1999b)** observe that truancy increased, as did the proportion of children with special educational needs. Evidence to a Commons Select Committee concluded:

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<sup>115</sup> The right to an adequate standard of living is provided by Article 11 of ICESCR, and includes adequate food, water, clothing and shelter.

<sup>116</sup> Provided by Article 13 of ICESCR and Article 28 of the CRC.

“Because many of the schools had been taken over as shelters schooling at best was for only half a day as pupils attended either morning or afternoon sessions. There was a lot of idle time for teenagers whose strict religious upbringing in the home was replaced over a prolonged period by communal living. After over a year of exposure to drink, sex and drugs exacerbated by lack of employment for the men the fabric of the society began to crumble.” (Levey, 1997:174)

In a study into schooling in Barbuda and Dominica following hurricanes in 2017, Pegram & Knaute (2019) found that, when schools operated this type of shift system, it caused problems “such as anti-social behaviour by students that were unoccupied due to reduced hours, and still attempting to process their traumatic experiences” (p.26). Similar issues affected the children on Montserrat.

**Clay et al. (1999b)** argue that education was deprioritised by the authorities during the first three years of the emergency, with educational provision reaching a “crisis” after 25 June 1997 (p.100). Their evaluation describes a “mass exodus” of school-age children, with school enrolment falling from 2,672 pupils in June 1995 to just 620 in September 1998 (pp.100-101). Furthermore, schools were used in evacuation simulation exercises, and information on evacuation procedures and disaster preparedness was disseminated to parents via school-age children. This was a deliberate policy based on the assumption that children would be more receptive to new information and would share it with their parents (**Clay et al., 1999b:69**). There is no mention of whether the information was age-appropriate or how the children were affected by taking part in disaster-preparedness drills.

Children’s poetry does however record the trauma experienced by those under the age of 12, and their awareness of the destructive potential of the volcano. Consider these extracts written by four pupils of **Kinsale Primary School (1996)**:

“de volcano is yet alive  
And a we take action to survive.”  
(Franel O’Brien)

“The volcano awoke from its peaceful sleep  
To put fear within our hearts”  
(Danielle O’Garro)

“The rumbling is very, very noisy  
It wants to drive you crazy  
The lava can kill and destroy”  
(Jo-Annah Richards)

“The sulphur smells  
The activities tell  
A story of terror”  
(Kevel Gumbs)

In her introduction to the anthology, the headteacher of Kinsale comments that the project was intended “to have these students use poetry as an outlet to express their traumatic experiences”; a noble objective given the lack of support for children’s mental health.

#### *Unaccompanied minors*

In one of the most concerning statistics in the archive literature, **Clay et al. (1999b)** note that 46 children under the age of 16 were evacuated unaccompanied to other Caribbean islands. This may reflect parents’ anxieties over education, living conditions, health implications of ash falls, or other concerns; no reason is given by the authors. Telegrams between Governor Frank Savage and the FCO record that “50 children and four chaperons” were temporarily housed on the Cayman Islands, and 42 children were sent temporarily to Cuba.<sup>117</sup> Brown (2015) mentions an initiative by the Red Cross and Montserrat Christian Council to rehouse unaccompanied children with volunteer families on various Caribbean islands. The Montserrat Red Cross did not respond to my request for more information about this scheme, including how long it lasted or the experiences of the children involved. However, an archived newsletter records how the **Montserrat Red Cross (1997)** organised for internally displaced children to spend short respite periods with “caring families” on neighbouring islands.

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<sup>117</sup> These telegrams (dating from 1997) were released by the FCO following an FoI request by Donaldson Romeo. Copies are on file with the author.

### *Right to an adequate standard of living*

For the children who remained on Montserrat, the archives present a grim insight into their lives. An article in *The Times* from July 1997 documents how girls as young as 13 were turning to prostitution, and other young people had “found solace in alcohol and casual sex as they await their fate” (Rhodes, 1997). At that time, some 790 people continued to languish in the shelters (Hansard HL Deb., 5 November 1997), suffering “serious overcrowding... bad sanitary conditions, lack of privacy and boredom” (HelpAge International, 1997). In 1999, 322 people were still living in these conditions, while others shared accommodation with other families (Clay et al., 1999b). The number of children among them is not recorded. Clay et al. (1999b) also found that, “for a variety of legitimate reasons”, people slept in vehicles, workplaces and disused buildings, or returned to the unsafe zone (p.94). Again, they do not record the number of children living under such makeshift arrangements; however, it appears that the “legitimate reasons” may include the avoidance of homelessness and the unacceptability of shelter conditions. Both factors were ultimately the joint responsibility of the Montserrat and UK governments.

A house-building programme in the north of Montserrat, funded by DFID, was still scrambling to meet the population’s needs after 2000 (DFID, 2000:106). Many of these homes were cheaply built and designed to provide temporary, emergency accommodation to relieve pressure on the shelters. An *Al Jazeera* reporter found ‘temporary’ post-volcano accommodation still in use in 2016, citing the example of a mother and son who had moved in 1998 into a makeshift wood-panel “emergency” home. The pair were still living there 18 years later, “one strong hurricane [away] from losing everything all over again” (Schuessler, 2016). Successive UK and Montserrat governments had thus failed for almost two decades to provide an adequate standard of living to the family, likely leaving them in a situation of grave uncertainty and anxiety. As the mother reported: “It’s not so easy still”.

### 7.3.4 Conclusion

#### *Push factors for migration*

At first glance, the Montserrat evacuation appears to be a straightforward case of environmental change as a primary driver of forced migration. Yet, while on-island relocation was essential to save lives, off-island migration could have been avoided in many cases. Was the volcanic eruption really the cause of child migration from Montserrat in the 1990s?

In light of archival information about the relationship between the GoM and UK Government during the crisis, the period can be reframed as a ‘tug of war’, with the GoM trying to retain its on-island population, putting them at risk of volcanic catastrophe and inadequate living conditions, while London was pulling people to flee Montserrat and commit to an uncertain future in either the UK or (preferably) elsewhere in the Caribbean. Coupled with a lack of reliable information, participation or consultation, this must have created deep conflict, uncertainty and anxiety for individual Montserratians during the emergency. Ultimately, it shows a failure by the authorities to prioritise the needs, wishes and safety of the population in decisions around relocation. As found by Draper & McKinnon (2018) and others, such negligence leads in many cases to the failure of communities to successfully resettle and integrate into a new location, as can be seen in section 7.4 below.

In his Inquest report into the volcano deaths (**Montserrat Coroner’s Court, 1998**), Coroner Rhys Burriss concluded that evacuees were living in “involuntary exile” and blamed the UK’s “unimaginative, grudging and tardy” response to the crisis. Conditions on the island, the absence of a disaster preparedness plan, and the lack of an adequate and timely response to the emergency from both the UK Government and GoM violated children’s rights to education, healthcare and adequate housing. In most cases, it was these push-factors that drove people off the island. Former Premier of Montserrat Donaldson Romeo, writing to Prime Minister Blair in 2005, argued that it was “the **housing crisis** that forced thousands to flee Montserrat” (Romeo, 2005: emphasis in original). When I spoke to Donaldson Romeo in 2022, he quoted the Coroner’s findings, stating that the evacuees who remain in Britain today are in “involuntary exile” caused by the ongoing lack of housing, infrastructure and economic opportunities on Montserrat.<sup>118</sup>

Reviewing the evidence of (a) the GoM’s failure to prepare for a volcanic eruption; (b) the UK Government’s slow response; and (c) the failure of both governments to provide adequate public services on Montserrat during and after the crisis, I conclude that the evacuation of Montserrat was in response to a human-made social crisis, precipitated by a natural disaster.

#### *Effects on children*

The lack of consultation with islanders and poor standard of communication to potential evacuees likely added to the extremes of stress and anxiety being experienced by children and

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<sup>118</sup> Discussion by telephone, January 2022.

their families during the two years of intense eruptions and frequent internal relocations. This poor standard of communication from the UK's Home Office did little to promote confidence in the evacuees that Britain would be a welcoming new home. And perhaps that was the UK's Government's intention, since they were simultaneously funding alternative arrangements for evacuees on neighbouring islands (**International Development Committee, 1997a:xxv**). Either way, people delayed or extended their migration journeys, chipping away at their family resources and access to education and other services in the meantime.

Evidence for the effects of official policy on children is scant, but the sources above help to fill knowledge gaps. Whether children were subject to additional and unnecessary traumatising by various government actions, including inappropriate provision of information, drills, and inadequate evacuation arrangements, cannot be conclusively determined from the sources available. However, the lack of provision for mental health screening or support to children during the crisis potentially represents a violation of the right to health.

The evidence of removal of unaccompanied children from the island raises several concerns. Studies in other contexts demonstrate that temporary evacuation that separates children from their families during times of crisis can be more detrimental to children's emotional health than the effects of the crisis itself (Freud and Burlingham, 1943; Rusby & Tasker, 2009), and that the risk of child abuse and psychological difficulties is increased when children are left in the care of extended family or friends (UNICEF UK, 2017). In this case, children resided with families who were hitherto strangers to them, further increasing the risks.

The desperation felt by a parent who sends their young child unaccompanied to another country is a sad reflection of government failure to realise children's rights at home or to ensure children are relocated along with their families to a safe environment. The importance placed on continuity of education by relocated parents suggests that, had children's rights, particularly educational provision, been a higher priority for both GoM and the UK Government, fewer families would have felt compelled to relocate overseas or send their children unaccompanied to other nations for schooling.

The findings regarding housing and other conditions for people remaining on Montserrat demonstrate that both governments failed to adequately uphold human rights, including the rights of children to healthcare, education and an adequate standard of living. This resulted



from conflicting priorities between the UK Government and GoM, the lack of a relocation strategy, and disputed responsibilities between government departments. These failures led to delayed and disorderly evacuation, sometimes resulting in journeys with multiple stages; poor education and healthcare provision; and a reduced standard of living, potentially causing further morbidity and mortality. The fact that scant archival information exists documenting the direct effects on Montserrat's children, other than in the field of education, reflects adults' priorities and a focus on the most visible issues. That children were missing out on their education was undeniable, since school buildings were operating as dormitories for the internally displaced. But other easier to overlook and harder to measure indicators of children's wellbeing, such as mental health, are almost completely missing from the record.

By managing the evacuation through development channels and subcontracting support to external organisations, the UK Government failed to provide the requisite expertise, resources and oversight to the evacuation and resettlement. It also created internal tensions that diverted attention and resources from the needs of evacuees and people remaining on Montserrat. On the balance of the available evidence, I believe these factors contributed to the poor realisation of human rights for Montserratian children in the UK and on Montserrat.

## 7.4 Children's experiences in the UK

*"Diaspora this, diaspora that!  
Don't call me diaspora,  
Lest you aim to become an enemy!"  
- from the poem 'Diaspora' by evacuee Sharmen Greenaway (2011:2393)*

### 7.4.1 Arrival in the UK

The literature outlined in section 6.2 showed how children's experience of arrival in the UK was traumatic, and often followed a long journey with periods spent in intermediary countries. While archival documents provided few insights into the journey itself, archived newspaper reports, Parliamentary documents and interviews with local people help to illustrate the early days of relocation for evacuees.

To understand the early days of resettlement I will focus on the council area of Blackburn and Darwen, which provided at least seven "housing units" to evacuees (DETR, 1998). I chose this community since the local newspaper, the *Lancashire Telegraph*, documented the Montserratians' arrival in some detail:

“The party looked weary as they stepped off minibuses outside King George's Hall, where they were greeted by council officials, housing and social service representatives and members of the WRVS who had prepared a welcoming buffet. The group of four families had been travelling for 30 hours after flying from Antigua and spent nearly six hours in immigration at Gatwick airport before finally arriving at their new home.” (**Lancashire Telegraph, 1997a**)

The newspaper reported that voluntary organisations provided blankets and warm clothing to evacuees who arrived with only one suitcase. Overall, the articles give a sense of community spirit despite a lack of information or support from central government: “A council spokesman said: ‘We do not know any details about the group and they could even be travelling with children’” (**Lancashire Telegraph, 1997b**). Indeed: “One family arrived with their six children, aged from two to 19” (**Lancashire Telegraph, 1997a**).

While the newspaper’s reporting was positive, its letters page showed a mixed response from the wider community, especially when it was reported that some evacuees had turned down council houses in the area:

“Is it not time council chiefs thought a lot more about the people already in their constituencies and also the taxpayer who foots the bill for their kindness?” (**Lancashire Telegraph, 1997c**)

“Shadsworth councillor Tony Humphrys said the [evacuees] were ungrateful and did not give the estate, which has been greatly improved, a chance.” (**Lancashire Telegraph, 1997d**)

“no, Coun Tony Humphrys... they were not ungrateful - just decent, clean-living, law-abiding people who want to stay that way.” (**Lancashire Telegraph, 1997e**)

To gain a deeper insight into the situation described in these articles, I spoke to two former Blackburn and Darwen residents with connections to the evacuees. The first, a Darwen native, told me that around 40 evacuees were resettled in the area, including a family with a young daughter to whom his mother donated various items. He provided insights into the community response and the housing situation:

“Initially the Darwen families were in a centre for homeless before being rehoused.... [T]here was some controversy surrounding their housing situation in Blackburn. The families were sent to a quite rough estate in Blackburn and it would have been quite a culture shock to say the least. I believe they were well received by the residents although some of the refugees refused to live there. It was probably blown up out of all proportion at the time as I think the number involved who left to go to other areas where they had family was quite small and the others settled on the estate.”<sup>119</sup>

The second interviewee, who migrated from Montserrat to the Blackburn area in the 1950s, described the response of the existing diaspora:

“After the eruption we were involved in hospitality to those who were provided refuge in Blackburn.... I think that... there was [a] very positive attitude [from the wider community].... The Montserrat folk who were of Pentecostal persuasion were welcomed enthusiastically by the local congregation and some settled.”<sup>120</sup>

While the response was largely positive in Blackburn and Darwen, the national media response was not always so kind. Reporting on a similar situation in Sheffield, where evacuees had turned down council houses, a national newspaper alleged that the rejected homes had been “spruced up... at a cost of tens of thousands of pounds” and pointedly mentions that the families “are living on full benefits” (**Daily Mail, 1997**).

If reports like this were designed to turn the British public against their new neighbours, they often failed. This is important since many evacuees depended heavily on both the existing diaspora and the wider community while settling in. This was part of a deliberate government policy to pass responsibility for the evacuees’ integration on to local charities and individuals.<sup>121</sup> Or, as the Chair of the Montserrat Project Steering Group put it: “There is no resettlement programme for evacuees” (**Allen, 1998**). The Home Office information leaflet for evacuees advised:

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<sup>119</sup> Email exchange with male former Blackburn/Darwen resident in September 2020. Individual granted anonymity.

<sup>120</sup> Email exchange with male Darwen resident in October 2020. Individual granted anonymity.

<sup>121</sup> This was Home Office policy towards the Vietnamese refugees too, as shown in Chapter 5.

“When you get to your final destination in the UK do make contact with the community groups in the UK as they will be able to provide you with advice and support as you settle in.” (**Her Majesty’s Government, 1997**)

Yet, such groups did not exist in every area to which the evacuees were dispersed. Reverend de Mello, co-ordinator of an evacuee support group, complained:

“They get spread at the airport to places like Birmingham, Leeds, Leicester, Manchester, and in many cases they are isolated because although they are told there are Montserratian communities there in fact there are not many.”

(**de Mello, 1999: para.607**)

Reverend de Mello also complained that new arrivals were given no introduction to their new area. This supports a finding by the **International Development Committee (1998c)**:

“Beyond the bare assistance to enable Montserratians to get here, no concerted and specific measures were put in place by the United Kingdom Government to provide as smooth as possible a relocation to this country for people who were already distressed.”

My discussion with Montserratian academic and evacuee Dr Gertrude Shotte provides some context for the UK Government’s mishandling of the new arrivals:

“Britain did not want to take Montserratians. Immigration officials were not expecting us when we arrived. It was the international community who forced Britain to take us. This included influence from various international volcanologists... They called on Britain to make emergency moves to resettle people. However they were accused of scaremongering from certain political quarters.”<sup>122</sup>

These sources, combined with the paid repatriation scheme introduced in 1998, point to a pattern of, at best, indifference, and at worst a concerted effort to dissuade people from evacuating to Britain and to encourage those already in Britain to return home. As the following sections demonstrate, official provision for the new arrivals was severely lacking. As one anonymous evacuee later recalled, the British authorities “weren’t big on the humanity side” (**Mountain Aglow, 2019**). In many cases, it was only the goodwill of the communities to which they were dispersed which allowed Montserratian evacuees to maintain their dignity and right to an adequate standard of living.

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<sup>122</sup> Telephone discussion, 17 June 2020.

#### 7.4.2 Accommodation

Most archival accounts of Montserratian evacuees in Britain centre around poor housing. A document from **DETR (1998)** records that a total of 277 “units of accommodation” were provided in 22 council areas, with Birmingham and Leicester providing the most. These homes were only available for evacuees arriving under the Assisted Passage Scheme between 27 August 1997 and 31 January 1998. People paying their own passage were expected to make private arrangements.

Each local authority home attracted a £1,500 “Special Grant”, payable to the council, ostensibly for renovating and furnishing the property (**DETR, 1998**). Unfortunately, “Montserratians believed the £1500 would be given to them to assist them to buy furniture and begin the process of building a home” (Sives, 1999:36). Not only was this incorrect, but some councils may even have spent the cash elsewhere:

“Montserratian groups have argued that the introduction of the Special Grant has often encouraged local authorities to provide evacuees with hard-to-let housing which is in a poor and dilapidated state.... Evacuees arriving in the UK with few possessions other than clothing would... often find themselves allocated a house without even the most basic items of furniture.”

(Clay et al., 1999b:147)

Evacuees who paid their own airfares were denied even the £1,500 housing grant. For these families, “finding satisfactory accommodation... remains a major problem” (**Montserrat Project, 1998a:7**). In November 1997, Bernie Grant MP wrote to the FCO on behalf of his newly arrived Montserratian constituents who were being moved into “properties without any furniture, carpets or other essentials” (**Grant, 1997b**). Sives (1999) notes that some families paid for temporary accommodation while waiting for housing, even though the Special Grant was supposed to cover additional accommodation costs.

The £1,500 applied to each accommodation unit, *not* each individual evacuee. Thus, a local authority might be expected to accommodate five or more individuals with a one-off payment of £1,500. During the same period (1995-7), £8,000 was budgeted for the resettlement costs of *each individual* Bosnian refugee arriving in the UK.<sup>123</sup> And when Syrian refugees were resettled

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<sup>123</sup> This is according to an archived letter from the head of **Refugee Action (1998)**. I sought confirmation of this figure for Bosnian/Kosovan refugees. However, the relevant documents (“Special Grant Report No.68” and

in the UK in 2016, local authorities were paid £20,520 *per individual* over five years, with additional payments made to cover the costs of child refugees' education (**Local Government Association, 2016**). Adjusted for inflation, £20,520 per individual in 2016 would have been the equivalent of £12,286 in 1997/8,<sup>124</sup> more than eight times what local authorities received to accommodate entire Montserratian households. Thus, it appears that the Special Grant woefully underestimated the cost to local authorities of properly accommodating Montserratians.

The London Borough of Haringey housed "100 families and 60 adults" from Montserrat, according to evidence given by the borough's MP, Bernie Grant, to the **International Development Committee (1997a: para.155, 14 October)**. Yet Haringey Council appears not to have received any support via the Special Grant, suggesting that many more Montserratians were accommodated overall than official records of expenditure disclose. Bernie Grant told Parliament:

"Some [evacuees] have been put into bed-and-breakfast accommodation – in one case, a woman aged about 35, her 17-year-old son and 16-year-old daughter were put into one room." (**Hansard HC Deb., 18 February 1998**)

Other illustrative cases, some involving children, were recorded by **de Mello (1999)**:

"[Name removed] arrived with her two sons, one late teens, one early twenties. [They are] being temporarily housed in Emergency accommodation in an hotel in North London. She described her one-bedroom surroundings as 'depressing' and unsuitable for three adults."

"When he saw the flat, [name removed] was shocked. It was dirty, unfurnished and damp.... He applied to the Social Fund for a grant to buy the essentials: a bed, a fridge, a cooker, a carpet and some curtains. He was rejected. He applied for a loan, and again was rejected. He borrowed from friends to buy a bed and a cooker, a pan and some cutlery. He still has not got either a chair or a table and has not sat down for a meal for months. He describes his flat as 'soul destroying'

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"Special Grant For Kosovan Refugees HC636") have been removed from the parliamentary archives. I requested copies via FoI but they could not be traced.

<sup>124</sup> Calculated using [www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator](http://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator)

and repeatedly states his desire to return to Montserrat, however dangerous it is.”

“[Name removed’s] family [two adults and two children] have been placed in temporary accommodation in north London. There are four beds in one bedroom. To offer the son some privacy, they have put his bed in the kitchen. They have no pots, pans, furniture, sheets or blankets, and have no clothing that is suitable for an English winter.”

A letter from one Montserratian evacuee to her MP explains the situation in which she and her school-age daughter found themselves:

“I was shown to a really rundown, horribly dirty flat which I was told was my temporary accommodation. It was empty, the wallpaper was peeling and sticking out all over the place.... I was also told by the estate manager that I could apply for assistance to furnish the flat... I received a negative response.... I have had to borrow certain basic items to survive. As a result my daughter is suffering from bronchitis after sleeping without warm bedding and walking on cold floorboards. Please sir, we really need someone to look into the plight of us Montserratians. The people at the social fund are sometimes rude and nasty to us without aggravation.” (**Anonymous, 1997**)

The **Montserrat Project (1998b)** reported numerous other housing issues, including a lack of larger homes for big families (causing families to be split up, and then making themselves “intentionally homeless” when they moved to be closer together), children being housed in different boroughs to their school, and properties “filled” with asbestos. There are numerous reports of people sleeping in the homes of friends, family and acquaintances while waiting to be housed. A member of the post-war diaspora reported how she shared her home with five members of her extended family who had been evacuated from Montserrat, including two children:

“I had to put them up and was solely responsible for them from 29th December [1996] until some time in March [1997]. The system, the benefits and housing, was very hard.” (**International Development Committee, 1997a: para.582**)

Although this situation was precipitated by a lack of government support, it left evacuees in a Catch-22 situation:

“Some evacuees, upon arrival in the UK, lived temporarily with relatives or friends. In the event that these arrangements broke down, they have encountered problems in then accessing social housing. They have sometimes been classed by the authorities as having made themselves intentionally homeless and therefore not eligible for the same duty of care.”

**(Clay et al., 1999b:147)**

This was despite Baroness Symons’ assurances to Parliament that:

“Montserratians have the same rights to housing as other UK nationals and are unintentionally homeless and in priority need of accommodation (by virtue of being homeless due to an emergency).” **(Symons, 1998)**

In my discussion with Dr Gertrude Shotte, she attributed some early deaths among the evacuees to these living conditions. Specifically, she described deaths caused by the “heartbreak” of relocation, and the sudden change in lifestyle which saw whole families being packed into one small room.<sup>125</sup> The descriptions above of “depressing” and “soul destroying” housing conditions attest to the psychological impact of poor accommodation on the evacuees. While some could participate in decisions regarding their accommodation – as demonstrated by some families’ refusal to accept council homes in Blackburn and Sheffield – others appear to have had no such choice. Moreover, the lack of furniture, bedding and other household items left evacuees vulnerable to poor mental and physical health and forced them into an undignified and substandard mode of living, similar to that experienced in the shelter accommodation on Montserrat.

#### 7.4.3 State benefits

Linked to the poor accommodation provision was the government’s failure to ensure access to timely social security payments (state benefits). The provision of social security is a human right.<sup>126</sup> Nevertheless, archives show that evacuees faced problems securing regular state benefit payments and emergency loans and grants. These issues were exacerbated by problems accessing paid employment.

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<sup>125</sup> Telephone discussion, 17 June 2020.

<sup>126</sup> Provided by Article 9 of the ICESCR.



Like the Vietnamese refugees before them, many evacuees brought few possessions. One anonymous Montserratian mother described landing at Heathrow with “my three kids and the clothes on their backs. That’s it” (**Mountain Aglow, 2019**). Despite families’ urgent need for material support, an internal memo from the Ministry of Social Security in April 1996 shows that one scenario being considered was the provision of “pocket money only”, excluding the right to full state benefits (**Bowman, 1996b**). In response, it was advised that the term “pocket money” is inappropriate and “we must ensure we do not appear mean” (**Tempest-Hay, 1996**). Later that year, the law on receipt of social security was amended to provide that evacuees from Montserrat would be treated as British citizens for the purpose of claiming income support, housing benefit and council tax benefit.<sup>127</sup>

In 1998, responding to reports that evacuees’ benefits claims were being rejected because of delays in allocating National Insurance (NI) numbers, the government clarified that “possession of a National Insurance Number is not an essential prerequisite for claiming and receiving benefits” (**Her Majesty’s Government, 1998:x**). Nevertheless, evacuees continued to report being unable to claim benefits without an NI number. Moreover, Benefits Agencies were reportedly reluctant to issue temporary NI numbers to Montserratians “for fear of fraud” (**de Mello, 1999**).

“No NI number means no benefits, no grants or loans, no assistance for school or college, and makes taking above-board employment impossible. The waiting time between first applying for Job Seeker’s Allowance (JSA) or Income Support and actually receiving it has varied between four weeks and four months. This is putting extraordinary pressure on the individuals, and their friends and family.” (**de Mello, 1999**)

The **International Development Committee (1997b)** likewise found

“long delays for Montserratians in Hackney in receiving National Insurance numbers. This means in turn that they cannot collect benefits to which they are entitled. There were delays of not less than three weeks, sometimes six to eight weeks and an unhelpful bureaucracy.” (p.xxviii)

When Greenaway (2011) and her daughter arrived in London, the local benefits office knew nothing of the special arrangements in place for evacuees. Other Montserratians informed Greenaway that Diane Abbott MP was helping evacuees to apply in her Hackney constituency.

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<sup>127</sup> Article 4(3) of Income-related Benefits (Montserrat) Regulations 1996.

So Greenaway and her daughter made a three-hour bus journey to apply at Hackney benefits office. This patchy support system was replicated elsewhere:

“when you phone managers at Leeds benefit office, they say, ‘But a system is in position, it should not happen’, but in practice at local level it happens. People just cannot get the benefits.” (**International Development Committee, 1997a: para.576**)

I contacted Diane Abbott MP for comment, and she confirmed that: “The main issues that I dealt with in relation to Montserrat evacuees were housing and access to welfare benefits.”<sup>128</sup>

Bernie Grant MP told the House of Commons in early 1998:

“To a large extent, Montserradians who have come here, in the most seriously reduced circumstances, have been left to fend for themselves.... Many Montserradians have been left without sufficient funds to buy essential items of furniture and clothing.... Several families who visited me had little but the tropical clothing they stood up in, yet they were entitled to no help to equip themselves with warm clothing for the British climate.” (**Hansard HC Deb., 18 February 1998**)

Evacuees were, in theory, entitled to emergency funds via the Crisis Loan and Social Fund schemes to purchase essential items. A government document outlines how Benefits Agency staff should be notified of evacuees’ arrival and meet them at the airport to organise payments (**Her Majesty’s Government, 1998:x**). Yet the document does not outline any procedure for this and, as seen above, the authorities were frequently unaware of who would arrive when.

The delay in receiving an NI number also prevented people accessing emergency funds. Case studies brought before the Commons Select Committee by **de Mello (1999)** show the implications of these delays on families:

“Neither [name removed] or either of her sons has received any benefit as yet, over a month after signing on, as they have yet to receive a National Insurance number. They are surviving on friends’ generosity and a few savings from Montserrat... without a NI number, the young men were unable to obtain free education”

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<sup>128</sup> Email exchange, December 2020.

“For the first month, [name removed] survived on the benevolence of her friends, who are also accommodating their own Montserratian family. Paying the bus fares to take her daughter to school has proved extremely difficult, as did buying the uniform. It is not possible to claim money for these, or acquire a Crisis Loan unless in possession of a NI number.”

The **Montserrat Project (1998a)** reported: “It has been very difficult for most [evacuees] to secure Community Care Grants for clothing or furniture.... crisis loans have been non-existent or minimal” (p.9), and even some income support applications were refused (**Montserrat Project; 1998b**). Bernie Grant wrote that “the Benefits Agency is refusing grants and loans”, leading some of his Montserratian constituents to be “concerned about clothing their children and buying school uniforms” (**Grant, 1997b**). Haringey Council handed out warm clothing vouchers to some evacuees once the family’s needs were “assessed”, but these could only be exchanged at charity shops for second-hand clothing (**Haringey Council, 1998**). By contrast, Bosnian refugees arriving at the same time were “almost universally” given Community Care Grants, a “start-up grant for bedding and pots and pans” and a £100 clothing allowance,<sup>129</sup> funded by the Home Office (**Refugee Action, 1998**).

For evacuees who successfully received Social Fund support, **Clay et al. (1999b)** found that it came in the form of a repayable loan, rather than a cash grant. This debt inevitably caused additional financial pressure. Perversely, some evacuees in Britain survived on money sent by family in volcano-ravaged Montserrat.<sup>130</sup> To support elderly evacuees facing financial hardship, a **Montserrat Community Support Trust (1999)** newsletter advertised an “Elderly Advice Workshop” covering topics including “Hypothermia [and] Benefits”. The specific impacts on children of these violations of the right to social security are rarely mentioned, except as an extension of their parents’ situation. However, the **Montserrat Project (1998b)** records that 16-year-olds were refused college places, possibly for want of an NI number, potentially violating the right to education.

Finding work to alleviate poverty proved a further challenge. First, an NI number was required to access either paid employment or Jobseeker’s Allowance. Second, some evacuees’ qualifications and experience were not recognised in the UK. Dr Gertrude Shotte described

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<sup>129</sup> Approximately £174 today.

<sup>130</sup> Telephone discussion with Dr Gertrude Shotte, 17 June 2020.

how, despite having been a headteacher on Montserrat with a teaching qualification accredited by a British university, she was considered unqualified to teach in England.<sup>131</sup> While some evacuees did find work and ultimately have successful careers, there were instances of under-employment (Greenaway, 2011:1015).

#### 7.4.4 Immigration status

Dr Shotte referred to the evacuees as “inbetweeners” – not British citizens and yet not refugees – “They fell through the cracks”.<sup>132</sup> The parliamentary archives show confusion over the status of the evacuees at the highest level:<sup>133</sup>

“(Baroness Symons) The proposal [for funding the evacuation] was costed out at half a million pounds and the Home Office said categorically that in their experience of previous refugee crises the figure was too expensive.

(Bernie Grant, MP) But they are not refugees.

(Baroness Symons) Yes, but it is in the same sort of category.

(Bernie Grant, MP) No, it is not. They are British citizens....

(Baroness Symons) You say they are not refugees, no they are not but they do not have the right of abode in this country”

**(International Development Committee, 1997a:116)**

The Home Office nevertheless referred to the evacuees as “refugees” in a budgetary document, and oversaw reception and resettlement of Montserratians through its Refugee Section (**Home Office, 1998**). Until 2002, the evacuees experienced the worst of both worlds: not treated as citizens, and yet not entitled to the support received by ‘regular’ refugees. Refugees were allocated additional assistance in Benefits Agency offices; no such provision was made for Montserratians (**de Mello, 1997**). Reverend de Mello also noted that, in his experience of helping to resettle refugees from Africa, Asia and Latin America, those people were informed in advance of arrival of their living conditions, whereas no such information was provided to Montserratians.

Bernie Grant MP told the Commons:

“As [the evacuees] have found, a refugee or an asylum seeker has a better chance of being met and properly dealt with than a British overseas citizen.

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<sup>131</sup> Telephone discussion, 17 June 2020.

<sup>132</sup> Telephone discussion, 17 June 2020.

<sup>133</sup> Baroness Symons was Permanent Under-Secretary of State at the FCO.

They have not even been told how long they can stay – that matter has still not been resolved. The Home Office said that they could stay for two years or for as long as the crisis lasted, but no one has stated categorically what the position is.” (**Hansard HC Deb., 18 February 1998**)

The lack of a formal status or designation was at the root of Montserratians’ problems, stemming from the decision in 1981 to remove Montserratians’ citizenship rights (see section 7.3.1). The **Montserrat Project (1998a)** reported that temporary leave-to-remain caused ongoing problems, including: allocation of temporary, rather than permanent, accommodation; difficulties accessing employment or education; inability to take out loans; limits on international travel; and “fear that they may be sent back against their will” (p.6).

Four months after the first eruption in 1995, Home Office Minister Timothy Kirkhope was asked in the Commons whether evacuees would be granted the same right of entry as inhabitants of the Falkland Islands or Gibraltar. His answer was a simple “No” (**Hansard HC Deb., 30 November 1995**). Montserratians were given a two-year leave-to-remain, but by 1998 this period was expiring for the first wave of evacuees. The then Foreign Secretary, Robin Cook, was unable to give Montserratians any firm assurances regarding their future status in the UK, stating:

“I would hesitate to confer what is a legal term but I can assure you that nobody is contemplating any action against them.... we would like to be clear what it is we are offering to them before they receive the communication.” (**International Development Committee, 1998a: paras 45-46**)

Cook did, however, confer a different status on the evacuees, that of “homeless persons” (**International Development Committee, 1998a: para.63**). This, he argued, gave them priority for housing. Thus, in the absence of full citizenship rights (finally gained in 2002), evacuees were instead tagged with a series of confusing and humiliating labels, causing uncertainty and “great grief, which they have felt very deeply indeed” (**Bernie Grant MP, Hansard HC Deb., 18 February 1998**). As Zetter (1991) observes, there is “symbolism in labels” given to migrants (p.60); symbolism that brings assumptions about needs and capabilities (see also Chapter 2.2). This may explain Greenaway’s reluctance, as seen in the opening quote above, to accept the label of “diaspora”; yet another categorisation that carries “strong emotional connotations” of foreignness and non-belonging (Castles & Miller, 2009:31). After all, before landing in Britain, Montserratians had believed themselves to be British.

In 1998, the **Montserrat Project (1998a)** argued that granting British citizenship was “the one, single initiative, that would significantly ease the plight of Montserratians” in England (p.10). When Robin Cook mooted the idea of offering full citizenship rights to BOT inhabitants that same year, the *Daily Mail* newspaper warned that “Cook’s passport plan may open floodgates” for “up to 160,000 migrants” from BOTs to Britain (**Eastham, 1998**). Such alarmist reporting may have helped delay the decision, which was eventually formalised four years later. The effect of negative headlines on evacuees’ sense of identity and security is not recorded. However, there are reports from this time of Montserratians being subjected to “racial discrimination in the form of verbal abuse, physical assaults, general remarks, racist graffiti to property and stones thrown at windows” (**Montserrat Project, 1998b:4**). How these issues were experienced by child evacuees is not recorded in archival sources.

#### 7.4.5 Education

In both the literature and the archival documents, the sole area where children’s experiences come to the fore is education. Dr Shotte described to me some of the educational challenges faced by evacuee children who had been her students on Montserrat:

“School children suffered terribly in the UK. Some children who had been straight-A students in Montserrat were held back a year. They were not given opportunities in school to study what they wanted and were discouraged from pursuing certain career paths, deemed ‘too ambitious’.... The irony was that lots of families chose to come to the UK because of its reputation for education. Some had initially gone to other Caribbean islands, the USA or Canada but when given the opportunity, relocated to the UK for better schooling.”<sup>134</sup>

In her interview, Dr Shotte also described how the children’s heritage and culture was not acknowledged, with many British schools registering evacuees as ‘Jamaican’. Visiting her former pupils at a school in Birmingham, she noticed a map in the corridor highlighting the countries of origin of the students. When she commented that Montserrat was not represented, the teacher pointed to Jamaica.<sup>135</sup>

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<sup>134</sup> Telephone discussion, 17 June 2020.

<sup>135</sup> Telephone discussion, 17 June 2020.

A significant sum was spent on the Montserrat Emergency Awards Scheme to help adult evacuees attend university in the UK. The scheme supported six higher-education students in the 1997/8 academic year, rising to 198 students by 1999/2000 (**Hansard HC Deb., 25 May 1999; Hansard HC Deb., 3 February 2000**). Yet, gaining the exam results to enter higher education was an uphill struggle for some child evacuees. Diane Abbott MP noted that:

“One of the problems that Montserratian parents find, which might surprise some hon. Members, is that their children are rather further ahead than some of the children in our inner-city schools.” (**Hansard HC Deb., 18 February 1998**)

Ms Abbott reiterated this point, without prompting, in our email exchange some 22 years later.<sup>136</sup> While their high attainment should have been to the children’s advantage, Dr Shotte explained that the evacuees were, conversely, assumed to have had an inferior level of education on Montserrat, and were sometimes held back a year to ‘catch up’.<sup>137</sup> An article from *The Times* newspaper’s archive noted how:

“Families evacuated from Montserrat are so disappointed with standards in English schools that they are organising weekend lessons for their children... in London, Birmingham and Manchester.” (**Charter, 1997**)

Extra tuition may have placed an additional financial burden on these families. The literature also attests to poor educational attainment by Montserratian evacuees in Britain (Windrass & Nunes, 2003; Shotte, 2003; Brown, 2015).

**Clay et al. (1999b)** found that: “Children of school age are disproportionately represented amongst those returning or applying for assisted return passage since May 1999” (p.142). This was confirmed to me by Dr Shotte, the former headteacher of many of these children.<sup>138</sup> There is significant evidence, therefore, of children being failed by the education system in Britain, to the extent that educational under-attainment became a push-factor for repatriation.

Moreover, there is no evidence in the archives that children received support via their schools for the trauma they had experienced as a result of the disaster and their relocation. This does not mean that none was offered. However:

“‘Official’ refugee children, like children from Somalia, were offered counselling and other services to help them settle. Nothing of this sort

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<sup>136</sup> Email exchange, December 2020.

<sup>137</sup> Telephone discussion, 17 June 2020.

<sup>138</sup> Telephone discussion, 17 June 2020

was offered to Montserratian children because they did not have refugee status.”<sup>139</sup>

Receiving psychosocial support is crucial for children, who “may well feel deeply disturbed and physically exhausted by their journeys”. Thus, “[c]onsideration of refugee and migrant children’s psychosocial wellbeing and mental health should therefore encompass not only the adverse experiences in countries of origin, but also the impact of journeys and the process of resettlement” (Watters & Derluyn, 2018:370). As the institution with which children have the most contact outside of the family, schools are in a unique position to notice and respond to children’s needs for psychosocial care. Evidently, schools did not, however, routinely refer Montserratian pupils for counselling or other support.

Dr Clarice Barnes told me that, among the school-age Montserratian evacuees she interviewed in the late 1990s, the overall impression was of children enjoying school-life. However, these children still required psychosocial support, which they received within their community “through a self-help process”,<sup>140</sup> suggesting that children who thrived did so *despite* their schools’ inaction.

Overall, children’s education suffered as a result of judgements about their background, which prejudiced teachers’ assessments of their academic abilities.<sup>141</sup> This could have been rectified had the educational authorities informed schools about the children’s prior schooling and the educational standards and curriculum on Montserrat. Dr Shotte told me that children who evacuated to other Caribbean islands with the same education system as Montserrat received better grades than evacuees in the UK.<sup>142</sup> This suggests that the problem lay in the UK school system, rather than in an intrinsic inability of these children to learn due to, for example, residual trauma. Further research would be needed to understand the effects of under-attainment on the children’s later life chances, for example through access to higher education and work.

#### 7.4.6 Conclusion

I attribute the inadequacy of the accommodation and other services provided to Montserratians in the UK to the government’s failure to anticipate and prepare for the

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<sup>139</sup> Telephone discussion with Dr Gertrude Shotte, 17 June 2020.

<sup>140</sup> Email exchange, November 2020.

<sup>141</sup> The same was true for Vietnamese children entering the UK school system in the 1980s (see Chapter 5.5.1).

<sup>142</sup> Telephone discussion, 17 June 2020.



evacuees' arrival, to collect and communicate data on the numbers arriving and their individual requirements, and to make sufficient funding and accommodation available regardless of how evacuees paid for their passage. It also suggests a failure of (some) local authorities to appropriately allocate the Special Grant funding and ensure that housing was of sufficient quality to guarantee an adequate standard of living. Meanwhile, under two successive governments, the Department for Social Security failed to uphold the human right to social security and, by extension, the right to an adequate standard of living for the evacuees.<sup>143</sup> Consequently, some evacuees were also excluded from access to healthcare,<sup>144</sup> education<sup>145</sup> and employment<sup>146</sup> for a period of time.

While some of these failures might be understandable in a sudden-onset disaster, the slow-onset nature of Montserrat's volcanic crisis should have given the UK authorities ample time to plan the evacuees' reception. Bernie Grant MP argued that:

"A proper system, specifically for them, with adequate financial aid, should have been established by the previous [UK] Government as soon as it became clear that Montserratians would come to the United Kingdom in considerable numbers." (**Hansard HC Deb., 18 February 1998**)

Yet, despite ample opportunities, this did not happen, resulting in under-attainment of the human rights of some evacuees, including children.

These examples are strikingly familiar to the Vietnamese refugees cited in Chapter 5.5.1, who also found themselves dispersed to poor quality, poorly furnished and cold homes in the UK. However, in some ways, Vietnamese and other refugee arrivals in the late twentieth century received more support than the Montserratians. The UK authorities chose to make Montserrat a special case. Had reception centres been made available, as they were for Vietnamese and Bosnian arrivals, some settling-in problems could have been avoided, according to **Refugee Action (1998)**. Yet, the head of Refugee Action also noted that such an approach would have been "expensive", and advocated instead for remedial actions such as extending the Special Grant to housing associations, and ending the dispersal policy. I saw no evidence that his recommendations were taken on board. Instead, Montserratian children were forced to spend their early years in Britain living in cramped, cold and even dangerous conditions, contrary to

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<sup>143</sup> Provided by Articles 9 and 11 of ICESCR respectively.

<sup>144</sup> Article 12 of ICESCR.

<sup>145</sup> Article 13 of ICESCR and Article 28 of the CRC.

<sup>146</sup> Article 6 of ICESCR.

their right to an adequate standard of living and affecting their attainment of good education and health outcomes. The fact that even the head of Britain's foremost refugee advocacy agency did not consider the Montserratians worthy of "expensive" (i.e. adequate) treatment suggests a bias against this particular population. Whether this was due to their race, origin, legal status or another factor is hard to determine from the available evidence. Yet Montserrat's evacuees nevertheless received a different reception to refugee arrivals, blighting their early days in Britain.

My findings concerning arrival, immigration status, accommodation and state benefits apply to evacuees of all ages, including many families with children. However, I found that children's distinct experiences were largely missing from archival accounts (as well as the literature). As other scholars have discovered, children are often presented in narratives of migration as 'possessions' of their parents; their experiences constructed within the experience of the wider family (e.g. Bhabha & Young, 1999; Orellana et al., 2001; Todres, 2014; Christensen & James, 2017; Thronson, 2018). This has the effect of silencing children's voices and overlooking their particular concerns.

The assumption that children are malleable and adaptable serves to assuage adults' guilt; thus, it is inconvenient to seek children's viewpoints (see also Chapter 5.5.1). Moreover, as Hart (2009) argues, child refugees are "likely to experience [their parents'] stress and trauma vicariously" and will "often experience regular and sudden upheavals such as being re-housed or changing schools". Anxiety around legal status, housing and income can cause stress to adults, which may be felt by children. Hart also notes that attempts to "protect" children from the full knowledge of their parents' concerns may have the opposite effect; making children anxious because of a lack of information and control. It can be extrapolated, then, that the anxieties facing Montserratian parents/guardians would have passed vicariously to their children. In Barnes' (1999) study, one 10-year-old evacuee expressed confusion at not being allowed to play outside her new home: "Mummy would not let me go. I don't know why." Moreover, children faced the consequences of government decisions in their everyday lives, with disruption to living arrangements, schooling, friendships and so on. Another child evacuee cited in Barnes (1999) described her cramped accommodation: "I had to end up on a small floor in a passage sleeping with cousins". Another said "girls are not coping well".

Decisions about immigration status may therefore have eroded children's mental wellbeing and access to education, culture and social support networks, in addition to leaving them at increased risk of racist abuse as documented by the Montserrat Project. As with Vietnamese refugees, this distress and abuse stemmed from the UK Government's inability to plan for and properly execute a human rights-based resettlement plan.

Over the course of 18 months, I endeavoured to access every archival record available which documented the arrival of Montserratian evacuees to the UK, and to speak to people who could help fill the many gaps in those records. Using available sources, which lacked many children's voices, means I have somewhat perpetuated the bias in the existing literature towards adults' narratives. However, my intention throughout has been to understand how the various UK Government policies towards the evacuees filtered down into the experiences of children. What is plain from the available sources is that the UK's response to the Montserrat crisis was severely short-sighted, and lacked a human rights-based approach to ensuring that basic needs were met. The evacuees were let down in numerous ways by official mechanisms that should have assisted them. This left many Montserratians, including children, in unsuitable accommodation without access to financial support to which they were legally entitled, forced to go cold and hungry as they waited for benefits payments, without access to mental health support, split up from family and support networks, with inadequate educational or employment opportunities, and without permanent residency rights for a prolonged period during which their lives were put on hold. These problems applied to both children and adults, and the lifelong effects of these issues may have damaged children's opportunities as they grew older.

Campbell (2012) defines 'relocation' as having two main components: (a) the permanent or long-term movement of a significant portion of a community from one location to another, while (b) preserving "important characteristics of the original community, including its social structures, legal and political systems, cultural characteristics and worldviews" (p.59). That the Montserrat evacuation met the first component but not the second represents a further failure by the British authorities to protect the culture and integrity of the community; an important lesson for future planned relocation schemes.

In my Vietnam case study (Chapter 5), I concluded that child refugees who settled in the UK faced various human rights violations because of state failures. Moreover, regularisation of

their legal status, through the granting of indefinite leave-to-remain after five years, brought about the biggest improvement in their situation. That the same findings apply to the Montserratian children forces me to draw two conclusions: first, the UK authorities struggle to learn lessons from previous migration scenarios, even those in the recent past; and second, giving immigrants regularised status (either through full citizenship rights or indefinite leave-to-remain) is the single most effective method for ensuring protection from abuse and upholding their human rights.

## 7.5 Long-term impact and Montserrat's future

*"I want to come from somewhere."  
– Montserratian migrant in the UK, fearful that her island would be destroyed  
(cited in Mennear & Lancaster, 1999:26)*

Some evacuee families in the UK soon "yearn[ed] to return" to Montserrat (**Lancashire Telegraph, 1998**). In May 1999, as volcanic activity reduced, DFID introduced a voluntary Return Air Fare Scheme to cover the costs of repatriating evacuees who had suitable accommodation to which they could return (**Hansard HC Deb., 26 March 1999**). Yet the **Montserrat Community Support Trust (1999)** warned evacuees that: "The island's Ministry of Housing has informed that it is presently unable to make a contribution to housing returnees" due to the severe shortage of homes on Montserrat.

By 31 May 2000, 83 people had benefited from the Return Air Fare Scheme; just 2.3% of the 3,543 registered evacuees. Neither governments kept statistics on people returning without assistance (**Hansard HC Deb., 28 June 2000**). The potential blocks to repatriation following any relocation scenario include: lack of resources and property rights; lack of infrastructure and economic opportunities; irreversible environmental degradation; and the risk of further natural disasters (Ionesco et al. 2017). These may all have been factors in decisions around repatriation to Montserrat. As one islander reported in 2016: "There are lots of people in England who would like to come back, but... [t]hey need land to come back" (cited in Schuessler, 2016).

Shotte (2007) divided evacuees into seven groups depending on their views on repatriation. They included people who were happy with the support and opportunities they received in

Britain and wanted to stay, even if just “for a little longer”; people who had struggled to adapt to life in Britain or been unable to find gainful employment and who wished to return quickly; parents delaying repatriation until their children finished school; and those waiting to see how the situation on the island developed before making a decision (p.55). As mentioned above, families with school-aged children were over-represented among those applying for assisted return.

Interestingly, environmental degradation and the risk of further volcanic activity were not reported as major factors in repatriation decisions (Shotte, 2007). This demonstrates the extent to which people were concerned with the socio-economic impact of the natural disaster upon their lives, rather than the immediate dangers of the disaster itself, something found by Skelton (1998) in her interviews with Montserratian evacuees. Only two out of 50 people interviewed by Skelton gave “fear of the volcano” as a reason for leaving; the majority cited reasons connected to being made homeless and unemployed (despite these being direct effects of the volcanic crisis). Kraler et al. (2020) observed this in other situations of environmentally driven migration, causing difficulty in ascribing an environmental origin for migration decisions.<sup>147</sup> In a poem by former child evacuee Jo-Annah Richards, the speaker describes how she continues to long for her homeland *despite* the volcanic threat:

“...my soul is tied to my land, my home  
Physically in a strange land my body roams  
Yearning for home is my epic misery  
Volcanic dormancy, is my problematic mystery.”  
(Extract from ‘Chaotic Paradise’, in Richards, 2019:4).

In March 1999, Minister for International Development George Foulkes reassured those wanting to return that “risk levels of a major volcanic eruption are now similar to those in other Caribbean volcanic islands” (**Hansard HC Deb., 26 March 1999**). Yet small earthquakes, rockfalls and emission of sulphur continue to the present day, a constant reminder for islanders of the threat in their midst. Even greater reminders are the Exclusion Zone, which still envelops more than half of the island, and the former homes and villages encased in volcanic deposits. Thus, ongoing environmental degradation must inevitably play a role in repatriation decisions, given its enduring effect on the island’s economy, public services and way of life.

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<sup>147</sup> In Chapter 5 I discussed how, for various reasons, Vietnamese refugees often also ascribed their migration to non-environmental drivers, even when the root cause had environmental factors.

## 7.6 Final conclusions

*“Relocation of communities should be a strategy of last resort”  
– Barnett & Webber (2012)*

When I set out to study the effects of natural disaster on the children of Montserrat, I envisaged a very different project. My aim was to understand the long-term effects of migration on child evacuees, and understand which government policies contributed to these effects, through speaking to the evacuees themselves. When this methodology became impractical for reasons outlined in Chapter 3.2, I turned to archival records and key witness discussions. In doing so, I uncovered a different – and possibly broader – range of issues than I might have done in speaking to former child migrants. I discovered systemic failures to protect human rights both on Montserrat and in the UK, the documentation of which had remained largely hidden for more than two decades. In the tradition of the human rights investigator, I felt a responsibility to shine a light on my findings, even where they did not relate strictly to the original research questions. I also found serious gaps in the official record concerning the numbers evacuated and the composition of the migrant population, which I have tried to fill. In doing so, this chapter has had a broader scope than first planned. However, excluding some of the most important findings would have meant failing to do justice to those individuals affected by government failures, and perpetuating the concealment of knowledge about the crisis.

Nevertheless, many actions and failures of the UK Government and GoM are not set out here, or are only given brief mention, as they are too far outside the scope of my investigation. Some of the people to whom I spoke asked me to publicise particular areas of lasting concern for Montserratians, and they may be disappointed to read that those concerns are not outlined here.

My overall finding from this case study is that, during and following the volcanic crisis, the UK Government and GoM made a number of mistakes and deliberate policy decisions which violated the rights of children. In summary, these failings fall into eight areas:

- 1. Inadequate disaster preparedness.** This left the population, and particularly children, highly susceptible to the volcanic hazard.

- 2. Absence of public information and consultation.** Failures to provide timely and accurate information on volcanic hazards and evacuation plans resulted in suspicion, confusion and anxiety. Failure to consult people about their wishes for the future resulted in intolerable relocation arrangements, or prevented people being able to choose to stay on the island in conditions that were acceptable to them.
- 3. Delays in instigating the evacuation schemes.** This left islanders at risk of morbidity or mortality from the effects of the volcano, and meant that only wealthier islanders initially had any choice over their relocation options. It also caused many families and children to suffer prolonged relocation journeys, sometimes residing temporarily in several locations before settling in the UK, which depleted family resources and increased the mental strain of relocation.
- 4. Insufficient data gathering and documentation of demographics and population movement.** This prevented decisions being made which targeted individual's needs and, in particular, overlooked the specific needs of children.
- 5. Lack of focus on children's experiences and rights.** Throughout the eruptions and evacuation, children's experiences went largely unrecorded, and children's rights, including access to education, healthcare and an adequate standard of living, were deprioritised. The lack of fulfilment of children's rights was compounded by an absence of disaggregated data showing the whereabouts and requirements of the child population.
- 6. Lack of a broader human rights approach.** Human rights law, which is applicable on Montserrat via the UK's treaty ratifications and Montserrat's Constitution, provides a checklist of the authorities' obligations. Disregarding this led to inadequate living conditions for children and adults alike. The lack of a human rights-based approach to resettlement, furthermore, caused delays in provision of essential services to people evacuated to the UK, underfunding of public services for evacuees, and inadequate reception arrangements to aid integration.
- 7. Poor coordination between UK Government departments and the GoM.** Confusion and conflicting priorities within and between the two governments caused delays in evacuating people away from danger, insufficient service provision for the internally displaced and those evacuated to Britain, and increased anxiety and uncertainty for evacuees.
- 8. Lack of an appropriate designation for the evacuees.** The delay in providing full citizenship to evacuees resulted in years of confusion about their rights and status in

the UK. Practical implications included the denial of National Insurance numbers and contingent services such as access to education, work and benefits. Psychologically, it left evacuees in limbo as 'citizens of nowhere'.

None of these outcomes were inevitable. They resulted from decisions taken at the highest levels of government. Learning from them may reduce the vulnerability of Montserrat's children in the face of future natural hazards (see Chapter 8).

These findings drove the following conclusions in relation to the six research questions I outlined in Chapter 6.1.1.

First, while the volcanic eruptions were the main driver of internal migration on Montserrat from 1995-1997, they were not the main driver of migration from Montserrat to the UK during this period. The poor socio-economic conditions on Montserrat following the first eruptions were the primary motivation for overseas migration. As such, the UK Government and GoM failed to take sufficient actions to prevent overseas migration becoming a necessary adaptation strategy.

Second, similar harms were suffered by children who remained on Montserrat and those who migrated to the UK. These included potential violations of the rights to an adequate standard of living, healthcare – particularly mental health – and education. The perpetrators of these abuses were the two governments, which failed to safeguard the rights of children and their families. These abuses could have been prevented with adequate disaster preparedness, a better understanding of the population and its requirements, a focus on children's human rights and the importance of keeping families together, and better coordination within and between the two governments.

Third, lack of a clear designation of evacuees as either British citizens or refugees allowed them to 'fall through the cracks' of public policy, further preventing their rights being realised in the UK. This is particularly apparent in the different treatment given to those who migrated via assisted relocation schemes and those who made their own way to the UK. Both groups arrived via legal and regular routes of entry; however, a false distinction was made that resulted in additional hardship for the second group.



Fourth, the legal status of the evacuees was the single biggest determinant of fulfilment of their human rights in the UK. The fact that they were fleeing (a) a natural disaster, which was (b) in a British territory, combined to *reduce* their right to the range of protections normally offered to asylum-seeking refugees. On the other hand, they were spared the often gruelling refugee determination process and had, on paper at least, access to certain entitlements from the moment of arrival. In this situation the designation of “evacuee” from a natural disaster provided less protection than the option of formalising their status as British citizens. This finding suggests that, for future such events, the category of environmental evacuee/refugee should be strengthened to provide assurance of a set of entitlements that is comparable to those afforded to people with indefinite leave-to-remain.

The fifth question will be examined in the next chapter, as we turn to the future of Montserrat, and its current vulnerability to natural disasters and environmental change. Regarding the sixth question, the sole change that has been made in the interim that would ensure a better outcome for Montserratians migrating to the UK today is the right to apply for British citizenship. This only applies to inhabitants of BOTs, however, and would likely change if Montserrat’s constitutional arrangement with Britain changes in the future, for example if the island achieves independence. Meanwhile, in any future scenario of assisted migration to Britain from a non-BOT small island developing state at risk of climate change, migrants would likely face many of the risks and abuses suffered by the Montserratian evacuees. Given the present immigration landscape in the UK, any such formal offer of protection is currently extremely unlikely. The scale of the climate crisis may yet force a change in this approach, and I argue for this in later chapters.

When compared to irregular migration from Vietnam, the case of Montserrat shows that assisted relocation that allows migrants to move across borders in a regular fashion prevents the very worst outcomes: deaths due to dangerous journeys, criminal exploitation, detention, and large-scale family separation resulting in mass unaccompanied child migration. With improvements, the Montserrat case could be used as a model for future assisted relocation schemes for communities facing climate-related environmental degradation. Such schemes would currently be at the UK’s discretion and outside the remit of international or regional refugee law. The Montserrat case provides numerous learning opportunities for conducting such a scheme to the best advantage of both the evacuees and the host communities. The

coming chapters consider the need for, and benefits of, assisted relocation schemes for Montserratian and Vietnamese nationals in the context of climate change.

## Chapter 8 – Horizon-scanning for future risks

### 8.1. Introduction

*“Preparedness is key”*

*- Montserrat resident Cathy Buffonge (1999:26)*

#### 8.1.1 Aims of this chapter

This chapter is an exploration of potential future environmental drivers of migration from the Mekong Delta and Montserrat. It uses a horizon-scanning process taken from eco-global criminology and applies my own adapted conceptual model of environmentally driven migration to investigate the various push factors in each location. Alongside extant studies, it references historical findings from my case studies above to inform our understanding of the contemporary migration situation.

Horizon scanning in eco-global criminology employs “comparative transnational research” to understand why harms occur in certain locations and to avoid ad hoc, reactive responses (White & Heckenberg, 2014:40).<sup>148</sup> This chapter uses “comparative transnational research” from Vietnam and Montserrat to answer the fourth and fifth research questions:

Question 4. Which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?

Question 5. How might climate change mirror the historical environmental impacts seen in Vietnam and Montserrat and will it produce similar patterns of migration in those places in the future?

#### 8.1.2 What is horizon scanning?

This thesis uses the framework of eco-global criminology to understand past environmental harms, predict future risks and recommend protective measures for migrants and people remaining *in situ*. Documenting harms in the useable past, as I have done in Chapters 4 to 7, aids identification of patterns of victimisation and perpetration. Eco-global criminology forecasts the potential for future harms via horizon scanning. By understanding the harms suffered by (child) migrants from Vietnam and Montserrat resulting from historical environmental degradation, I make predictions about future risks to potential environmental

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<sup>148</sup> White is the founder of eco-global criminology and his book with Heckenberg, *Green Criminology* (2014), sets out the foundations of the discipline.

migrants. To mitigate these risks, knowledge about “chains of harm” (White & Heckenberg, 2014:42) – identified through analysis of historical perpetrators, legal gaps and policy failures – is used to inform recommendations for future legal and policy responses.

Horizon scanning in eco-global criminology is both “an intellectual exercise and a planning tool” (White & Heckenberg, 2014:40) to identify and respond to poorly recognised and poorly understood threats. Its end goal is to propose policies that prevent future harms. Key principles in this process are:

- Intergenerational equality: ensuring that future generations enjoy a healthy environment.
- The precautionary principle: taking measures to avoid harm even if the risk cannot be fully established scientifically.
- Transference over time: avoiding harms being transferred and their cumulative and compounding effects. (White & Heckenberg, 2014)

Eco-global criminology encourages the application of diverse and unconventional approaches to interrogate the multifarious impacts of environmental degradation (White, 2017).

Consequently, suggested legal and policy responses may likewise be unconventional, and thus “may occasionally sit uncomfortably with the existing institutional status quo” (White & Heckenberg, 2014:43).

White & Heckenberg (2011) developed a 13-step process for horizon scanning. I have adapted this and applied it in the table below to Vietnam and Montserrat.

**FIGURE 12: STEPS IN ENVIRONMENTAL HORIZON SCANNING**

| <b>Process</b>  | <b>Horizon scanning for Vietnam &amp; Montserrat</b>   | <b>Stage</b>     |
|---|--|------------------|
| Step 1: Identify a broad ecological issue.  | Vietnam: Climate change & ecologically deleterious activities in the Mekong Delta.<br><br>Montserrat: Climate change exacerbating natural disasters.   | <b>Stage One</b> |
| Step 2: Ask what harm is related to this now and in the future.                       | Vietnam: Primary harms include flooding from the Mekong River and the sea; salinisation of land; drought; stronger and more frequent typhoons and changes in rainfall patterns.<br><br>Montserrat: Primary harms include stronger and more frequent hurricanes; increased rainfall leading to volcanic eruptions and mudslides; flooding; depletion of fisheries.<br><br>In both locations, secondary harms include forced and voluntary displacement (and consequent risks); loss of livelihoods and property; reduced standards of living; and reduced access to healthcare, education and other services. |                  |
| Step 3: Draw on wide range of sources across disciplines.                             | Human rights discourses; scientific climate data; I/NGO research; government analyses; migration theory and refugee studies; conflict theory; human geography; children’s geographies; natural disaster studies; trafficking data; demographic data.   |                  |
| Step 4: Drill down to a specific topic.   | Human rights implications of internal and external displacement, particularly on children. Analysis of the predicted effect of climate change on realisation of human rights.  | <b>Stage Two</b> |
| Step 5: Read widely on specific topics.   | See literature reviews in Chapters 2, 4, 6 and studies cited below on past, current and future environmental change and social consequences.   |                  |
| Step 6: Collect relevant information and data.  | Information about specific natural disasters and instances of migration and exploitation, past, present and future, in the two locations. Data presented in Chapters 5, 7 & 8.   |                  |
| Step 7: Investigate the phenomena using the environmental horizon scanning framework. | Application of the three concepts: substantive orientation (risks, harms and causality), justice orientation (in this case, environmental justice through a human rights lens) and futures orientation (intergenerational equity, precautionary principle and transference over time). Identifying for each location: the populations at risk; the reasons for their vulnerability; and the variables that contribute to harm.   |                  |
| Step 8: Analyse and interpret the information.  | Analysis of the victimisation of children in particular and displaced people generally from the two locations.   |                  |

|  |  |                    |
|--|--|--------------------|
| Step 9:<br>Extrapolate the key emerging trends.  | Vietnam: State-organised relocation, leading to unsustainable livelihoods and an inadequate standard of living, in turn driving emigration.<br><br>Montserrat: Continuing lack of adequate housing and failure to adequately prepare for future natural disasters.   | <b>Stage Three</b> |
| Step 10:<br>Analyse the power relationships causing harm / victimisation.                      | Vietnam: Authoritarian government that prevents consultation with affected communities or redress for rights violations.<br>Montserrat: Continuing poor relations between Montserrat and UK governments, leading to underfunding of development and poor disaster preparedness.  |                    |
| Step 11:<br>Theorise responsibility for harm; identify perpetrators and levels of culpability. | Vietnam: Local and national government, which fails to protect human rights, forcing people to relocate to unsuitable locations, and ultimately pushing them to migrate overseas. Harm and exploitation is also caused during migration (for example by traffickers, smugglers and border authorities) and in destination countries (by state and non-state actors).<br><br>Montserrat: Government of Montserrat (GoM) and UK Government, which fail to ensure the right to adequate housing and economic opportunities on Montserrat currently, and have failed to protect human rights in previous natural disaster and migration scenarios. Failure by the GoM to prepare for disaster and mitigate future harms. |                    |
| Step 12: Reflect on ways to forestall or mitigate harms.                                       | In both locations, the international legal framework around migration needs to better protect environmental migrants' rights. Individual countries should develop migration schemes that fit both the needs of individuals and nation states as mass climate migrations begin (see Chapters 9 and 10).   | <b>Stage Four</b>  |
| Step 13:<br>Communicate the findings.  | To governments of both sending and receiving countries; the IPCC; I/NGOs; academia; and communities fighting for realisation of their rights.  |                    |

For clarity and brevity, I have simplified these 13 steps into four horizon-scanning stages (see right-hand column). The first three stages are the subject of this chapter. Stage Four is covered in subsequent chapters, while communication of the findings continues in various ways outside the work of this thesis.

**Stage One:** Identifying a present or future ecological issue and its associated harms.

**Stage Two:** Employing various sources and data to interrogate the issue.

**Stage Three:** Identifying the causes of child migration and exploitation.

**Stage Four:** Making and communicating recommendations.

## 8.2 Stage One: Identification of an ecological issue and its associated harms

This section considers the risks facing Vietnam and Montserrat from environmental change and the associated harms for their populations, particularly children.

### 8.2.1 Vietnam

**FIGURE 13: MAP OF THE VIETNAMESE MEKONG RIVER DELTA TODAY**



Modern map showing the delta region in southern Vietnam and Ho Chi Minh City.

Source: Kuenzer et al. (2013).

People living in Vietnam's Mekong River Delta are especially vulnerable to climate change impacts, including: increasing frequency and severity of flooding and storms; drought; and salinisation of soil (e.g. Asian Development Bank, 2010; Dun, 2011; Socialist Republic of Vietnam, 2011; Entzinger & Scholten, 2016; Chapman and Van, 2018). Human activities including mining for sand cause further environmental degradation, particularly erosion (Tuoi Tre, 2017). There is a strong trend of migration within and away from the Delta region, particularly rural-urban internal migration (Foresight, 2011), planned relocation schemes (Dun, 2011; Entzinger & Scholten, 2016; Ionesco et al., 2017), and emigration to neighbouring countries such as Cambodia (Dun, 2011) and further afield including Europe and the USA (UN Economic and Social Council, 2017; Beadle & Davison, 2019). Nevertheless, the population is growing (Szabo et al., 2016).

Despite harsh environmental conditions which make livelihoods difficult to maintain (Chapman and Van, 2018), many studies on household motivation for migration in Vietnam do not show environmental causes as the primary driver. A meta-analysis of three studies showed that motivations for migration across Vietnam were: Social: 49%, Economic: 46%, Political: 1%, Other: 4% (Chappell, 2011:7). Other strong drivers of recent migration in Vietnam include

community migration norms (Zimmerman et al., 2015), links to the Vietnamese diaspora (Beadle & Davison, 2019) and marriage (Chappell, 2011; General Statistics Office, 2012).

The low numbers of respondents citing climate/environmental change as a push-factor, despite the clear environmental pressure on households, has several possible causes. First, people in the Mekong Delta may not perceive climate change as a risk (Kim & Minh, 2017; Halstead et al., 2020) or connect their situation with climate change (Gustafson et al., 2018). This is likely to be truer of slow-onset changes, since people in the Mekong Delta are more risk averse after experiencing a sudden catastrophe compared to creeping environmental changes (Reynaud et al., 2013; Liebenehm, 2018). Second, slow-onset changes, like soil salinisation, are a “first order” impact of sea level rise (Ingram et al., 1981a). Migrants may be more likely to cite second- and third-order impacts such as loss of livelihood or family pressure as push factors. Chapter 5 showed how boat people rarely attributed their migration to environmental concerns directly, but to second- and third-order impacts with environmental causes. Third, some surveys on migration motivation are simply not asking about environmental causes. I found this to be true of the oral histories with Vietnamese boat people (see Chapter 5.2.1). It is also true of the meta-analysis by Chappell (2011), the Government of Vietnam’s migration survey (General Statistics Office, 2012), and a child trafficking study by Kiss et al. (2015) which failed to determine more specific drivers of migration from the 67% of children reporting broad “economic concerns”.

An exception to this is Entzinger & Scholten’s (2016) study which asked specifically about migration in the context of climate and environmental change. Although most households in that survey did *not* cite climate change as a migration driver, those that did “mostly referred to erosion, cyclones and floods” (p.ix). Trinh et al. (2021) found that likelihood of migration from farming households in Vietnam increased with the severity of the natural disasters they faced, regardless of whether the household was poor to begin with.

Children historically faced particular risks from environmental change in the Mekong Delta, as shown by the oral history evidence of children experiencing hardship caused by environmental degradation (Chapter 5.3). There are more recent examples: children were especially vulnerable to the floods that killed 1,144 people in the Mekong Delta between 2000 and 2002 (Szabo et al., 2016:547). The Government of Vietnam acknowledges that climate change poses



risks to the life and livelihoods of the child population (UN Committee on the Rights of the Child, 2011:§25 & 2018:§39).

### 8.2.2 Montserrat

Alongside ongoing volcanic risks, Montserrat faces a grave threat from climate change which may drive future migration (Gray, 2011). Like other islands in the Eastern Caribbean, Montserrat faces climate-change related hazards including intensified hurricanes, drought, salt-water inundation, heatwaves, water insecurity, vector-borne diseases and ciguatera poisoning<sup>149</sup> (Gray, 2011; UNICEF Eastern Caribbean, 2016; Pegram & Knaute, 2019). Children are especially susceptible to these hazards (Pegram & Knaute, 2019); just as children were historically more susceptible to volcanic hazards (see Chapter 7.3.3).

Montserrat is considered a small-island developing state (SIDS),<sup>150</sup> and faces many issues common to SIDS around the world, including “limited resources, remoteness, susceptibility to natural disasters, vulnerability to external shocks, excessive dependence on international economies and fragile environments” (UNICEF Eastern Caribbean, 2016:26). Children in the Eastern Caribbean are particularly vulnerable to climate change and environmental degradation because these issues “compound other major determinants of vulnerability, including disproportionately high child poverty rates and weak social protection systems” in the region (Pegram & Knaute, 2019:11). Despite this, children are overlooked in regional and national climate- and environment-related policies, legislation and disaster risk-reduction frameworks. This is compounded by a lack of disaggregated data and child-specific information in Eastern Caribbean nations, preventing the targeting of climate policies towards children’s needs (Pegram & Knaute, 2019).

The population of Montserrat has steadily increased from a low point in the late 1990s, mostly through labour immigration from other Caribbean nations.

### 8.2.3 Findings of Stage One

Stage One of the horizon-scanning exercise has identified several trends. First, climate change poses an ecological risk in both locations. Second, despite emigration, the population of both

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<sup>149</sup> Ciguatera poisoning is becoming prevalent on Montserrat. It is caused when fish eat toxic plankton in over-heated waters and become toxic to humans (Gray, 2011).

<sup>150</sup> UN list of SIDS: <https://sustainabledevelopment.un.org/topics/sids/list>

locations is increasing. Third, children are especially susceptible to harm from climate change in these locations.

The exercise also prompts several questions. First, what are the risks to humans from environmental change in these locations? Second, is there a link between climate change and migration in these locations? Third, what are the specific risks to children in these scenarios? Stage Two employs evidence from a wide range of sources to interrogate these questions.

### 8.3 Stage Two: Employing varied sources of data to interrogate the issue

To answer the questions posed above, this section incorporates the following sources of comment and evidence: peer-reviewed studies, research theses, journalism, governmental reports and statistics, I/NGO and other advocacy reports and data, literature reviews, meta-analyses and submissions to UN treaty bodies. This analysis should be read alongside the broader appraisal of literature on climate change, migration and vulnerability in Chapter 2.

Governmental information has been used with caution; I have interrogated the methodology behind official government data. Via an FoI request to the UK Home Office I sought access to a Memorandum of Understanding on human trafficking drawn up between the governments of the UK and Vietnam in 2018. I believe this document could have shed light on the contemporary drivers of child migration and trafficking from Vietnam to the UK. Unfortunately, my FoI request was rejected by the UK Home Office on the basis that “disclosing [this] information... would be likely to prejudice relations between the UK and another state”.<sup>151</sup>

The literature on climate change has ballooned recently with thousands of articles published annually and whole journals devoted to the phenomenon, although there is an imbalance in the diversity of authorship, with most studies coming from Western sources (Burkett et al., 2014). Vietnam and the Mekong Delta are a popular focus for climate change studies, and sifting this literature was challenging. I sought peer-reviewed, widely cited empirical research derived from both Western and Vietnamese academics. I particularly used IPCC assessments, which summarise key studies and are subject to a lengthy review process. The sixth IPCC assessment report, (to which I had privileged access as an Expert Reviewer) informed my

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<sup>151</sup> Letter dated 10 February 2020 on file with the author.

opinions. Literature on the impacts of climate change on Montserrat were scant, although there has been some investigation into the phenomenon in the wider Eastern Caribbean. I favoured the most recent literature in this fast-changing field. For trafficking literature, I included relevant information published since the UN Trafficking Protocol came into force in 2000. The Protocol attempted to set a globally accepted definition and scope for trafficking in persons, although definitional discrepancies remain.

The following reviews are each divided into three sections covering the three intersecting themes: migration, environmental change, and child exploitation and harm.

### 8.3.1 Vietnam

#### *Demographics and migration trends in the Vietnamese Mekong Delta*

The Lower Mekong Basin is an area of some 630,000 km<sup>2</sup> covering parts of Cambodia, Laos, Thailand, Myanmar and Vietnam (Gustafson et al., 2018). The 13 provinces of the Vietnamese portion – henceforth the “Mekong Delta” – are home to some 20 million people (Takagi et al., 2016). Demographically, the population is growing and ageing (Szabo et al., 2016). The majority live in rural areas, although there is considerable rural-urban migration to nearby cities including Can Tho and Ho Chi Minh City, and further afield (Foresight, 2011; Entzinger & Scholten, 2016). Migration to cities is often a first step to international migration (Ionesco et al., 2017:20). Migration trends for the Mekong Delta thus match those in evidence during and following the Vietnam War (Chapter 5).

The decade to 2018 saw net emigration from the Mekong Delta of 1 million people, double the national average (Chapman & Van, 2018), and in the five years to 2009, 714,000 people relocated from the Mekong Delta to the area around Ho Chi Minh City (Entzinger & Scholten, 2016). Government policy seeks to prevent entire households migrating from rural to urban areas, resulting in “a significant number” of children migrating alone to send remittances home (Burr, 2014:159). UNICEF found that “[a]round 400,000 children in Ho Chi Minh City are considered ‘temporary’ migrants, who migrated from other provinces to the city either with their parents or independently” (UNICEF Vietnam & Ho Chi Minh City People’s Committee, 2017:101).<sup>152</sup> Unaccompanied child migration, identified during the boat people exodus (Chapter 5) thus remains a feature of contemporary migration from this region.

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<sup>152</sup> Hereinafter “UNICEF Viet Nam & HCMCPC (2017)”.

The Government of Vietnam announced in 2012 that 36% of households in the Mekong Delta had seen at least one family member migrate (General Statistics Office, 2012). A 2016 study of 1,232 households in the Mekong Delta put the migration rate at 65%, noting that migration was partly driven by erosion, cyclones and floods (Entzinger & Scholten, 2016). The gap between the two studies' findings could be explained by the difference in sample size, the increase in environmental drivers in the intervening four years, and/or another unexplained variable.

The poverty rate in the Mekong Delta in 2012 (16.2%) was only slightly lower than the national average (17.2%), and richer households were reportedly *more* likely to have seen family members migrate (General Statistics Office, 2012). The 2016 study, however, found that:

“the households that did migrate [internally] usually had lower incomes and poorer housing. It seems that the most vulnerable households migrated, whereas those with better housing and more means were able to stay behind.

The households that migrated [internally] usually reported positive experiences, including higher incomes and better employment opportunities.”

(Entzinger & Scholten, 2016:ix)

One possible explanation for this seeming contradiction is that the official (2012) statistics were measuring increased wealth in households that had sent a family member away. In other words, poorer households sent a family member – often a child – to the city, and their remittances subsequently lifted the family out of poverty. However, migration was not always of net benefit to households: around 8% of the income of both poor and non-poor households was sent to support family members who had migrated (General Statistics Office, 2012), and households from which somebody had migrated were less likely to own land or have sufficient food, clean water or electricity (Entzinger & Scholten, 2016:21).

Evidence from the boat people migrations (Chapter 5) showed that lone children did not always require family resources in order to leave Vietnam. Some were assisted by unknown adults or professional agencies; others were stowaways. Studies in other countries have concluded that extreme poverty prevents migration (e.g. Marshall & Thatun, 2005; Adger et al., 2014), leading to what Foresight (2011) terms “trapped populations”. However, the Mekong Delta bucks this trend: “Usually the poorest cannot afford to migrate, but apparently that was not the case here” (Entzinger & Scholten, 2016:22).

*Environmental degradation and climate change in Vietnam*

Delta populations worldwide face increasing risks from climate change (Foresight, 2011). Due to the low elevation and high dependency on agriculture, the Mekong Delta's inhabitants are at particular risk from flooding, storms, drought, erosion, and salinisation (e.g. Asian Development Bank, 2010; Dun, 2011; Socialist Republic of Vietnam, 2011; Entzinger & Scholten, 2016; Chapman and Van, 2018). An episode of drought and salt-water intrusion in 2015-2016, exacerbated by climate change, caused water shortages, crop failures and malnutrition affecting 1.5 million people in the Mekong Delta (UNICEF Viet Nam, 2017). Residents thus face similar outcomes from natural disasters as their forebears in the 1970s and 1980s (see Chapter 5).

Environmental change is also being felt elsewhere in Vietnam, particularly in coastal regions (Ngo-Duc, 2014) and Ho Chi Minh City (Asian Development Bank, 2010). The latter has become a major destination for internal migrants from the Mekong Delta (Entzinger & Scholten, 2016). People migrating to urban areas, including Ho Chi Minh City, are potentially at greater risk than the settled population, since they tend to "cluster in high-density areas that are often highly exposed to flooding and landslides, with these risks increasing with climate change" (Adger et al., 2014:768). Effects of climate change in Vietnam are highly area-specific. Depending on their exact geographic and socio-economic characteristics, even neighbouring communes can face dissimilar environmental hazards and levels of vulnerability to climate change (Kim & Minh, 2017; Huynh & Stringer, 2018). Thus, high-level data may not explain migration drivers at the community and household level.

Environmental change is not a new phenomenon in the Mekong Delta. The Vietnam War caused significant, widespread ecological damage (see Chapters 4 and 5) and parts of the Delta's coastline have been eroding at a rate of 30-100m per year since 1973 (Tuoi Tre, 2017). A flood in the year 2000 affected some 11 million inhabitants, and two major floods followed in 2001 and 2002, killing a total of 1,144 people (Szabo et al., 2016). An estimated 9,500 people died or went missing in natural disasters directly linked to climate change between 2001 and 2010 (Socialist Republic of Vietnam, 2011). In 2013, two researchers visited An Thanh Dong commune in Soc Trang Province, Mekong Delta region, planning to survey agricultural yields. However, because of salt-water intrusion, "virtually no farmers of An Thanh Dong had any yields to report" (Chapman and Van, 2018).

Alongside the deadly combination of drought and inundation from sea-level rise, flood waters from further upstream also cause massive destruction:

“the entire flood waters of the 4400km long Mekong River... drain through the portion of the Mekong Delta located in Vietnam... which has an elevation of only 0–4 metres above sea-level” (Dun, 2011:202)

Although low-level seasonal flooding is essential to rice agriculture in the Delta (Chapman, 2016; Darby et al., 2019), flash floods of 4.5m or more can be devastating (Dun, 2011).

Increased incidences of destructive floods have several causes: glacier melt in the Himalayas (Entzinger & Scholten, 2016), for which climate change is the most likely cause (Cramer et al., 2014); heavy rainfall potentially resulting from changing precipitation patterns (Gustafson et al., 2018); and cyclones (Dun, 2011).

Cyclones (also referred to as typhoons and tropical storms)<sup>153</sup> pose a serious threat to inhabitants of coastal regions, including the Mekong Delta and Ho Chi Minh City. Cyclonic storms were rare in Ho Chi Minh City several decades ago, but by 2010 they affected some 26% of the city’s population (Asian Development Bank, 2010). It is feared that the city’s proposed flood control measures will be insufficient to cope with future storms (Vietnam Investment Review, 2018). As noted above, some households already cite cyclones as a cause of migration; however, the scientific literature notes difficulties in proving causality between anthropogenic climate change and the increased intensity and frequency of cyclones. Changes in observation techniques since the 1970s mean that trends in cyclone activity cannot be determined accurately; however, there is evidence that *intensity* of cyclones is increasing, and that the geographic location of storms is shifting, placing new areas at risk (Hartmann et al., 2013; Saito & McInnes, 2014). The combination of “powerful winds, torrential rains, high waves, and storm surge[s]” caused by cyclones significantly affect “Asian deltas [which] are particularly vulnerable to tropical cyclones owing to their large population density in expanding urban areas” (Saito & McInnes, 2014:147).

Attributing other environmental changes to climate change is also problematic. Human activities in the region and upstream, such as mining for sand, dam building and irrigation, also cause environmental damage, particularly erosion of riverbanks, resulting in both ad hoc

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<sup>153</sup> Cyclonic tropical storms are also known by the synonyms *hurricane*, *typhoon* or *cyclone* depending on the sea or ocean in which they originate (Alexander, 1998). The terms *typhoon*, *tropical storm* and *cyclone* are used interchangeably in the literature to refer to those arising off the coast of Vietnam. Tropical storms affecting Montserrat are generally called *hurricanes*.

migration and planned resettlement (Dun, 2011; Tuoi Tre, 2017). Riverbank erosion, accelerated by storm surges, was cited by 16% of households interviewed by Entzinger & Scholten (2016) as a reason for migration, and is one driver of a major government-led resettlement project (Dun, 2011).

The combination of factors contributing to erosion confounds efforts to attribute these migrations to climate change directly. Moreover, the multiplicity of variables, including human adaptive capacity, impede accurate predictions of the impacts of different environmental changes on human systems (Burkett et al., 2014). However, with improvements in the science of climate change attribution (Cramer et al., 2014), it is possible to forecast trends for different scenarios of socio-economic change and greenhouse gas emissions. Foresight (2011) predicts a major increase in land loss and property damage in low-lying areas, even with moderate sea-level rise. A sea-level rise of 1m (conceivable this century, under current scenarios) would see 40% of the Mekong Delta and 20% of Ho Chi Minh City flooded (Socialist Republic of Vietnam, 2011) and cause widespread destruction to agriculture and mangrove forests in Ben Tre province (Veettil et al., 2019). Overloaded sewerage systems pose a serious threat to human health in these locations (UNICEF Viet Nam & HCMCPC, 2017). Other infrastructure such as transport will also be affected (Takagi et al., 2016). In an OECD forecast of the cities hit hardest by coastal flooding globally, Ho Chi Minh City ranks fifth, with a predicted 9.2 million inhabitants exposed within 50 years (Nicholls et al., 2007). Whatever the cause, there is a consensus that the situation will deteriorate, putting lives, livelihoods and human rights at risk.

Many of the impacts mentioned above are similar to the degradation experienced in the Mekong Delta in the 1960s and 1970s, outlined in Chapters 4 and 5. Natural disasters that struck Vietnam in the 1970s contributed to the human exodus (see Chapter 5), and climate change is predicted to make those events more powerful and frequent. Erosion that was once caused by defoliating chemicals and bombing is today driven by sand mining, climate-driven flash flooding and other factors. Wartime damage to crops has been replaced with other forms of agricultural degradation, including soil salinisation and drought, once again exacerbating poverty. Perhaps it is unsurprising, then, that patterns of child migration in the Mekong Delta also remain similar, even if the routes have changed. The next section looks more closely at the arrangements made by and for children to leave the country, particularly those which are exploitative.

### *Child trafficking and exploitation in Vietnam*

Well-publicised tragedies, such as the 36 adults and three children from Vietnam who died trying to enter the UK by lorry in 2019, alongside modern slavery in nail bars and cannabis farms, have made Vietnam synonymous with human trafficking and people smuggling. In 2017 it was reported that some 18,000 Vietnamese people were smuggled to Europe each year, and a further 1,000 to the USA (UN Economic and Social Council, 2017:\$43). Due to confusion between smuggled migrants with presumed “agency”, and “victims” of trafficking (Bovarnick, 2010) it is unclear how many experience exploitation. In particular, “children may have overlapping experiences of being smuggled and trafficked in practice” (p.86). Much of the literature laments difficulties in determining whether a child is a victim of exploitation, with some highlighting children’s agency as a complicating factor (e.g. Bovarnick, 2010; Hynes, 2010; European Commission, 2017). This creates a tension between the protection rights and best interests of the child and the aims of the state. This section attempts in part to address this by exploring the gap between Vietnamese children’s migration goals and their ultimate fate at the hands of traffickers or the state.

Vietnam has a significant trafficking problem, according to the US Department of State (2019) *Trafficking in Persons* (TIP) report. The TIP report has been criticised for its lack of methodological rigour (Steinfatt, 2019), but remains widely-cited in the absence of an alternative country-comparative source. The 2019 TIP report paints a broad global picture of the fate of Vietnamese trafficking victims, exploited in a vast range of sectors and geographic locations, from infrastructure projects in neighbouring Laos, to sexual slavery, domestic work and forced marriage throughout Asia, to various forms of forced labour in the Middle East, Africa and Europe (US Department of State, 2019:501). Hynes et al. (2018) describe Vietnamese trafficking victims being forced to undergo long journeys, sometimes including significant travel on foot, to cross various European countries to reach the UK. Some of these trafficked persons may end up spending long periods of time in intermediate countries including Russia, Poland, Germany and France.

The TIP report lumps children in with women as victims of sex trafficking – a common conflation in trafficking literature (Hynes et al., 2018). However, it recognises Vietnamese children as victims of a wider spectrum of exploitation in various settings, both internally and abroad. Commercial sexual exploitation of children does take place in Vietnam, although its



taboo nature means it is under-researched (UNICEF Viet Nam & HCMCPC, 2017). While reliable, up-to-date figures are hard to come by, a 2011 study found that sexual exploitation of boys and girls occurred at an “alarming” rate and tended to involve children who had migrated from rural areas to cities, particularly from the Mekong Delta to Ho Chi Minh City (MOLISA & UNICEF, 2011, cited in UNICEF Viet Nam & HCMCPC, 2017:111-112).

Other forms of internal trafficking and exploitation of Vietnamese children cited by the TIP report include forced labour in the garment industry involving children as young as six, forced labour of children from 12 years old in government-run rehabilitation centres, forced street hawking and begging, domestic servitude and “bride kidnapping” (US Department of State, 2019:501). Vietnamese children who are trafficked abroad or voluntarily leave Vietnam face exploitation in gold mines, brick factories, cannabis farms, private homes, nail bars, restaurants and on fishing boats (Pocock et al., 2016; Beadle & Davison, 2019; US Department of State, 2019).

Children in precarious circumstances, including street children, are at particular risk of abduction for exploitation. Kiss et al. (2015) surveyed child victims of trafficking in the Mekong Delta and found that 5% had been kidnapped for exploitation. McShane (2020) documents the journey of an orphaned boy, abducted from the street in Ho Chi Minh City and forced to cultivate cannabis in the UK. Another study found a similar pattern: “In many of the cases identified in the UK, children disclosed that they had been street children in Vietnam and that is how they were approached by the people who trafficked them” (Beadle & Davison, 2019:49).

Lack of understanding of the causes of child vulnerability, combined with minimal support services, results in children becoming trapped in a cycle of vulnerability that may ultimately lead to commercial exploitation and trafficking. Shelters for street children are underfunded, and children are often sent home without any assessment of whether the family setting is safe (Beadle & Davison, 2019). In Ho Chi Minh City, multiple other factors contribute to child vulnerability, including: lack of caregivers, disability, HIV/AIDS, exposure to toxic chemicals, widespread corporal punishment in homes and schools, domestic violence, bullying, sexual abuse, and damaging and/or dangerous forms of child labour (UNICEF Viet Nam & HCMCPC, 2017). Again, environmental factors are frequently missing from the literature on causes of

child vulnerability. This horizon-scanning exercise addresses this gap by asking whether environmental change is reducing children’s resilience to exploitation.

The setting of the age of majority in Vietnam at 16 has “led to confusion on how to treat cases involving 16- and 17-year-old children – especially for cases involving labor trafficking – and resulted in victims being treated as adults in nearly all cases.” (US Department of State, 2019:499). An attempt in 2016 to raise the age of majority to 18 was rejected by Vietnamese lawmakers (Thanh Nien News, 2016). Trafficking and exploitation can spark a cycle of vulnerability, with child victims in the Greater Mekong region experiencing “high symptoms levels [sic] of depression, anxiety and PTSD, which are strongly associated with self-harm or suicidal behaviours” (Kiss et al., 2015).

Despite being victims, many trafficked Vietnamese children are criminalised for work they have been forced to carry out overseas, such as cannabis cultivation (Hynes, 2010; Hynes et al., 2018). An average of 163 Vietnamese children were arrested per year in the UK between 2012 and 2018 (Beadle & Davison, 2019). This can further increase children’s vulnerability and lead to them running away from care: “Being processed through the criminal justice system is a very intimidating experience with potential to traumatise vulnerable children” (Beadle & Davison, 2019:115). Child victims of trafficking, even once identified as such, do not always get appropriate support and protection in Europe (European Commission, 2017).

This review found no study linking environmental push-factors to the criminalisation of children, even though it is well-established that environmental change is a driver of planned and unplanned migration (e.g. Richmond, 1993; Foresight, 2011; Adger et al., 2014; IPCC, 2014a), both of which carry risks of exploitation (e.g. Hynes, 2010; Bales, 2016; Gregoriou & Ras, 2018a; Beadle & Davison, 2019). However, Agnew (2011) proposes that climate change drives so-called “criminogenic mechanisms” which lead to increased crime at all levels of society (p.36). Section 8.4 below considers these mechanisms in greater detail.

### 8.3.2 Montserrat

#### *Demographics and migration trends on Montserrat*

The population of Montserrat has recovered slightly since the exodus of the late-1990s, and currently stands at around 5,000 inhabitants – less than half its pre-volcano population. A lack

of housing continues to prevent repatriation.<sup>154</sup> Nevertheless, Montserrat has become a destination for Caribbean migrant workers (Jones & Trotman Jemmott, 2009). Some Montserratians spend considerable time overseas, including in the UK, for extended family visits and to access healthcare and education. Following the Covid-19 pandemic and increased cost of living, emigration from Montserrat to the UK increased in 2022,<sup>155</sup> but this may be temporary. At present, the environmental threats facing Montserrat do not appear to be driving significant new emigration.

#### *Environmental degradation and climate change on Montserrat*

Climate change is already having measurable effects in the Eastern Caribbean, including Montserrat. Average temperatures have risen by 0.5°C, the number of unusually hot days is increasing, sea levels have risen by almost 2cm per decade since 1950, and extreme weather events occur more regularly (Pegram & Knaute, 2019). Air temperature on Montserrat is predicted to rise a further 1.2-1.8°C by 2065 (Wade et al., 2015:11).

Most immediately concerning for Montserrat is the increase in hurricane frequency and strength, which may already be intensifying volcanic activity. The potential for volcanic activity to be triggered by heavy rainfall is now supported by robust evidence from multiple case studies (Aubry et al., 2022). Gray (2011) warns that heavy rainfall from tropical storms over Montserrat specifically may cause a volcanic dome collapse so large that it triggers a tsunami, and that climate change increases the likelihood of these multi-hazard events. This is supported by the IPCC (2012), which concludes that heavy rainfall associated with hurricanes will likely increase in the Caribbean because of climate change.

Matthews et al. (2002) observed that “the onset of intense rain [on 29 July 2001] was followed within hours by [volcanic] dome collapse and pyroclastic flows”, during which ash and rock fragments up to 6cm across fell on Montserrat’s ‘safe’ northern zone. Within 24 hours, the volcano summit had lowered by 150m. Matthews et al. noted that there were no seismic or other warnings of impending volcanic activity, suggesting that the heavy rainfall was responsible. Montserrat resident Lally Brown’s diary for 1997 and 1998 records that volcanic “explosions” and mudflows coincided with heavy rainfall, particularly following Hurricane Erika in 1997 (Brown, 2015:199 & 257). In addition to effects from rainfall, McGuire (2012) argues

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<sup>154</sup> Telephone discussion with Hon. Donaldson Romeo, Montserrat Legislative Assembly member, January 2022.

<sup>155</sup> Telephone discussion with Hon. Donaldson Romeo, 21 August 2022.

that climate change-induced rising sea levels can also cause instability in coastal volcanoes. This appears to be supported by a study on Montserrat (Coussens et al., 2016) which showed a correlation between rising sea levels and three volcanic flank collapses. Montserrat is, after all, “a mountain standing in the sea” (Perret, 1939:6), and thus susceptible to water pressure and erosion.

The prediction of increased hurricane activity came to pass in 2017. Of 10 hurricanes that hit the Caribbean during the 2017 season, six were category three or higher, breaking a number of meteorological records and far exceeding scientific forecasts for hurricane activity made earlier in the year (Klotzbach & Bell, 2017). In total, the 2017 Caribbean hurricane season resulted in the displacement of 400,000 children (UNICEF, 2019). In 2019, Hurricane Dorian was the strongest hurricane to hit the Bahamas in recorded history. Rainfall during hurricanes is projected to increase by 20-30% as the climate warms (Pegram & Knaute, 2019). These projections have major implications for Montserrat’s future since they have the potential to trigger another mass migration.

To understand the risk posed by these environmental hazards, I conducted two telephone discussions with an expert in disaster management on Montserrat, Gestina Frith.<sup>156</sup> During our first discussion, Miss Frith was employed at Montserrat’s Disaster Management Co-ordination Agency (DMCA). During our second discussion nine months later, she was running an independent disaster management consultancy. Miss Frith confirmed that Montserrat has a good early warning system for volcanic activity and hurricanes. The DMCA also expends considerable effort warning people of the risks from tsunamis. However, she expressed concern that many homes are not hurricane-proofed and their inhabitants are not always prepared for the annual hurricane season. This results in panic-buying and a sense of chaos when a hurricane is announced, as people try to secure their homes. Officials and emergency responders are diverted from their official roles by a desire to protect their own homes and families.

Overall, Miss Frith felt that Montserrat would fare badly in a future volcanic eruption or natural hazard, since the DMCA focused on post-emergency response, rather than mitigation and preparedness. She was unaware of the existence of any policy on climate change or

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<sup>156</sup> Discussions conducted in May 2021 and February 2022 with Gestina Frith, consultant at Core Prospects Disaster Preparedness and Prevention Consultancy on Montserrat.

disaster-management planning around climate change impacts, despite the strong evidence of climate-related hazards. In the case of tsunamis, she felt the procedures in place were inadequate, with people being advised to gather at muster points that were inaccessible in an emergency. She acknowledged that the Caribbean disaster management agency, CDEMA, has a strong disaster response system, although this focuses on temporary fixes rather than long-term support.

Miss Frith emphasised the need for a review of all disaster management agencies across the Caribbean, and improved policies so that the function of these agencies incorporates the full disaster management cycle and not just disaster response. She proposed that the disaster mitigation and preparedness departments of each agency should be separate from the department responsible for disaster recovery. Furthermore, using the military to support the civilian population is not always appropriate, and the military should always be guided by a civilian disaster management function.

When asked about the British government's role in disaster preparedness, Miss Frith suggested that the blame lay with the GoM. She felt that the UK Government would be willing to provide the necessary resources for disaster preparedness and prevention, but the GoM "don't know what they need so they don't ask".<sup>157</sup> She also felt that Montserrat's male-dominated culture prevented women's expertise on disaster preparedness being utilised.

Chapter 7.1 demonstrated that Montserrat was utterly unprepared for the volcanic crisis that began in 1995, resulting in human rights abuses and the evacuation of two-thirds of the population. My interviews with Gestina Frith suggest that not much has changed. Montserrat may be more vulnerable today since the remaining population has been forced into a small 'safe' zone of a few square miles. A natural hazard impacting this zone would force people to flee abroad, if they are able.

#### *Child trafficking and exploitation on Montserrat*

Chapter 6.2.5 discussed the findings of a study (Phillips, 2006) into high levels of child sexual abuse in Montserrat in the decade following the first eruption. More recently, UNICEF (2016)

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<sup>157</sup> In a telephone discussion on 21 August 2022, Hon. Donaldson Romeo made a similar point in relation to Montserrat's current economic crisis and the Covid-19 pandemic, stating that the GoM repeatedly fails to request the funds it needs from the UK Government.

reported ongoing sexual exploitation of girls, particularly by older men.<sup>158</sup> UNICEF reported that Montserrat’s teenage pregnancy rates in the decade to 2016 were twice those in England and Wales (which at that time were the highest in Europe) and resulted in girls leaving school.

Fear of violence, including sexual violence, was widely reported by children in the 2016 UNICEF study. Students mentioned feeling insecure at school and girls reported avoiding some areas of the school for fear of violence, potentially violating their right to an education. Corporal punishment endured, and “gang-related behaviour” fuelled violence among children (UNICEF, 2016:95). Montserrat lacked a juvenile justice system – suggesting that children were subject to the adult justice system – or any facilities in which to place children in need of protection from their parents or relatives (UNICEF Eastern Caribbean, 2016).<sup>159</sup>

In contrast to Vietnam, the literature suggests that Montserrat’s children are at low risk of trafficking (ISSAT, 2013). However, there have been recent reports of possible human trafficking of people from other countries to Montserrat (ZJB Radio Montserrat, 2022), suggesting that trafficking networks operate on the island.

### 8.3.3 Findings of Stage Two

Stage Two of the horizon-scanning exercise has demonstrated three areas of risk for both Vietnam and Montserrat. First, both locations have highly mobile populations, including child populations, frequently driven by the inability to access education, an adequate standard of living and other human rights at home. This suggests that some people in these locations have an already precarious existence, without the resources or resilience to withstand changes wrought by environmental degradation and climate change. Second, there is strong evidence that both locations are vulnerable to impacts from climate change and other environmental degradation, and there is insufficient effort from the authorities to mitigate these risks. Third, both locations have cultures of child exploitation, violence, and the existence of or potential for child trafficking.

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<sup>158</sup> Children have the right to protection from sexual exploitation and abuse under Articles 19 and 34 of the CRC.

<sup>159</sup> Potentially violating Articles 3(2), 20(2) and 37 of the CRC, and contrary to several provisions of the Standard Minimum Rules for the Administration of Juvenile Justice (1985).

Together, these three risks provide the perfect conditions for future child migration and exploitation as climate change increases pressure on households. The precise mechanisms for this are explored in the following section.

#### 8.4 Stage Three: Identifying the causes of child migration and exploitation

Because of the dearth of literature on Montserrat, this section mainly maps the links between environmental change, migration and exploitation using examples from Vietnam.

Nevertheless, I include examples specific to Montserrat where available, mostly in the final section on structural factors. These structural drivers may indicate the potential for future risk of child trafficking and exploitation in a natural disaster scenario on Montserrat.

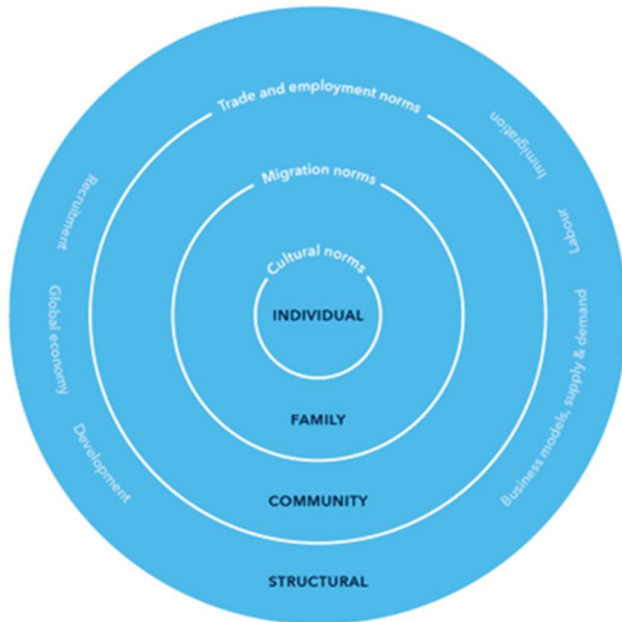
The purpose of Stage Three of this horizon-scanning exercise is to identify causal links between environmental change, migration and harm. I begin by developing a conceptual model that shows the interactions between the following five variables: individual characteristics, household factors, community factors, structural factors, and environmental change. I then apply this conceptual model to the current-day situation in Vietnam and, where possible, Montserrat to demonstrate how these variables may interact to drive or prevent migration and harm, now and in the future.

In addition to my findings in Chapter 5 above, numerous studies on Vietnam suggest a link between environmental factors and contemporary migration. Beadle & Davison (2019) found that the Formosa toxic waste spill in 2016 swelled the Vietnamese population of a transit camp in France. Chapman & Van (2018) and Szabo et al. (2016) note that provinces worst-hit by environmental change have the most out-migration. Kim & Minh (2017) suggest people migrate from this region due to the impact of climate change on production, quality of life and the environment. Entzinger & Scholten (2016) found environmental stress to be a factor in migration decisions. Foresight (2011) notes that flooding which destroys crops causes livelihood stress and fuels migration. Dun (2011) interviewed 32 migrants from the Mekong Delta in Cambodia, all of whom cited environmental problems as a push factor. These studies are missing two key aspects: a focus on child migration, and an empirically proven connection between environmental migration and exploitation and other human rights abuses. This section provides analysis of these aspects.

#### 8.4.1 Conceptual framework

For the analysis below, I divide the various drivers of child migration and vulnerability into four headings: Individual, Household (or Family), Community, and Structural. These headings were derived from two sources. First, Zimmerman et al. (2015) conceptualise the influence of different factors over a person's migration choices using the model below:

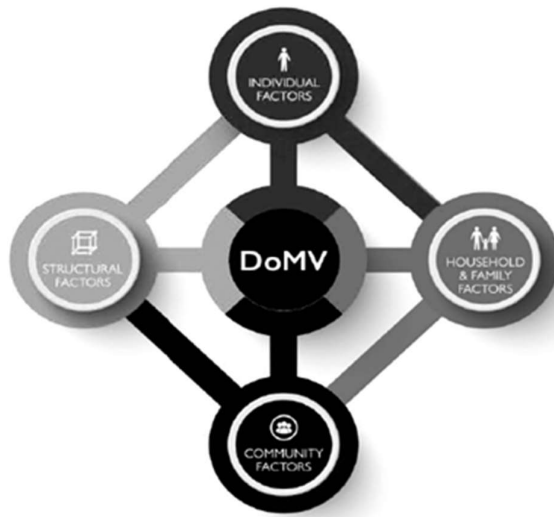
**FIGURE 14: ECOLOGICAL FRAMEWORK MODEL FROM ZIMMERMAN ET AL.**



(Zimmerman et al., 2015:16)

Secondly, the International Organisation for Migration (IOM) uses these same categories as determinants of vulnerability for migrants:

**FIGURE 15: IOM DETERMINANTS OF MIGRANT VULNERABILITY MODEL**



(Reproduced in Hynes et al., 2018:14)

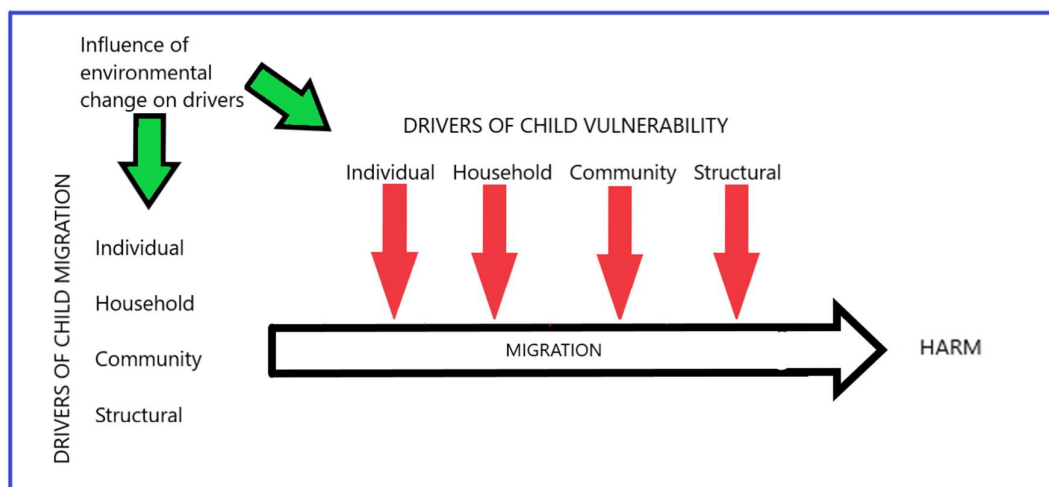


The four categories are approached from different directions. Zimmerman et al. envisage four levels of driver determining *whether* a person migrates, while the IOM posits four areas of potential vulnerability/resilience determining *how* a person migrates. Neither model is specifically adapted for children.

Other theories and models of migration drivers were also consulted for this exercise. Three in particular worked well together and could have provided a basis for this exercise. However, their proposed migration drivers were too detached from the lived experience of child migrants, being based as they were on structural, macro factors. These included Richmond (1993), whose five categories of political, environmental, economic, social and bio-psychological drivers combine with one another with varied outcomes. Similarly, Fröhlich (2016) and Foresight (2011) refer to five ‘macro’ factors: environmental, political, economic, demographic and social, although Foresight acknowledges that the ultimate decision and ability to migrate may rest on personal and household-level considerations. These theories of push-factors have nevertheless influenced my study, as has the commentary provided by Hynes et al. (2018) on the IOM model, which analysed the model’s applicability in Vietnam, Albania and Nigeria.

Here I propose a new model to combine the two strands of migration and vulnerability as they apply to children, and to foreground environmental influences over drivers of child migration and harm. The purpose of this model is to demonstrate how environmental influences drive child migration and child vulnerability at every level. The model is intended to remind policy makers to factor environmental drivers into all policy decisions, particularly in locations that are vulnerable to environmental/climate change. It reminds us that all levels of driver, from individual attributes to broad structural systems, interact with one another to influence children’s migration decisions and vulnerability to harm. Finally, it provides a framework for studying *how* various factors interrelate to push children towards harm.

**FIGURE 16: CONCEPTUAL MODEL: DRIVERS OF CHILD MIGRATION AND VULNERABILITY TO HARM**



In the sub-sections below, I revert to the literature, mostly on Vietnam, to determine how various factors under each of the four headings – Individual, Household, Community, and Structural – influence children’s (a) decision/ability to migrate, and (b) vulnerability/resilience to harm while on the move. There follows an analysis of the ways in which environmental change affects each of these drivers.

#### 8.4.2 Applying the conceptual model

##### *Individual factors*

##### *Individual factors as drivers of migration*

Personal or individual characteristics that may determine a child’s decision to migrate include age, sex, education, wealth, marital status, preferences, ethnicity, religion and language (Foresight, 2011) along with disability and health status. These factors broadly match the protected characteristics in international human rights law; that is, the list of personal attributes for which it is forbidden to discriminate against an individual. In Vietnam, possession of a criminal record is another individual attribute that pushes children to migrate (McShane, 2020). In Montserrat, the migration drive has also traditionally been higher for children in foster care, especially children whose parents have already migrated overseas (Philpott, 1973).

These characteristics may determine a child’s attitude towards migration either positively or negatively. Wealth and status are oft-cited strong drivers of migration, but they may also provide a strong pull back home to exhibit new-found wealth and contribute to the household and community (Timéra, 2018). Lack of material wealth may push children to seek opportunities elsewhere or, conversely, prevent them having the means to travel (Foresight, 2011). In terms of gender, a girl may feel more vulnerable than a boy, and therefore prefer to stay at home, or she might see an earning opportunity in migrating to undertake domestic or sex work (Steinfatt, 2019). A secondary education can open up economic opportunities abroad, or provide better prospects nearer home and an awareness of migration risks. Equally, low educational opportunities drives children to seek an education elsewhere (Hynes, 2010; O’Connell Davidson, 2013), as seen when Montserrat’s school system was disrupted (see Chapters 6 & 7). A child from a minority ethnic group may migrate to escape discrimination, or prefer to remain close to their minority community. Ill-health and disability, similarly, can drive migration to access healthcare or escape discrimination, or may limit a child’s mobility.

These attributes also intersect. For example, in Vietnam a child with low educational attainment is more likely to be in conflict with the law (UNICEF Viet Nam & HCMCPC, 2017), as are children from minority groups (McShane, 2020) and homeless children (Beadle & Davison, 2019). In combination, different individual characteristics affect migration decisions in varied and unexpected ways, yet a lack of disaggregated data (Hansen et al., 2019) makes it difficult to know which characteristics are most important for child migrants.

The “quest for prestige” is cited as a strong migration push-factor for children and young people in many contexts (Peyroux, 2018:99). However, it was less evident in the literature from Vietnam, where family considerations are cited more frequently than individual motivations (see below under “Household factors”).

#### Individual factors as drivers of vulnerability to harm

For children, the individual characteristics listed above can all affect levels of vulnerability to exploitation while migrating. Here I demonstrate this with examples from the global context and specifically for children in Vietnam.

**Age:** Age-related vulnerability intersects with other factors, such as the child’s legal migration status. Rutter (2006) found that the two most vulnerable groups of child refugees in the UK were the under-fives and adolescents. This is partly supported by a study of teenaged asylum-seekers by Hjern et al. (2018). Although irregular and labour migrants constitute the main flows from Vietnam, a significant number of Vietnamese children seek asylum abroad each year. For example, in 2017, 228 Vietnamese children sought asylum in the UK (Home Office, 2018a). Of these, 33 were under the age of five, and 87 were aged 16-17, the two most vulnerable categories according to Rutter (2006).

ILO (2014) found child labourers as young as five in Vietnam, an age at which children are inherently physically and mentally vulnerable to abuse. Notably, Vietnam’s official statistics on internal migration do not include children under five (Entzinger & Scholten, 2016), rendering the youngest migrants invisible for the purposes of providing policy responses and protection, and thus additionally vulnerable.

**Sex & gender:** Trafficking literature often assumes that females are more vulnerable to trafficking and exploitation than males.<sup>160</sup> However, “boys and men are also vulnerable to trafficking, albeit of a different type from that experienced by girls and women” (Hansen et al., 2019:56). In Montserrat, boys are more at risk from physical violence, and girls from sexual violence (UNICEF Eastern Caribbean, 2016). However, the assumption that sexual exploitation only targets females is false. In Ho Chi Minh City, “[b]oth boys and girls were found to be victims of sexual exploitation” (UNICEF Viet Nam & HCMCPC, 2017:20). Boys and girls may, nevertheless, be targeted for specific forms of trafficking. Vietnamese men and boys are mainly trafficked for exploitation in fishing, manufacturing and begging; industries carrying risks of injury and severe violence (Pocock et al., 2016). Girls, especially from ethnic minorities, are more likely to experience domestic servitude and “bride kidnapping” (US Department of State, 2019:501).

It is beyond the scope of this exercise to examine every individual characteristic and its effect on vulnerability; yet, it must be noted that intersectionality may increase vulnerability to exploitation. The example above of girls from ethnic minorities being especially susceptible to certain forms of trafficking is one illustrative case from Vietnam. In Montserrat, the risk of sexual abuse increases for girls who live in poverty (Phillips, 2006). There are numerous other combinations of personal traits that interact to create differing levels of vulnerability and resilience for child migrants.

#### [Environmental influences on individual drivers](#)

People with disabilities, ethnic minorities, sexual and gender minorities, and people living in poverty are among the groups most vulnerable to climate change impacts (Castañeda Camey et al., 2020). In 2009 the Government of Vietnam announced that climate change was causing “difficulties to the lives of the people, especially the poor, women and children” (UN Committee on the Rights of the Child, 2011:§25), but provided no details on the precise effects on impoverished children. There is a gap in the literature on how climate change interacts with the individual characteristics of children in Vietnam and Montserrat, and this requires further exploration. However, the wider climate change literature holds evidence of the impacts for children globally, as demonstrated in the following examples:

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<sup>160</sup> See also the UN Committee on the Rights of the Child’s General Comment No. 6 on unaccompanied and separated children (2005).

**Children’s health:** In Guatemala, food insecurity due to crop failures causes severe childhood malnutrition, illness and deaths of infants. Children’s poor health drives families to embark on exceedingly dangerous migration journeys which may result in harm or death (Lakhani, 2019).

**Child marriage:** Marrying-off girls is a coping strategy for families hit by weather- and climate-related disasters in countries including Malawi (Castañeda Camey et al., 2020) and Bangladesh (Varia, 2016). Child marriage places both boys and girls “at high risk of violence, exploitation, and abuse” (UNICEF South Asia, 2020).

**Sex & gender:** A literature review by Van Daalen et al. (2022) found that women, girls, and sexual and gender minorities are at heightened risk of violence following extreme weather and climate-related events. Foresight (2011) found that women and girls in dryland contexts are more vulnerable to environmental risk due to having fewer migration opportunities and a lower education level than males. Thus, gender can influence both the ability of females to migrate in the context of climate change, and also their vulnerability to further environmental shocks at home, potentially driving dangerous forced migration in the future.

My case studies show how individual characteristics including ethnicity, gender and wealth influenced migration decisions and risk of harm for children in post-war Vietnam, while children from poorer families were less able to evacuate from Montserrat and were more vulnerable when they did.

### *Household factors*

#### *Household factors as drivers of migration*

Vietnamese government policy prevents family groups moving to other provinces by restricting access to public services. This pushes individual household members, often children, to migrate alone to find work (Burr, 2014). Families may exert strong pressure on children to migrate. Cultural notions of duty and sacrifice in Vietnam mean that children are expected to work to support their families or themselves (Burr, 2014; Hynes et al., 2018). The receipt of remittances may be a source of family pride (Beadle & Davison, 2019).

Domestic violence and neglect also drive child migration in Vietnam, with some children reporting physical, psychological and sexual violence prior to leaving home (Kiss et al., 2015; UNICEF Viet Nam & HCMCPC, 2017). Cultural norms of discipline and family autonomy allow for widespread household violence against children (UNICEF Viet Nam & HCMCPC, 2017:117-

118). Other household-level migration drivers in Vietnam include the poor health of a family member, security problems and discrimination (Entzinger & Scholten, 2016).

Montserrat has a long history of child migration. Sending lone children abroad and leaving children in the care of foster families were common practices prior to, and during, the volcanic eruptions. Hurricane Hugo in 1989 caused out-migration of children whose parents wished for them to be educated abroad (Markham & Fergus, 1989). Prior to this, from as early as the late-1950s, it was reportedly common to leave children in foster care with friends or relatives while the parents established themselves overseas (Philpott, 1973). A third of under-16s on Montserrat were living in some kind of foster-care arrangement at the time of Philpott's study. Philpott observed that some parents also sent children born abroad back to Montserrat to be cared for by others. Most children reportedly desired to migrate – alone – as soon as they were old enough (Philpott, 1973). Montserratian academic Dr Clarice Barnes informed me that it “is not unusual within the Montserrat culture” for families to send children overseas unaccompanied, and she had “heard that this happened” as a result of the volcanic eruptions.<sup>161</sup> My findings in Chapter 7 indicate that families' prioritisation of education has historically been a strong driver of child migration from Montserrat, and that sending lone children abroad was relatively common during the eruption phase, at least for short periods.

Worldwide, families have varying levels of involvement in their child's migration, ranging from situations where families take the decision on behalf of the child without their input or against their will, to cases where parents are completely unaware of their child's decision to migrate (Bhabha et al., 2018; Vacchiano, 2018). Farmer (2018) contests that the high level of risk and cost associated with migration leads to decisions to send only the family member most likely to succeed. Most often, Farmer argues, this is an unaccompanied child, as children are considered likely to receive additional protections from the authorities during their journey. This may be a dangerous misjudgement (see below).

Household-level push factors for child migration recorded in other countries included: neglect, loss of parents, harmful practices such as female genital mutilation, forced marriage (Geissler & Lagunju, 2018), lack of stability at home (Boyd & Bales, 2016) and a wish to escape the “infantilization and marginalization” represented by family support (Timéra, 2018:68). Given the global recurrence of such themes in child migration literature, it seems likely that at least

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<sup>161</sup> Discussions by phone and email, October-November 2020.

some of these factors are relevant in the modern context of Vietnam and Montserrat, although Hynes (2010) strikes a note of caution against making this assumption, since “the way in which children are raised, socialised and the day-to-day realities of their lives differ enormously across the globe” (p.107). Nevertheless, some of these factors were in evidence for the Vietnamese boat children; particularly neglect, loss of parents and lack of stability at home, which often had environmental roots (see Chapter 5).

#### Household factors as drivers of vulnerability to harm

The overriding factor determining child vulnerability in almost all migration contexts is separation from family (e.g. ICRC, 2004; Geissler & Lagunju, 2018). When a child is separated for the purposes of – or during – migration, their risk of exploitation increases (e.g. Hynes, 2010; Zimmerman et al., 2015). This is true of children travelling through both regular and irregular pathways (Hansen et al., 2019). Unaccompanied and separated children face various forms of harm including sexual exploitation, military recruitment, child labour, enforced participation in criminal activities, and detention, sometimes with deadly consequences (UN Committee on the Rights of the Child, 2005). The risk is compounded because the specific needs of lone children are often not addressed through migration policy and child protection mechanisms (Mixed Migration Centre, 2017; Farmer, 2018; de Boer-Buquicchio, 2019).

As noted above, children may be motivated to set out alone due to household push factors. Children also become separated from family during migration, especially when fleeing sudden-onset disasters or travelling irregularly over long distances (ICRC, 2004; see Chapter 5.4.4). Family pressure on children to migrate alone may increase when households need to diversify their income because of external factors such as loss of economic opportunities, or internal factors such as parental illness. Yet the same cultural and household pressures that push children to migrate also make children vulnerable to abuse. For example:

“Vietnamese children are generally taught cultural norms around respecting their elders and are therefore less likely to ask questions of adults they believe to be charged with their ‘care’. This leaves children vulnerable to the harmful intentions of adults.” (Beadle & Davison, 2019:15)

To fund their journeys, children may incur debts to smugglers and traffickers, or undertake exploitative work because of their inability to find formal employment due to their age or immigration status. These circumstances leave child migrants highly vulnerable to exploitation

and onward trafficking (IOM and UNICEF, 2017); yet such agreements may be entered into to support the household they have left behind, sometimes with coercion from their family.

In the Montserrat context, UNICEF (2016) found the family structure to be a significant determinant of vulnerability, with children from single-parent households at greater risk of sexual abuse. Phillips (2006) came to the same conclusion based on household income, with Montserratian children from some poorer families facing pressure from their parents to undertake transactional sex with men. In Chapter 7 I showed that, during the volcanic crisis, children from families without the resources to travel off-island risked a range of human rights abuses in shelter accommodation, including sexual abuse, lack of education and poor physical and mental health. Finally, corporal punishment is not prohibited by Montserratian law, normalising domestic violence against children (UNICEF Eastern Caribbean, 2016).

#### [Environmental influences on household drivers](#)

The most obvious connection between environmental influences and household-level migration drivers in Vietnam is the chain of causality between environmental change, loss of livelihood and subsequent migration to diversify household income (e.g. Entzinger & Scholten, 2016). This can be a circular relationship: Huynh & Stringer (2018) found household income to be the strongest determinant of vulnerability to climate change for Vietnamese households.

For evidence of the impact of climate change on household violence, I looked elsewhere due to a gap in the literature on Vietnam.<sup>162</sup> Castañeda Camey et al. (2020) reported a direct link between environmental pressures and gender-based violence. Following tropical cyclones in 2011, reports of domestic violence in Vanuatu rose by 300% (UN Women Fiji, 2014). Moreover, multiple sources argue that climate change can contribute to conflict (see below), which in turn increases household violence (e.g. Aoláin et al., 2011; Bradley, 2018). In Montserrat, some children experienced violence in overcrowded shelter accommodation (Avery, 2003; see Chapter 6.2). There is evidence of increased domestic violence following the Vietnam War (e.g. King & King, 2004; Cesur & Sabia, 2016; see Chapter 5.5.1), suggesting that this could be a risk if climate change were to instigate future conflict.

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<sup>162</sup> Pham et al. (2016) reported a slight increase in domestic violence in one Vietnamese community suffering climate impacts; otherwise I found no relevant research on Vietnam.



Household security, cited by Entzinger & Scholten (2016) as a migration determinant, is undermined by community and national conflict. Adger et al., (2014) observe that security is threatened by climate change for multiple environmentally driven reasons, particularly affecting “socially marginalized” populations (p.762).

In terms of cultural notions of childhood and children’s role in the family, climate change “compromises culture and individual identity”, where culture is defined as “knowledge, worldviews, beliefs, norms, values, and social relationships” (Adger et al., 2014:762). Ingram et al. (1981a) found that societies’ responses to climate change depend on prevailing cultural norms, although beliefs and values may shift to accommodate environmental changes. This is borne out by my findings around the development of a disaster sub-culture on Montserrat (see Chapter 6.2.4). Cultural norms surrounding the role and duty of children may also change as households come under environmental pressure. Hynes et al. (2018) note that cultural notions of luck and destiny may place Vietnamese migrants at additional risk, and these maladaptive superstitious beliefs may increase as pressures to migrate increase. Superstition was evident in some rural Vietnamese households’ migration decisions: oral history narrator CI105 was seven years old when his family left Vietnam in the 1980s. His father had wanted him to stay behind, but changed his mind after an angel appeared in a dream, promising a safe boat journey if the child joined them.

### *Community factors*

#### *Community factors as drivers of migration*

Community and social pressures are a strong driver of emigration from Vietnam. In a meta-analysis by Chappell (2011) of eight low-income countries, 49% of respondents from Vietnam cited social factors for their decision to emigrate; higher than for the other nations surveyed where economic factors were consistently more important. Coming from a community with a “culture of migration” (Foresight, 2011:44) lends weight to the decision to migrate (Hugo, 2012; Zimmerman et al., 2015).

Household and community factors are difficult to separate, since they are influenced by similar social and cultural norms. However, the wider community creates discrete drivers and enablers of child migration. This includes the physically proximate community in which the child lives, studies and/or works, the online communities with which they engage, for example through social media, and the wider diaspora. The community can both contribute to children’s protection and make them vulnerable to harm (ICRC, 2004).

Children may wish to uphold their family's reputation within their neighbourhood via remittances which fund housebuilding and conspicuous consumption (Beadle & Davison, 2019). Where neighbouring households display the economic benefits of a family member's migration, children may feel pressure to increase their own family's income. Brokers may point these things out as encouragement to use their services to migrate (Beadle & Davison, 2019:47). The neighbourhood may also be a source of conflict, from which the child wishes to escape. This is especially true when community resources are put under pressure by environmental change, leading to social tensions (e.g. Adger et al., 2014; UNHCR, 2015; Abel et al., 2019; Roche et al., 2020).

Social norms contributing to notions of childhood at the community level may also influence migration decisions. The setting of the age of majority at 16, along with notions of the "good child" being one who supports their family (Burr, 2014:162) and cultural norms around duty and respecting one's elders (Beadle & Davison, 2019) are all socially constructed norms within the typical Vietnamese community which may influence household attitudes and children's sense of duty to the family (Hynes et al., 2018). Family duty was a major driver of unaccompanied child migration from Vietnam in the 1990s (Freeman & Huu, 2003; see Chapter 4.2.3), whereas, in Montserrat, the value placed by the community on education played a more significant role in child migration (see Chapter 7.3).

Today, online communities use social media to encourage migration from Vietnam and onward migration of Vietnamese nationals in third countries (Beadle & Davison, 2019:15). Finally, the global Vietnamese and Montserratian diasporas encourage emigration, with both countries having a large, "transnational" diaspora (Shotte, 2007; Hynes et al., 2018; see Chapter 6.2.4) Thus 'community' operates at different levels to drive children to pursue opportunities elsewhere.

#### [Community factors as drivers of vulnerability to harm](#)

In Vietnam, community-members (neighbours, friends, distant relatives) may be directly involved in the trafficking of children and thus pose an immediate risk of harm (Beadle & Davison, 2019:47). However, trafficking is not the only risk child migrants face. The community pressures and cultural norms described above, which drive children to willingly leave their homes in search of opportunities, can also put them at risk of exploitation. Borrowing money,

from community members or elsewhere, to fund journeys is recognised by Hynes et al. (2018) as a driver of vulnerability for Vietnamese migrants, often resulting in a cycle of debt and abuse. A group of Vietnamese children intercepted in the Netherlands reported not having paid anything to their smugglers for their transit to Europe. These children were likely destined for exploitative labour, since “the debt must be satisfied by some means” (Beadle & Davison, 2019:69). Once their journey has commenced, Vietnamese children are likely to stick with their traffickers or abusers since they both own the child’s debt and offer support not available from the authorities. Thus, there are examples across Europe of ‘rescued’ Vietnamese children returning to their traffickers (Beadle & Davison, 2019).

The online community also draws Vietnamese children into exploitative situations and encourages risky migration, according to Beadle & Davison (2019), who argue that such manipulation is easy since “Vietnamese people may place greater trust in the word of acquaintances than information from professionals” (p.15), assuming they have access to professional support at all.

Having links with the diaspora community overseas increases the likelihood of undertaking irregular migration (Beadle & Davison, 2019), and the existence of a significant Vietnamese diaspora in European countries including the UK, France and the Czech Republic facilitates smuggling networks to and between those countries (see also Hugo, 2012). The very existence of this diaspora can also lend false confidence to future migrants (Zimmerman et al., 2015:17). Extensive Montserratian diaspora communities in Britain and the USA are likely to remain a pull-factor for future émigrés from Montserrat, as they were in the 1990s. The existence of safe and legal migration pathways to these countries, however, significantly reduces the risk of vulnerability or dependence on this community.

#### [Environmental influences on community drivers](#)

Environmental factors have a strong influence over community-level drivers of child migration (Myers & Theytaz-Bergman, 2017). An episode of drought and salt water incursion in 2015-16 increased exposure of children in the Mekong Delta to violence, exploitation and abuse (UNICEF, 2016). Reduced earning opportunities can result from climatic impacts on agriculture, particularly in an agrarian region such as the Mekong Delta (Kim & Minh, 2017). In these regions, when livelihoods are threatened, climate change creates social tension and community conflict. In northern Vietnam, theft of crops has been documented between

neighbours farming cardamom, driven by the spice's increasing scarcity under changing climatic conditions (Ives, 2020). There is much debate surrounding the extent to which climate change drives local-level conflict globally. Roche et al. (2020) argue that climate shocks can *reduce* community conflict since the potential yields of attacks are reduced. However, this is context-specific; in northern Vietnam, the value of cardamom has risen due to climate change (Ives, 2020), making theft more profitable. Environmental factors can encourage community conflict "at the micro level" (Maretti et al., 2019:153), while "research confirms that environmental stress and conflict are correlated, and shows that drought and resource scarcity interact with displacement and migration in complex chains of causation" (Foresight, 2011:116; see also Chapter 2.3.2).

Research thus demonstrates a link between environmental change and community push factors for child migration such as livelihood diversification and social conflict. While my research on Vietnam did not particularly find connections between environmental degradation and community conflict, there is evidence from Montserrat that social tensions and community violence in shelter accommodation following the volcanic eruptions was a driver of child emigration (see Chapter 6.2.2).

The previous section posited a link between the environment and social norms around childhood in the home. At the community level, I hypothesise that additional livelihood pressure within communities may increase the social pressures on children to migrate to increase their family's income and status in the neighbourhood. Whether environmental change will increase the pull-factor from the diaspora community also requires investigation. Changes in climate in migrant-receiving countries may alter pull-factors from the diaspora communities in those countries in ways that are as yet unresearched. Fielding (2011) supposes that the UK may see small internal migration flows resulting from climate impacts making river and coastal regions uninhabitable. A change in demographics *within the UK* might render the country unattractive to future migrants from Vietnam and Montserrat, particularly if diaspora communities are split up and word reaches prospective migrants that the UK is undergoing social upheaval as a result of climate change. This is a potential area for future research.

### *Structural factors*

#### *Structural factors as drivers of migration*

Structural factors are perhaps the most influential determinants in horizon-scanning future events, yet the hardest to model as they depend on highly complex variables. Structural

factors affecting child migration include national and international legal frameworks; a country's social and demographic profile (including immigration/emigration trends); country-wide and global economic factors; the political and governance context; and cultural and historical factors. These are areas over which most individuals, particularly children, have little influence.

Angew (2011) observes: "Climate change will lower social control at individual, community, and societal levels" (p.31), suggesting that social control operates as a chain of relationship-based pressures, from the individual to the societal level. Due to the broad range of structural factors, I provide several examples of how these interact with individual, household and community drivers, without attempting to address all the structural drivers of migration in Vietnam and Montserrat.

**Economic:** Chappell (2011) found that 46% of Vietnamese émigrés cited economic factors as the main driver of their migration. They did not specify whether their decision derived from national or global economic policy, or other factors such as household-level livelihood stress or personal debt. Most likely, a combination of these factors is at play, with structural economic issues affecting household and personal finance.

The pressure on children to work is structurally embedded in the Vietnamese economy. In 2012, more than half of Vietnamese children were working for 5-20 hours per week in the home, while 2.83 million (15.5%) undertook paid employment (ILO, 2014). Child labour on this scale is structural, with children making significant contributions to the national workforce and economy. Finding work often requires internal migration, particularly from rural areas to cities, as described above. Thus, structurally-embedded child economic activity is a strong driver of child migration in Vietnam.

Montserrat's economy suffered enormously from the volcanic crisis and has only partially recovered. Major industries were lost and today the economy relies heavily on UK, EU and regional financial aid (European Commission, n.d.). Overseas migration for work remains common, and will likely increase if climate change damages the remaining local industries.

**State repression:** Only 1% of respondents in Chappell's (2011) study cited political factors in their decision to leave Vietnam. However, politics and repression may be significant drivers of

migration for some groups (Digidiki, 2018). Amnesty International (2020) notes that government repression takes various forms in Vietnam. During 2019, at least 23 people were arrested and/or prosecuted on speech-related grounds, resulting in prison sentences of up to 11 years, and as of May 2019 there were 118 known prisoners of conscience in the country. According to Amnesty International, Vietnam's 2019 cybersecurity law criminalizes "a broad swath of online expression", use of the death penalty remains a state secret, activists can be arbitrarily arrested and detained, and violence against women and girls often goes unpunished (Amnesty International, 2020). Moreover, children's rights are neglected in the juvenile justice system, in favour of "the government's position that securing social order should have priority" (Parèus, 2014:58). This culture of civil and political rights violations and impunity may be a migration driver for children at risk of state repression. This is true for child migrants in conflict with the law due to repressive state policies (McShane, 2020).

**Governance:** Huynh & Stringer (2018) found that vulnerability to climate change in Vietnam increased with poor governance (as measured by levels of decentralisation and autonomy, transparency and accountability, and participation and inclusion) and low institutional capacity. They observed that most climate/disaster planning, some of which involved relocating communities, was carried out without public consultation and with limited accountability, responsiveness, capacity, flexibility or financial resources. Such relocation programmes may therefore amount to forced eviction and forced resettlement under human rights law.<sup>163</sup> Corruption affects allocation of land for resettlement. Overall, the lack of democracy in this context means that "a community with resilient households can also have high collective vulnerability" (Huynh & Stringer, 2018:178). Government relocation schemes in the Mekong Delta prompt further onward migration (Entzinger & Scholten, 2016); thus, poor governance in climate adaptation programmes is already driving onward, potentially maladaptive, migration. This is the same mechanism as was seen in the 1970s and 1980s, when the Vietnamese government forcibly relocated families to New Economic Zones to rehabilitate the agricultural sector. Many such families subsequently fled the country (see Chapter 5.2).

Poor governance by both the UK and Montserrat governments were one cause of high levels of migration following the volcanic crisis, as shown in Chapter 7.3. Flawed decision-making led to

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<sup>163</sup> Freedom from forced eviction arises from several human rights instruments and is defined by General Comment 7 of the UN Committee on Economic, Social and Cultural Rights (1997).

what Montserrat's former Coroner and former Premier have both described as "involuntary exile" (see Chapter 7.3.4). Poor governance is reflected in the island's continuing lack of disaster preparedness; the post-volcano redevelopment of Montserrat does not reflect risks from climate change (see section 8.3.2 above). Montserrat's new urban centre is being developed on land vulnerable to flooding (Gray, 2011). More promising is Montserrat's Sustainable Development Plan, developed with input from a wide cross-section of the population (Pegram & Knaute, 2019). Whether the plan will create sufficient resilience to safeguard human rights and prevent a future off-island evacuation remains to be seen. Emily Wilkinson (2015) observes that "today the division of local and central responsibilities for different aspects of disaster risk management is much clearer than before the volcanic crisis" (p.1) but does not clarify whether this applies to climate-related impacts or just to Montserrat's 'traditional' hazards. She has also noted that BOTs including Montserrat are not eligible for various forms of disaster relief available on the British mainland, nor development aid (Wilkinson, n.d.) and told me that SIDS struggle with the long and resource-intensive process of applying for climate finance.<sup>164</sup> This lack of financial support could reduce living standards and drive migration in a future climate disaster scenario.

**Child protection and education:** The International Labour Organization (ILO, 2014) and UNICEF (UNICEF Viet Nam & HCMCPC, 2017) have both lauded Vietnam's recent efforts to improve child protection. However, both reports were written and published in conjunction with the Vietnamese authorities. The same UNICEF report found that Ho Chi Minh City authorities had instigated projects to help migrant children to apply for identity documents, to care for children with specific vulnerabilities such as disability, and to divert children away from the criminal justice system; actions that could potentially build resilience. However, the report acknowledged capacity gaps and conflicts between child protection agencies, and inadequate legal protections for children.

While school enrolment is high in Vietnam, some 10% of children aged 6 to 17 do not attend school (Beadle & Davison, 2019; ILO, 2014) and additional child-focused social workers are urgently needed (UNICEF, 2020). Numerous studies in other countries have found low education provision to be a driver of child migration (e.g. O'Connell Davidson, 2013; Geissler &

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<sup>164</sup> Email exchange with Emily Wilkinson, Senior Research Fellow at the ODI, July 2022. She also commented that SIDS lack capacity and resources generally to respond to climate risks.

Lagunju, 2018; Treiber, 2018; Farmer, 2018), while deficient child protection measures leave children at risk of violence and neglect, already mentioned above as migration drivers.

Child protection measures are also lacking on Montserrat, and some GoM policies do not align with the CRC (UNICEF Eastern Caribbean, 2016). Moreover, “although there is no evidence of child labour issues”, UNICEF found “crucial gaps in the legal framework to prevent children being involved in the worst forms of child labour” in the future (p.90).

**Emigration and planned relocation:** Because the Vietnamese economy is heavily dependent on remittances, the government encourages and sponsors overseas migration (UN Economic and Social Council, 2017; Beadle & Davison, 2019). Internal migration has been facilitated by a softening of the *ho khau* system, which provides permanent registration status to people moving to a new commune (Entzinger & Scholten, 2016), alongside a major resettlement programme to move tens of thousands of people away from areas at risk of flooding (Dun, 2011; Ionesco et al., 2017).

The British government’s assisted resettlement of Montserratians represented a significant driver of emigration during the volcanic crisis. Moreover, since 2002, residents of BOTs have had access to British citizenship. The combination of financially assisted relocation and citizenship rights in a future environmental or climate-driven crisis could make migration a very attractive option.

#### [Structural factors as drivers of vulnerability to harm](#)

Taking the handful of examples outlined above, I now demonstrate how the same structural drivers of child migration in Vietnam and Montserrat result in vulnerability to harm.

**Economic:** In 2014, more than 1.75 million Vietnamese children aged 5 to 17 (9.6% of the total child population) were engaged in work that is prohibited for their age under international and domestic labour law due to risks of physical and developmental harm. Of these child labourers, 40% were under 15 years of age and 32.4% were working more than 42 hours per week (ILO, 2014). This is despite child labour exploitation being prohibited by Article 37 of Vietnam’s Constitution (Socialist Republic of Vietnam, 2013). The high level of structurally accepted child labour pushes children into prohibited, exploitative work, affecting their health, education and development.



**State repression:** The human rights violations associated with state repression, as reported by Amnesty International above, cause people to fear for their personal security and may push them to flee their homes in an urgent, unplanned fashion. Indeed, for perceived government critics:

“The fear of reprisals and pressure by police may become a contributing factor to an individual leaving the country through irregular means, thus increasing vulnerability.” (Beadle & Davison, 2019:48)

In asylum determination procedures, the UK’s Home Office (2018b) acknowledges that certain people who show opposition to the Vietnamese state, along with their family members, are likely to be subject to persecution and/or serious harm.

**Governance:** Failed governance and low institutional capacity in Vietnam increases vulnerability to climate change and prompts secondary migration of people relocated in government resettlement schemes (see above). Dun (2011) found that some people were reluctant to remain in the areas to which they had been relocated, because of inability to secure an income. Their onward migration, undertaken in the context of dislocation from their social networks and livelihoods, reduces their resilience to exploitation.

In Montserrat, poor disaster preparedness leaves children vulnerable to various harms. UNICEF Eastern Caribbean (2017b) gave Montserrat an overall score of 1 out of a possible 14 for disaster preparedness in areas concerning children, such as child protection, shelter, nutrition, psychosocial support, and water and sanitation, among others. This was the lowest score out of the five regional SIDS surveyed. In a survey of wider disaster preparedness plans, Montserrat scored 12 out of 14. However, it again dropped points for child protection, education and psychosocial support. The report also found the current provision of hurricane shelters to be inadequate and improperly equipped for children, and that teachers were not properly trained to implement school disaster plans. Development specialist Emily Wilkinson told me that the UK Government does not currently consider climate hazards in BOTs in its climate strategy, risk register or contingency planning documents.<sup>165</sup> This omission could leave residents of Montserrat additionally vulnerable to climate impacts.

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<sup>165</sup> Email exchange with Emily Wilkinson, July 2022.

**Child protection and education:** Shortfalls in government provision of child protection services and childhood education put Vietnamese children at risk of exploitation and trafficking. In the absence of social care, children with protection needs, for example victims of domestic violence or neglect, may turn to maladaptive strategies such as living on the street or migrating to support themselves financially, increasing their vulnerability to exploitative labour, abduction and/or trafficking. Children not in free, full-time education may have less to lose from migrating, while children in school may be able to seek support from trusted adults and access information about migration risks and alternatives.

Poor child protection mechanisms encourage NGOs to fill the gaps. The approach of these NGOs is often at odds with government policy (UNICEF Viet Nam & HCMCPC, 2017), and can further fuel vulnerability. Vietnamese children go “out of their way to avoid the aid workers... doing outreach work on the streets” (Burr, 2014:162), and some NGOs effectively imprison ‘rescued’ women and girls, preventing them from working or returning home (Steinfatt, 2019).

**Emigration and planned relocation:** Government resettlement programmes may reduce households’ resilience to exploitation in multiple ways:

“As a result of resettlement, people can become further in debt, face the risk of unemployment, may lack access to infrastructure such as waste water treatment facilities, health and schooling and lose the support of their social networks... increase[ing] the social and economic vulnerability of resettled communities.” (Dun, 2011:208)

Moreover, by facilitating internal and external migration, the Vietnamese government has created a largely unregulated market for migration brokers. Beadle & Davison (2019) found that even legal, state-backed labour migration agencies sometimes exploited workers economically.

#### [Environmental influences on structural drivers](#)

Vietnam’s planned resettlement schemes illustrate how environmental change combines with structural approaches to migration and adaptation to push people into onward migration. Another example is the exclusion of child protection from disaster preparedness planning (UNICEF Viet Nam & HCMCPC, 2017). As Dun (2011) notes: “environmental changes occur within different social, political and economic contexts and can result in migration and resettlement decisions” (p.218).

Environmental change affects each of the structural drivers of migration mentioned above, leading to a complex web of causality when combined with individual, household and community drivers. Sometimes the relationship between environmental change and structural drivers of child migration is clear-cut. Dun (2011) reported how, several months after each annual flood when disaster aid has run out, children begin to arrive at childcare shelters in Ho Chi Minh City. The availability of disaster relief (a structural factor) can therefore influence the point in time when children migrate.<sup>166</sup>

More often, the connection between the environment, structural factors and migration is less apparent. For example, where environmental degradation shrinks the national economy (as happened on Montserrat), a government might relax restrictions on child labour and migration to boost GDP and remittances. In a context where child labour is already normalised, such as Vietnam, this could lower the priority of education, pushing more children towards migration. The decision to migrate is thus several steps removed from the environmental trigger. Environmental pressures that increase social tensions could heighten state repression in Vietnam, where social order is already considered a higher priority than human rights and good governance. In short, environmental change may operate in combination with multiple structural drivers and circumstances, many not yet fully understood even by the people affected by them.

#### 8.4.3 Testing the model using data from Vietnam

Above we saw how combinations of individual, household, community and structural factors, when amplified by environmental change, influence children's migration decisions and vulnerability to harm. Here I present two brief examples of my conceptual model in action to analyse recent examples of natural disaster-driven migration and harm from Vietnam.

#### *Methodology*

This exercise uses public data from various sources, including international agencies, governments and academia. The purpose of this exercise is to look for ways in which the factors described in 8.4.2 interacted in the recent past to affect migration and vulnerability. In each case, a relationship (or lack thereof) is merely inferred from the data; in the absence of further investigation, the correlations alone do not prove cause-and-effect.

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<sup>166</sup> See also Barnett & Webber (2012) on the role of timely disaster aid in preventing migration.

Government data was drawn from the General Statistics Office (GSO) of Vietnam.<sup>167</sup> I have some confidence in the reliability of these figures since they are cited numerous times without caveat by ECPAT UK, Anti-Slavery International and Pacific Links Foundation.<sup>168</sup> Information on the GSO's statistical methodology is available in Vietnamese only.<sup>169</sup> Entry/exit figures and data on labour migration overseas came from the IOM's Vietnam office. The IOM attaches a statement of neutrality to figures on displacement tracking.<sup>170</sup> Figures on internal displacement come from an independent NGO – the Internal Displacement Monitoring Centre (IDMC).<sup>171</sup>

Data on natural disasters came from three sources: the GSO, IDMC, and the EM-DAT database. The latter is maintained by the Centre for Research on the Epidemiology of Disasters in Brussels. An event is entered into the EM-DAT database if one of the following criteria is met:

- 10 or more people dead;
- 100 or more people affected;
- Declaration of a state of emergency;
- A call for international assistance.<sup>172</sup>

The trafficking statistics for victims and prosecutions in Vietnam come from the UN Office on Drugs and Crime (UNODC).<sup>173</sup> Data for Vietnamese victims of human trafficking in the UK are sourced from the National Referral Mechanism (NRM), compiled by the National Crime Agency (NCA), “an operationally independent non-ministerial government department”.<sup>174</sup> NRM figures are widely cited in trafficking studies, although the NRM is subject to criticism from victim advocates. Information on Vietnamese asylum applicants in the UK comes from the UK Home Office.<sup>175</sup>

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<sup>167</sup> All GSO data is available at: [www.gso.gov.vn/Default\\_en.aspx?tabid=766](http://www.gso.gov.vn/Default_en.aspx?tabid=766)

<sup>168</sup> Referenced here as Beadle & Davison, 2019.

<sup>169</sup> See: [www.gso.gov.vn/Default\\_en.aspx?tabid=767](http://www.gso.gov.vn/Default_en.aspx?tabid=767)

<sup>170</sup> See:

<https://displacement.iom.int/system/tdf/Methodological%20Framework%20used%20in%20DTM%20Operations%20for%20Quantifying%20Displacement%20and%20Mobility.pdf?file=1&type=node&id=2389>

<sup>171</sup> For more on IDMC's independence and methodologies, see: [www.internal-displacement.org/about-us](http://www.internal-displacement.org/about-us)

<sup>172</sup> For more on EM-DAT's methodology, see: [www.emdat.be/frequently-asked-questions](http://www.emdat.be/frequently-asked-questions)

<sup>173</sup> For methodologies, see: [www.unodc.org/unodc/en/data-and-analysis/statistics/methodology.html](http://www.unodc.org/unodc/en/data-and-analysis/statistics/methodology.html)

<sup>174</sup> For the NCA's governance and policy, see: <https://nationalcrimeagency.gov.uk/who-we-are/governance-and-transparency>

<sup>175</sup> For methodology, see: [www.gov.uk/government/publications/immigration-statistics-year-ending-june-2018/about-this-release](http://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2018/about-this-release)

At the time of writing, UNODC data was available to mid-2015 (UNODC, 2014 & 2016). For the purposes of this comparison, it is assumed that the 2015 trend continued to the end of 2015. UK NRM data was available from 2013 until the end of 2018 (NCA, nd.). Neither UNODC nor NRM data are available for the Mekong Delta alone as a sending area: thus, the data on trafficking and asylum covers citizens from across Vietnam.

Where possible, I applied the following tests to each data set to ensure its validity:

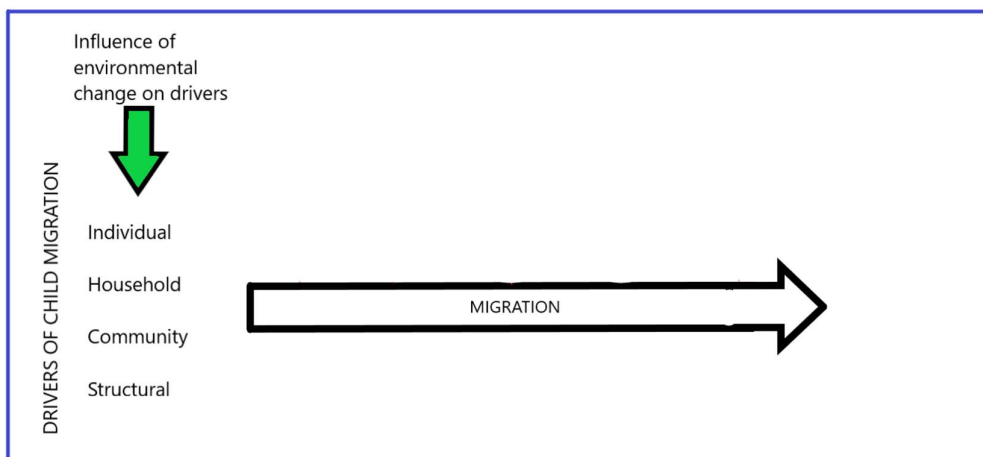
“(1) What was the purpose of the study? (2) Who collected the information? (3) What information was actually collected? (4) When was the information collected? (5) How was the information obtained? (6) How consistent is the information with other sources?” (Stewart & Kamins, 2011).

For this exercise I focused on Vietnam because out-migration from Montserrat is low and data is not available. I looked at the five-year period 2012-2016 inclusive; the most recent date-range with sufficient available data. Vietnam incorporated the UN Trafficking Protocol into domestic law in 2011 and adopted a five-year anti-trafficking plan, covering the period under investigation. The data cited below was accessed during January-February 2020. Extant literature suggests that these datasets have never been subject to direct comparison before.

*Natural hazards and migration*

As discussed above, environmental change influences individual, household, community and structural factors, affecting migration decisions in a primary or secondary manner. For example, a storm may destroy a child’s home and displace them (first order), or it may damage the local economy, influencing their future migration decision (second order).

**FIGURE 17: IMPACT OF ENVIRONMENTAL CHANGE ON MIGRATION DRIVERS**



Three events meeting EM-DAT’s severity criteria hit the Mekong Delta between 2012-2016, as shown in the table below.

**FIGURE 18: NATURAL DISASTERS AFFECTING THE MEKONG DELTA**

| <b>Event</b>                          | <b>Total affected (EM-DAT)</b> | <b>Total deaths (EM-DAT)</b> | <b>Total internally displaced (IDMC)</b> |
|---------------------------------------|--------------------------------|------------------------------|--|
| Flooding from Typhoon Usagi, Sep 2013 | Not recorded                   | 30                           | 4,000                                    |
| Flooding, Sep 2015                    | 100                            | 2                            | Not recorded                             |
| Drought, Dec 2015 to Feb 2017         | 1,750,000                      | 0                            | Not recorded                             |

For Vietnam as a whole during this period, EM-DAT records 31 natural disasters (15 cyclones, nine floods, one drought, one epidemic, five unclassified). In the same period, IDMC records 29 weather-related events causing internal displacement in Vietnam. The following table shows the total numbers affected across Vietnam according to the two sources (note that this is a low estimate since figures are not available for every event). People may be affected more than once in the same year by different events, and a person counted as “affected” by EM-DAT may also be counted as “internally displaced” by IDMC. The table also includes the cost of damage.

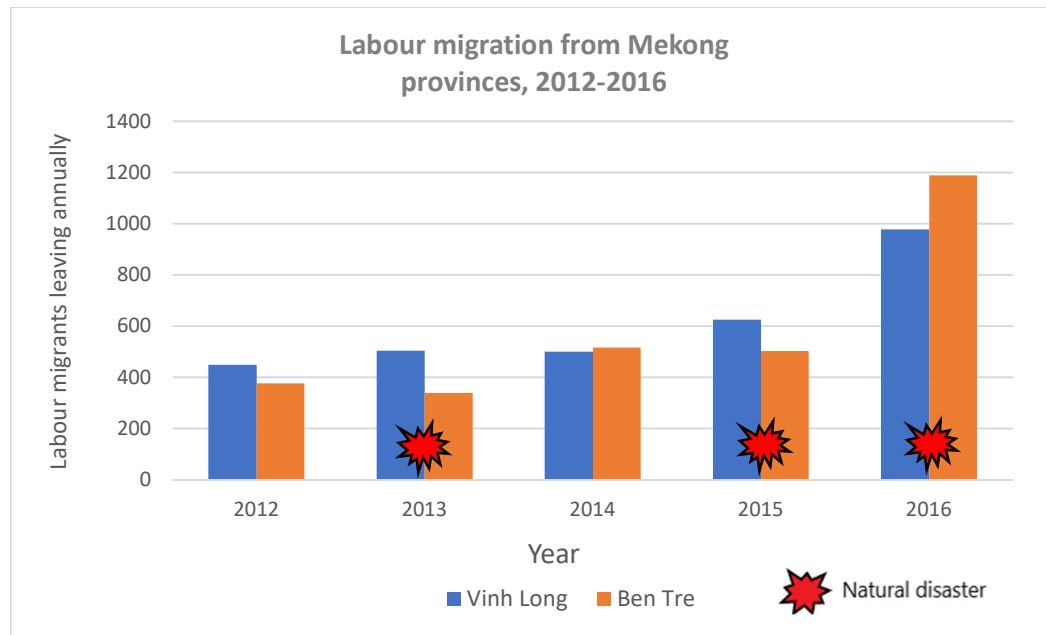
**FIGURE 19: IMPACTS OF NATURAL DISASTERS IN VIETNAM, 2012-2016**

| <b>Year</b>         | <b>Total affected (EM-DAT)</b> | <b>Total deaths (EM-DAT)</b> | <b>Total internally displaced (IDMC)</b> | <b>Cost of damage in billion VND (GSO)</b> |
|---------------------|--------------------------------|------------------------------|--|--|
| 2012                | 356,512                        | 72                           | 15,000                                   | 13,374                                     |
| 2013                | 4,124,445                      | 215                          | 1,040,338                                | 29,601                                     |
| 2014                | 48,075                         | 38                           | 67,950                                   | 2,542                                      |
| 2015                | 15,215                         | 52                           | 9,551                                    | 5,362                                      |
| 2016 <sup>170</sup> | 4,253,129                      | 189                          | 80,537                                   | 39,726                                     |

By all measures, the tables above show that the “worst” years were 2013 and 2016, both for the Mekong Delta and Vietnam as a whole. One might expect to see greater migration flows, either as a direct result of these events, or second order displacement delayed by weeks, months or even years.

IOM data is available on overseas labour migration for Vietnam’s top 25 sending provinces (IOM Vietnam, 2017b). Two of the top sending provinces are in the Mekong Delta region – Vinh Long (24/25) and Ben Tre (25/25).

**FIGURE 20: LABOUR MIGRATION FROM MEKONG PROVINCES, 2012-2016**

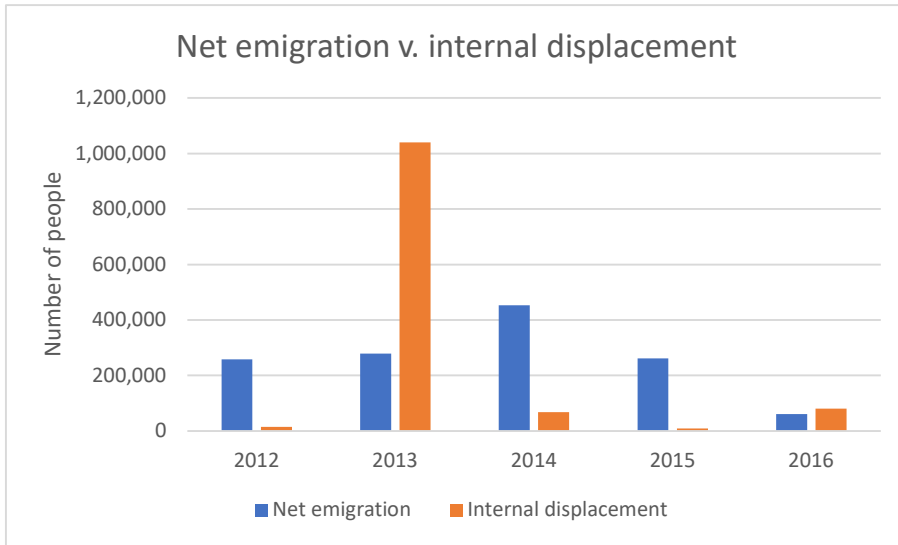


By comparing the labour migration figures with EM-DAT-recorded natural disasters, we see increased migration from Ben Tre following flooding there in September 2013. After the flooding in September 2015 and onset of drought, emigration surges in both provinces. The total number migrating from these two provinces in 2016 almost doubles from 2015.<sup>176</sup> This is supported by a GSO migration survey in 2012, which found that 36% of Mekong Delta households had seen a family member migrate. Although their methodologies were different, a study in the Mekong Delta in 2016 found the rate had risen to 65% (Entzinger & Scholten, 2016).

For the country as a whole, entry/exit figures (IOM Vietnam, 2017a) show increased net emigration in 2014 following a spike in internal displacement caused by natural disasters in 2013. Without further evidence, it is not known whether the two migration phenomena are connected.

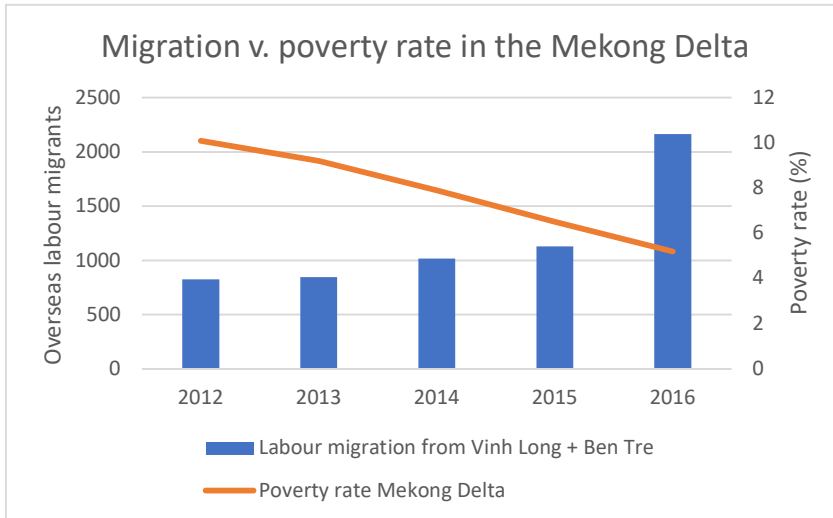
<sup>176</sup> Data is not disaggregated by age.

**FIGURE 21: EMIGRATION V. INTERNAL DISPLACEMENT IN VIETNAM, 2012-2016**



To test the extent to which social and structural factors might affect migration following natural disasters, the following chart compares poverty levels in the Mekong Delta with total labour migration from the two Mekong provinces displaying the most overseas labour migration, Vinh Long and Ben Tre.

**FIGURE 22: MIGRATION V. POVERTY IN THE MEKONG DELTA, 2012-2016**



Overseas labour migration rose from these two provinces as the poverty rate for the Delta fell. Some possible explanations include: (1) the falling poverty rate provided resources to migrate; (2) the falling poverty rate was a *result* of migration remittances; (3) the poverty rate in Vinh Long and Ben Tre did not follow the same trend as the Delta as a whole; (4) the natural



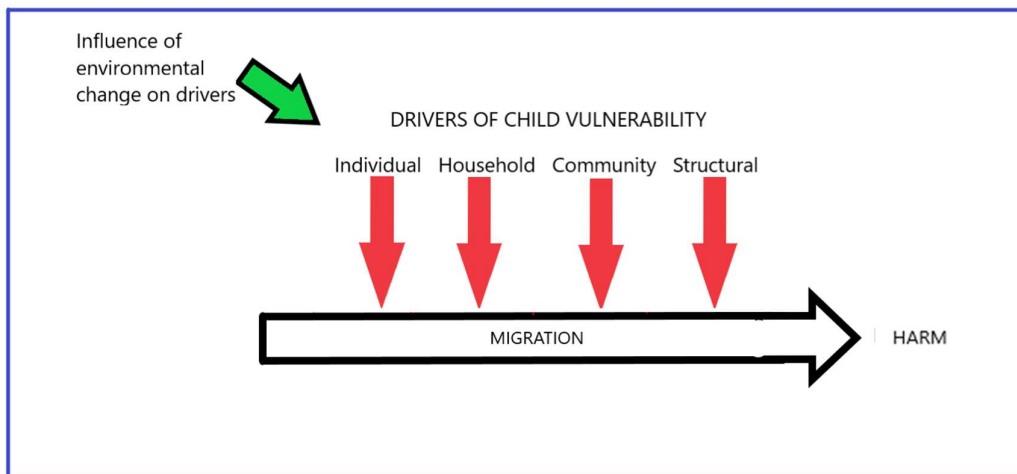
disasters themselves proved a greater push factor than economic conditions; or (5) other unexplained variables are driving migration in these provinces.

This application of the conceptual model suggests that migration away from the Mekong Delta may be driven by the influence of natural hazards over individual, household, community and structural factors. This confirms statements in the literature attesting to the vulnerability of this region to environmental shocks. For horizon scanning purposes, there appears to be a correlation between natural hazards, internal displacement and subsequent emigration. However, causality cannot be confirmed from the available data alone.

*Natural disasters and vulnerability to harm*

The analysis above compares data on natural disasters in Vietnam with data on internal migration and emigration, to determine the extent to which environmental change drove migration during the period 2012-2016. This section looks at natural hazards as drivers of vulnerability to harm for 2012-2018, where vulnerability to harm is measured through the indicators of trafficking and asylum-seeking. The extended temporal range is due to the fact that there can be a significant delay between people leaving Vietnam and coming to the attention of the UK’s Home Office or NRM.

**FIGURE 23: IMPACT OF NATURAL DISASTERS ON MIGRATION AND HARM**



This section analyses the impact of environmental change (in this case, natural disasters) on the individual, household, community and structural causes of vulnerability which put migrants at risk of harm. The table below has been expanded from that above to include data up to 2018.

**FIGURE 24: IMPACTS OF NATURAL DISASTERS IN VIETNAM, 2012-2018**

| Year | Total affected (EM-DAT) | Total deaths (EM-DAT) | Total internally displaced (IDMC) | Cost of damage in billion VND (GSO) |
|------|-------------------------|-----------------------|-----------------------------------|-------------------------------------|
| 2012 | 356,512                 | 72                    | 15,000                            | 13,374                              |
| 2013 | 4,124,445               | 215                   | 1,040,338                         | 29,601                              |
| 2014 | 48,075                  | 38                    | 67,950                            | 2,542                               |
| 2015 | 15,215                  | 52                    | 9,551                             | 5,362                               |
| 2016 | 4,253,129               | 189                   | 80,537                            | 39,726                              |
| 2017 | 5,133,216               | 284                   | 633,463                           | 60,027                              |
| 2018 | 283,756                 | 134                   | 143,047                           | 15,766*                             |

\* Preliminary figures for 2018

Trafficking figures for the same period:

**FIGURE 25: TRAFFICKING FIGURES FOR CITIZENS OF VIETNAM, 2012-2018**

| Year | Detected victims of trafficking (UNODC) | Human trafficking offences (UNODC) | Adults referred to the UK NRM (NCA) | Children referred to the UK NRM (NCA) |
|------|---|------------------------------------|-------------------------------------|---------------------------------------|
| 2012 | 1,206                                   | 487                                | Not available                       | Not available                         |
| 2013 | 871                                     | 507                                | 105                                 | 76                                    |
| 2014 | 903                                     | 469                                | 107                                 | 109                                   |
| 2015 | 898*                                    | 400**                              | 230                                 | 248                                   |
| 2016 | Not available                           | Not available                      | 292                                 | 227                                   |
| 2017 | Not available                           | Not available                      | 375                                 | 362                                   |
| 2018 | Not available                           | Not available                      | 382                                 | 320                                   |

\* Extrapolated from data for Jan-June 2015 (449 cases)

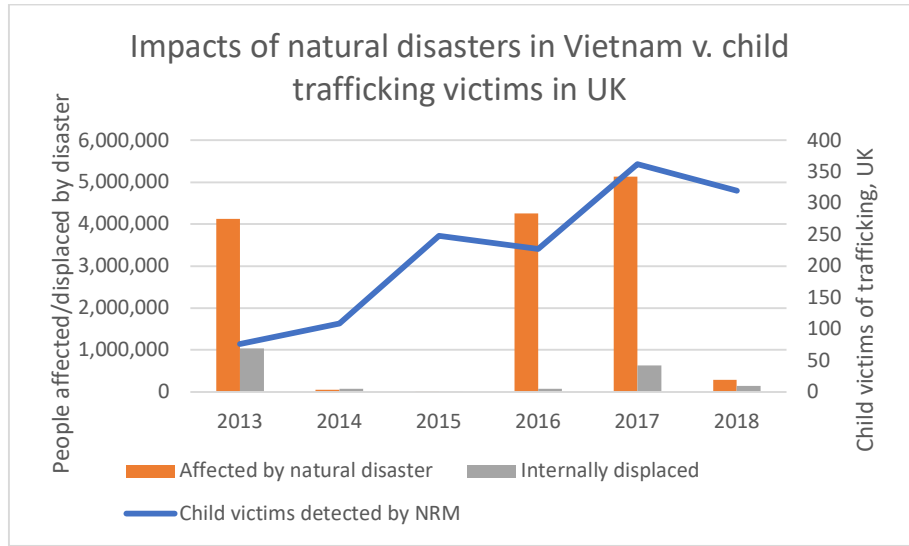
\*\* Extrapolated from data for Jan-June 2015 (200 cases)

The data shows that trafficking offences in Vietnam appeared to decline overall from 2012 to 2015, while numbers of victims detected by the NRM in the UK rose steadily from 2013 to 2018. There are several possible explanations: (1) inaccurate data; (2) changes in methodology and/or detection methods/resources; (3) the movement of trafficking operations from Vietnam to Europe; (4) other unexplained variables.

NRM data for 2017 and 2018 is included because of the delays caused by (a) the victim's journey and (b) the detection of victims of trafficking. Realistically, detecting adult and child

victims may take years, and many are never referred to the NRM or are prosecuted as criminals rather than being referred as victims (Hynes et al., 2018).

**FIGURE 26: NATURAL DISASTER IMPACTS V. CHILDREN TRAFFICKED, 2012-2018**



The analysis shows a slight positive correlation between numbers of people affected by natural disaster and internally displaced in Vietnam, and Vietnamese child victims of trafficking identified in the UK. However, given the delay in being recognised as a potential victim, improvements in the NRM’s detection methods, and multiple other variables enabling trafficking, the correlation is not strong enough to draw conclusions. To determine whether a correlation exists, future horizon-scanning exercises would need to incorporate data covering a much longer time-frame. This is not currently available.

The EM-DAT and IDMC data used for the comparison above excludes many slow-onset changes. To test for a possible correlation between exploitation and slow-onset environmental changes, the following comparison utilises GSO data on impacts at the household level, (including injuries, damage to property and destruction of farmland) and NRM and Home Office (2018a) data on trafficking and asylum-seeking in the UK.

**FIGURE 27: DESTRUCTION FROM ENVIRONMENTAL CHANGE IN VIETNAM, 2012-2018**

| Year   | Injuries (GSO) | Homes destroyed (GSO) | Home flooded/damaged (GSO) | Hectares of agricultural land damaged (GSO) |
|--------|----------------|-----------------------|----------------------------|---|
| 2012   | 440            | 2,776                 | 112,184                    | 296,924                                     |
| 2013   | 1,150          | 6,518                 | 694,619                    | 270,552                                     |
| 2014   | 165            | 1,936                 | 51,342                     | 171,894                                     |
| 2015   | 199            | 1,088                 | 30,953                     | 83,647                                      |
| 2016*  | 431            | 5,431                 | 364,997                    | 678,202                                     |
| 2017   | 668            | 8,309                 | 588,845                    | 365,195                                     |
| 2018** | 157            | 1,967                 | 119,157                    | 260,328                                     |

\* Figures for drought and saline intrusion included for the first time in 2016

\*\* Preliminary figures for 2018.

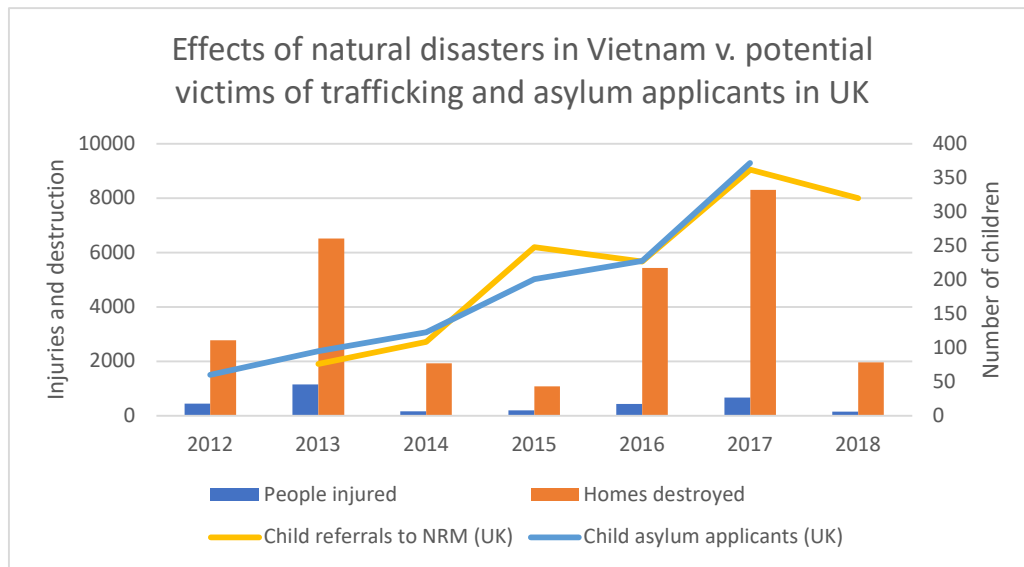
**FIGURE 28: VIETNAMESE CHILDREN IN THE UK, 2012-2018**

| Year | Children referred to the UK NRM (NCA) | Child asylum applications in the UK (Home Office) |
|------|---------------------------------------|---|
| 2012 | Not available                         | 60  |
| 2013 | 76                                    | 95  |
| 2014 | 109                                   | 123   |
| 2015 | 248                                   | 201   |
| 2016 | 227                                   | 228   |
| 2017 | 362                                   | 372   |
| 2018 | 320                                   | Not available                                     |

Details of individual asylum applications are confidential. However, we saw above how factors including environmental change and localised conflict can make people vulnerable to repression, discrimination and other drivers of harm that constitute ‘legitimate’ reasons for seeking asylum. Thus, I propose that the increasing numbers of children seeking asylum may be an indicator of social unrest in Vietnam, possibly exacerbated by environmental change.

The comparison below suggests a delayed effect from the events of 2013, in which more than 4.1 million people countrywide were affected by natural disasters (EM-DAT).

**FIGURE 29: NATURAL DISASTERS V. TRAFFICKING AND ASYLUM-SEEKING FROM VIETNAM**



The graph shows increasing numbers of suspected child trafficking victims and child asylum applicants in the UK in the four years following 2013. This may point to delayed migration decisions following loss of health, homes and livelihoods, or social unrest. However, these figures alone cannot confirm a connection.

#### 8.4.4 Findings of Stage Three

My new conceptual model can be used during horizon scanning to illuminate the links between environmental change, child migration and harm. However, the findings are only as good as the available data, and must be considered alongside the other, diverse information that comprises the horizon-scanning process.

While the findings in section 8.4.3 above suggest correlations between environmental change and both child migration and child trafficking, the lack of data means conclusions cannot be drawn about causality. Child trafficking data for Vietnam is scant: official migration data is not disaggregated by age, and few external agencies compile this information. Data on natural disasters and climatic changes is more detailed and covers decades, whereas trafficking and migration data only goes back a few years and is incomplete. Other datasets could be used with the conceptual model for horizon scanning, including government data on social issues such as poverty and living standards. Comparing these with environmental and migration data may show the extent to which social drivers of migration and vulnerability are influenced by environmental change. Overall, I believe the model provides a framework within which to test

theories around the various drivers of migration and exploitation, and their mutability in the face of environmental change.

## 8.5 Summary and conclusion

Chapter 2 identified significant gaps in the current literature, including: a lacuna around environmental factors in migration decision-making; and scant evidence on the extent to which environmental/climate change drives exploitation and other harms for child migrants. Earlier chapters provided new research to fill these gaps, and the present chapter has provided the tools to combine this research with extant literature to develop understanding of these linkages.

The horizon-scanning framework set out in section 8.1 allowed for investigation of diverse factors affecting environmentally driven migration and child harm in Vietnam and Montserrat. Stage One of the exercise (section 8.2) identified the contemporary environmental and demographic trends in each location. Stage Two (section 8.3) used extant literature and my own case study findings to drill down into, and connect, the specific environmental and climate-related hazards facing these two locations today, the current migration landscape in each country, and the particular vulnerabilities of children.

In answer to the research question – “Which specific circumstances/vulnerabilities of child environmental migrants increase or reduce their risk of harm?” – Stage Three (section 8.4) drew on a wide range of sources and drilled down into the four dimensions driving migration and vulnerability (individual, household, community and structural), to provide a systematic and wide-ranging investigation of environmentally driven migration-linked harms perpetrated against children by a range of actors. I introduced a new conceptual model which I adapted from existing models of migration and vulnerability and tested its applicability using available data from Vietnam. The futures orientation, borrowed from eco-global criminology, helped identify chains of causality involving numerous variables which may continue to cause harms across time and geographic locations as people migrate.

The other research question pertinent to this chapter was: “How might climate change mirror the historical environmental impacts seen in Vietnam and Montserrat and will it produce similar patterns of migration in those places in the future?” For Vietnam’s Mekong Delta region, this horizon-scanning exercise demonstrated the various ways in which future

environmental change may combine with individual, household, community and structural factors to drive internal child migration and displacement, emigration, asylum-seeking and trafficking. Environmental factors then have a further role in determining the level of vulnerability of children taking these journeys, potentially resulting in a range of harms and human rights violations. For Montserrat, the exercise showed that climate change threatens to cause another exodus, threatening the very existence of Montserrat as a society. Montserratian children are currently under-protected from the risk of harm during a future migration scenario, and the island's authorities must take urgent steps in both disaster preparedness and child protection to prevent child harm and the necessity of mass emigration.

At each stage of the exercise, findings from the 'useable past' – my two case studies in Chapters 4-7 – were employed to demonstrate how these linkages have played out in previous migration scenarios from the same locations. In those historical examples, I showed how the causes of migration – particularly the interplay between social and environmental drivers – were misunderstood, sometimes leading to inappropriate policy responses to the needs of child refugees and evacuees. This chapter, and particularly the new conceptual model, provide a more holistic approach to assess the interplay of these factors, allowing for better responses in the future.

“For horizon scanning to be useful requires that it is followed by appropriate action” (Sutherland & Woodroof, 2009:527). The final chapters analyse the current protection gaps, and propose actions to improve protection for children on the move in the context of environmental change.

## Chapter 9 – Protection gaps for child environmental migrants

*“Children do not lose their rights when they move.” – UNICEF (2022:18)*

### 9.1 Introduction

This chapter answers my sixth and final research question: “What legal protections currently exist for child environmental migrants, and are these are sufficient to prevent harm?” Section 9.2 summarises existing protections in international law for child migrants and highlights protection gaps that leave children vulnerable to exploitation and other harms. Section 9.3 analyses the effectiveness of initiatives that advance protections for people fleeing environmental crises, particularly climate change. Finally, section 9.4 suggests how the protection gaps might be filled. In doing so, this chapter proposes solutions to the harms experienced by child environmental migrants, as described in my historical case studies, to prevent such harms occurring in the future.

Existing and proposed hard and soft law frameworks are highlighted in bold throughout this chapter.

### 9.2 Existing frameworks in international law

#### 9.2.1 Introduction

The main focus of this section is international human rights law. It begins with a brief introduction to theoretical approaches to human rights from anthropology and sociology. I then evaluate the contribution of various strands of international law – including human rights, humanitarian, criminal, refugee, and labour law – to the protection of child environmental migrants from various forms of exploitation. In doing so, this section demonstrates the broad range of provisions that currently exist, but which states routinely fail to implement to protect child migrants.

One body of legislation tangentially related to this discussion is international environmental law. As of 2015, there were some 1,190 multilateral and 1,500 bilateral environmental agreements, including 20 with global coverage (Sheinbaum-Pardo, 2015). A comprehensive analysis of the contribution of these agreements is outside of the scope of this study since they are mostly concerned with protecting the environment, not migrants. However, section 9.3 considers the contribution of climate law under the UNFCCC framework to the prevention of displacement and the protection of climate-displaced people.



This section takes a thematic approach rather than attempting an in-depth analysis of every legal instrument. Regional and soft-law instruments are included where they have a particular bearing on child migrants and victims of exploitation.

### 9.2.2 Critical approaches to human rights law

Many of the relevant human rights provisions are found in international and regional instruments that enjoy extensive ratification by states parties. But what is the foundation for such law, and is it justiciable?

Some sociologists and anthropologists consider human rights to be mere social constructs. As such, their legitimacy has been queried. The founding fathers of sociology “failed to provide an ontological grounding” for human rights (Short, 2009:93). Emile Durkheim considered moral and legal norms to be “invested with a coercive power by virtue of which they exercise control over [individuals]” (Durkheim, 1982:52). Human rights norms have historically been subjected to particularly intense attacks on their validity (Langlois, 2009), not least because of the threat they pose to state sovereignty (Chandler, 2009). Nevertheless, “human rights have become a powerful institution” (Turner & Rojek, 2001:219), gaining widespread acceptance thanks to compassion sparked by the tendency of humans to “see in the plight of others their own (possible) misery” (Turner, 1993:506). Human rights norms also play a useful role in defining citizenship (Turner, 1993) and thus delineating the rights and responsibilities of all actors in the social contract.

Compassion and identification with the victim influence the migration debate and are thus powerful tools in human rights advocacy, which encourages us to switch places with a refugee or migrant, at least conceptually, and envisage our struggles in the absence of human rights protections.<sup>177</sup> This may be considered emotional manipulation by those favouring tight border control, while others point out that the existing refugee protection regime creates unjust and arbitrary categories of rights-holder, leaving some out in the cold:

“The institutionalisation of human rights may... lead not to their more secure protection but to their protection in a form that is less threatening to the existing system of power.” (Freeman, 2002:85, cited in Short, 2009:96)

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<sup>177</sup> For example, see this pro-migrant campaign from Amnesty International UK: [www.amnesty.org.uk/issues/refugees-migrants-and-asylum](http://www.amnesty.org.uk/issues/refugees-migrants-and-asylum) [Accessed 13/05/2020].

Thus, existing ‘protections’ may contribute to the harmful categorisation of migrants discussed in Chapter 2.2. This is discussed further in section 9.4, in the context of creating a new legal framework for environmental migrants.

The question of justiciability lies in the fact that, for human rights law to be meaningful, it must be applied consistently and in line with the rule of law and due process. Despite being the most widely supported human rights instrument, the 1989 **Convention on the Rights of the Child (CRC)** is undermined by not being ratified by the USA, an influential world power and permanent member of the UN Security Council. Moreover, in most states’ legal systems its application depends on its provisions being actively incorporated into domestic law. Even then, its utility relies on competent justice, law enforcement and child protection systems.

Despite these shortcomings, the human rights framework remains one of our best tools for holding governments accountable for their obligations towards citizens and non-citizens alike. An array of enforcement mechanisms – including individual complaints mechanisms, treaty bodies and regional courts and commissions – provide a safety net when domestic law enforcement and justice systems fail.

Short (2009) reminds us that for “the social actors suffering injustice, human rights are much more than an academic curiosity” (p.100). Regardless of our philosophical stance on the efficacy or legitimacy of human rights instruments, their role in the protection of child migrants must be promoted as one tool alongside other areas of law and policy.

### 9.2.3 Children on the move

At first glance, protections for migrants in international law and standards appear informal, incoherent and fragmented (Alonso, 2015). Concerning climate-related migration, Ayazi & Elsheikh (2019) find that:

“Collectively, across international humanitarian law, human rights law, refugee law, and other bodies of law, protections for climate-induced displaced persons forced to cross international borders are limited, piecemeal, and not legally binding.” (p.35)

While human rights and (where applicable) refugee law exist to protect people on the move, in the case of disaster-displaced persons, “international law does not address critical issues such as admission, access to basic services during temporary or permanent stay, and conditions for

return” (Nansen Initiative, 2015:18). The UK Government’s Foresight report on climate migration describes a “constellation of international frameworks and laws”, which nonetheless leave protection gaps for environmentally displaced persons, due either to inadequate coverage or failures in implementation (Foresight, 2011:117).

The following section unpicks these statements, surveying the existing framework to analyse its ability to protect child environmental migrants from harm.

### *The 1951 Refugee Convention*

The main international instrument for people forcibly displaced is the 1951 **Refugee Convention** (expanded through its **1967 Protocol**). Its implementation is supported by UNHCR, the UN refugee agency. The Convention defines a refugee as somebody who:

“owing to well-founded 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” (UN, 1954: Article 1(a)(2))

This is the sole area of migration with a widely supported international regulatory framework (Alonso, 2015). Yet the majority of children and adults forcibly displaced are not covered by the **Refugee Convention**, either because they do not meet the ‘persecution test’ or because they have not crossed an international border. At the beginning of 2022, there were 59.1 million internally displaced people worldwide, including 25.2 million children (IDMC, 2022). In 2021 alone, 23.7 million people were newly displaced within their home countries by weather-related disasters (IDMC, 2022). By comparison, there were 21.3 million refugees worldwide under the mandate of UNHCR (UNHCR, 2022).<sup>178</sup>

UNHCR (2015) acknowledges that:

“Those who cross borders in the context of climate change and disasters would not normally qualify as refugees under the 1951 Convention.... and there are at present no widely accepted principles or rules governing their entry and stay in another country.” (p.9)

This has been challenged by legal scholars who argue for a broader interpretation of the **Refugee Convention**, for example in cases where displacement leads to persecution or conflict

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<sup>178</sup> Figure accurate as of 16 June 2022. This included more than 4.8 million people fleeing Ukraine. In addition, UNHCR recognised 4.6 million asylum-seekers globally, and there were 5.8 million Palestinian refugees under the mandate of UNRWA (UNHCR, 2022).

(see section 9.4.2). Conversely, McAdam (2016) supports a narrow interpretation of the Convention regarding environmental migrants, arguing that

“the requirement that persecution be *for reasons of* an individual’s race, religion, nationality, political opinion, or membership of a particular social group poses an additional difficulty, given that the impacts of climate change and natural disasters are largely indiscriminate.” (p.1536, emphasis in original)

I propose, however, that environmental change is *rarely* indiscriminate. Those worst affected tend to be poor, elderly and female (Matthew, 2007; Adger et al., 2014; Cramer et al., 2014; Alston, 2019) and lacking in resources to undertake planned, regular migration away from risk zones (IPCC, 2014). On Montserrat, poorer families spent longer in shelter accommodation as they could not afford to evacuate independently (see Chapters 6 and 7). Moreover, marginalised social groups often inhabit more risk-prone areas (Burkett et al., 2014; Kuffer et al., 2016). During the Vietnam War, poorer rural families suffered the worst effects of environmental degradation, and following the war people who were politically marginalised were most likely to suffer from regressive policies aimed at restoring the environment and agricultural sector (see Chapters 4 and 5). Discriminatory adaptation policies can also entrench existing inequalities, putting marginalised groups at further risk (Crowther, 2010; Adger et al., 2014). A human rights lens can help to identify, and remedy, the intersecting causes of vulnerability to environmental change.

The definition of a refugee under the **Refugee Convention** could be interpreted to include anyone, particularly unaccompanied minors, who do not enjoy the protection of their government for any reason (whether through persecution, negligence or a lack of resources). Under Article 1(1)(a) of the Convention, the definition of a refugee is broadened to anyone previously covered by earlier refugee instruments. One such instrument is the **Convention concerning the Status of Refugees coming from Germany (1938)**, which defines refugees as people “who are proved not to enjoy, in law or in fact, the protection of the German Government” (League of Nations, 1938: Article 1(1)(a)). Another is the 1946 **Constitution of the International Refugee Organization (IRO Constitution)**, which has a broad definition of “refugee” that includes, among others, any person “unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality”, as well as “unaccompanied children... outside their countries of origin” (UN, 1946: §§A(2) & A(4)).

McAdam (2006) notes that the inclusion of earlier instruments in its definitional article points to an intention by its drafters that the **Refugee Convention** have a broader humanitarian scope of protection, covering situations including armed conflict and communal violence. Moreover, the inclusion of unaccompanied children in the **IRO Constitution** has potential ramifications for children in various migration circumstances, even when narrowed by the Constitution's list of "valid objections" to return (see UN, 1946: §C(1)(a)).

The **Refugee Convention** was drafted to respond to a specific situation in Europe following World War II (although its geographic and temporal limitations were removed by the 1967 Protocol). In this sense, the Convention is "tied to a singular past" (Gready, 2010:179) and neither designed nor equipped to satisfactorily meet the needs of today's environmental migrants, even if individual cases can be shoehorned into its definition of persecution. I suggest that the lack of an equivalent treaty for environmental 'refugees' has three explanations: lack of state support (see section 9.3); lack of a clear definition of the problem (Ayazi & Elsheikh, 2019; see also Chapter 2.2); and finally an historic perception that, while wars are unusual and 'serious' events, natural disasters are part of 'normal' patterns of weather and climate (Stehr and von Storch, 2010), and thus do not require an exceptional response.

Paradoxically, this final factor is shifting as extreme weather events occur with an increasing frequency which does not always permit regions to recover their 'normal' state. This cultivates a sense of universal threat which prompts compassion and identification with the victim, as described above by Turner (1993); a conceptual shift which allows the rights of environmental migrants to finally be recognised, either through existing laws or the development of new norms.

#### *Human rights instruments*

In addition to the **Refugee Convention**, international human rights treaties also contribute to the protection of people on the move. The main instruments are summarised below.

**FIGURE 30: SELECTED INTERNATIONAL HUMAN RIGHTS INSTRUMENTS RELEVANT TO ENVIRONMENTAL MIGRANTS**

| <b>Instrument (and year adopted)</b>  | <b>Provisions relevant to people on the move</b>  |
|---|---|
| <i>Convention on the Elimination of All Forms of Racial Discrimination</i> (1965)                             | Prohibits discrimination or segregation on the basis of race. Does not allow states parties to discriminate against any particular nationality in matters of citizenship or naturalisation (although states may treat citizens and non-citizens differently).   |
| <i>International Covenant on Civil and Political Rights</i> (ICCPR) (1966)                                    | Includes, among others, the rights to life, liberty and security of person; freedom of movement; legal equality and recognition; fair trials; privacy and family life; freedom from arbitrary arrest and detention; freedom from slavery and forced labour; freedom from torture; right not to be expelled arbitrarily from a state; freedom of thought, conscience, religion, peaceful assembly and association; children’s rights; and freedom of minorities to practice their religion and culture and speak their language. |
| <i>International Covenant on Economic, Social and Cultural Rights</i> (ICESCR) (1966)                         | Includes, among others, the rights to self-determination; employment; protection for the family, particularly maternity and childhood; an adequate standard of living (including adequate food, clothing and housing); health; education; and cultural life. Fulfilment is based on “progressive realization”, in accordance with available resources.  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women</i> (CEDAW) (1979)              | Prohibits gender-based discrimination.<br>Prohibits trafficking and the exploitation of women’s sex-work.   |
| <i>Convention on the Rights of the Child</i> (CRC) (1989) and its two optional protocols (2000)               | Protects children against a range of violations. Includes consideration for the child’s best interests and protection against discrimination, within or outside of their country of origin. Protects children seeking refugee status.<br>Prohibits the criminal exploitation, abduction, sale or trafficking of children. Two optional protocols cover forms of child exploitation.   |
| <i>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> (1990) | Prohibits discrimination against migrant workers and their family members.<br>Reaffirms rights in earlier instruments (see above).<br>Prohibits the destruction or arbitrary confiscation of a migrant’s documents, and protects against collective or arbitrary expulsion.<br>The right to health is limited to emergency medical care.<br>Children have the right to education.<br>Does not automatically grant the right of regularisation of status to undocumented or irregular migrants.                                  |
| <i>Convention on the Rights of Persons with Disabilities</i> (2007)   | Protection against discrimination on the basis of disability, including during humanitarian emergencies, including natural disasters.<br>Protects the rights to freedom of movement and nationality of disabled persons.  |

Other human rights instruments such as the **Convention against Torture** and the **Convention against Enforced Disappearance** may apply to migrants in specific circumstances. They are not considered in detail here.

The **CRC** has the broadest application to child migrants, reaffirming existing norms and adding new provisions addressing children's needs. It results from states' acknowledgement of children's vulnerabilities, and a "commitment to provide an environment that enhances their capacity to resist, cope with or recover from violence or abuse and ensure their equal chance for development in life" (Hansen et al., 2019:55). Despite this, its influence remains largely absent from mechanisms designed to tackle the human impact of climate change and environmental problems (Myers & Theytaz-Bergman, 2017).

Bhabha (2019) notes that several **CRC** provisions are of particular relevance to children who go missing during migration. Article 2 prohibits discrimination against children on the basis of their or their parents' protected characteristics (race, nationality, ethnicity, etc). Bhabha notes that this provision prohibits the use of derogatory labels for children based on their immigration status – terms such as "anchor babies", "illegals" or "terrorists" (p.74). These terms imply that migrant children warrant inferior care from state officials, a practice that is discriminatory according to Article 2, and yet widely in evidence, especially against unaccompanied and separated children (e.g. Hynes, 2010; O'Connell Davidson, 2011 & 2013; Amit, 2013; Todres, 2014; Alsop, 2018; Farmer, 2018; Kumin, 2018; Terrio, 2018).

A foundational principle of the **CRC** is that: "In all actions concerning children... the best interests of the child shall be a primary consideration" (UN, 1989: Article 3(1)). Bhabha (2019) nevertheless argues that an "extensive range of State practices, many of them widely in evidence, violate the best interests" of migrant children (p.75). She lists practices including the confinement and separation of children from their families in immigration detention; visa rules that restrict safe and legal access by refugees; border-control policies that leave children in high-risk situations, such as in boats at sea; and deportation policies that place children at risk of exploitation. The Mixed Migration Centre (2017), an independent research agency, recommends that "child protection systems remain distant from immigration authorities, so that a child's best interest is protected and continues to prevail over immigration imperatives." While the best interests principle alone cannot determine whether a child satisfies the

definition of a refugee (Frydman & Bookey, 2018), children's claims for protection should be considered within this framework.

Others highlight an intrinsic flaw in the best interests principle, especially when applied to migrant children. **CRC** Article 3 supposes that the child's best interests are decided by external authorities acting on the child's behalf (Beadle & Davison, 2019). Pupavac (2009) argues that this reinforces power inequalities between the child and their advocates and is based on a presumed universal childhood experience that does not account for childhood norms across all societies. The fact that legal systems generally view children as dependents of adults further hinders their ability to make their voices heard independently (Thronson, 2018). Indeed, under the **Refugee Convention**, a child whose parents are denied refugee status will automatically be denied too, even though the child may have independent protection claims (Pobjoy, 2017). Their claim is only likely to be assessed independently if they are unaccompanied or separated from their family. Even then, other adults will advocate on their behalf.

The **CRC** acknowledges the "evolving capacities of the child" (Articles 5, 12 & 14), but does not provide a definitive age at which a child is capable of advocating for themselves. There exists a tension, therefore, in the **CRC** between the rights of others to advocate on a child's behalf in their presumed "best interests", and the right of the child to form and express their own opinions on matters affecting them, and to be heard "in accordance with the[ir] age and maturity" (Article 12). To bridge this gap, the UN Office of the High Commissioner for Human Rights (UN OHCHR, 2016) advises that migrant children should have access to information, interpretation and free legal representation to help them understand their options and make informed decisions. However, the state is only obliged to take the child's views "into consideration" (UN OHCHR, 2016), and Bhabha (2019) observes that governments' default approach is often to assume that deportation is in the child's best interests, without heeding the child's preference. This was demonstrated to tragic effect by the repatriation of child refugees from Hong Kong to Vietnam in the 1990s (see Chapter 5.4).

The importance of taking into consideration a migrant child's opinion and experiences is underscored by the huge risks many children face to reach a new country. In her analysis of the application of **CRC** Article 6 – the right to life – Bhabha (2019) lists two state approaches to protecting the right to life of migrant children. The first is the "last-ditch rescue or punitive deterrence" approach; the second, and preferable method, is "the creation of robust



alternative opportunities, whether at source, en route or at destination” (p.76). Bhabha thus highlights how varied interpretations of the **CRC**’s provisions can have very different outcomes for children. Pobjoy (2017) further extends the breadth of interpretation of Article 6 to cover *non-refoulement* (discussed below). Given the large numbers of migrant children who die or go missing (Sánchez Dionis & Dearden, 2019), all of whom have well-defined international and domestic legal protections (Black, 2019), the importance of broadening the scope of Article 6 cannot be overstated. The reasons for these deaths and disappearances are wide-ranging, from drowning at sea, to road accidents, illness and abduction by traffickers, and the fate of many thousands of children is simply never recorded (Sánchez Dionis & Dearden, 2019; Okyere, 2019; see Chapters 4 and 5). Child boat refugees died in their tens of thousands fleeing Vietnam in the years before the Convention came into force in 1989. Near-universal ratification has not prevented children drowning in similar circumstances crossing the Mediterranean Sea in recent years. Thus, I propose that applying as wide an interpretation as possible of Article 6 and its associated obligations – one which covers all possible circumstances of migration and considers the various actors with which children may come into contact, as well as listening to children themselves – is crucial to protect migrant children. The alternative is a system in which risky clandestine journeys, push-backs and dependence on smugglers and traffickers becomes child migrants’ only reality, increasing their powerlessness and reducing their capacity to make informed and safe decisions in their own best interests.

In contrast to any other international human rights treaty (Pobjoy, 2017), the **CRC** contains a provision expressly for the protection of refugee and asylum-seeking children. Article 22(1) provides “appropriate protection and humanitarian assistance in the enjoyment of applicable rights” to refugee minors, and in the case of unaccompanied and separated children, “the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason” (Article 22(2)). Despite extending the **Refugee Convention** protections to include lone asylum-seeking children, those covered by Article 22 nevertheless remain a minority of all child migrants requiring protection. Thus, other provisions in the **CRC** must be applied broadly to ensure sufficient protection in all circumstances.

To this end, the relevant treaty body – the UN Committee on the Rights of the Child – has taken steps to interpret **CRC** articles so as to extend their applicability to migrant children, most notably through its **General Comment No. 6 of 2005**. This document acknowledges the

risk of exploitation faced by lone children, and clarifies those practices which constitute acceptable treatment of unaccompanied and separated minors outside their country of origin, under **CRC** provisions. It recognises the increased risks faced by unaccompanied and separated children, including to sexual abuse, child labour and military recruitment, and highlights some harmful state immigration practices that foster such risk (UN Committee on the Rights of the Child, 2005:§I(3)). It clarifies that the **CRC** applies to all children in a state’s jurisdiction, “irrespective of their nationality, immigration status or statelessness” (§IV(12)) and calls on governments to proactively identify children at risk and reunite them with their families (§IV(a)(13)). It sets out conditions for repatriation to prevent *refoulement* (§§IV(f) & VII(c)(84)), and entreats states to provide “complementary protection” to lone children who do not meet the **Refugee Convention** definition (§VI(f)(77)).

Ensuring these expanded definitions of child migrants’ rights are respected depends on state practice. However, mechanisms exist to ensure compliance with the **CRC** and its **Optional Protocols on the sale of children and child soldiers**, including an individual complaints procedure for children (and their advocates) who allege violations by the state. These communications are investigated by the UN Committee on the Rights of the Child in cases where the state has signed the **CRC third Optional Protocol**. Only 52 of the **CRC**’s 196 states parties have done so to date, meaning that oversight rests largely on the Committee’s scrutiny of governments’ quinquennial reports. However, states that are not signatories to the **CRC third Optional Protocol** may still be signatories to complaints mechanisms under other human rights treaties, potentially providing migrant children and their advocates with alternative avenues to justice.

Other human rights treaties with individual complaints mechanisms include the **ICCPR**, **ICESCR**, **CEDAW**, the **Convention on the Elimination of All Forms of Racial Discrimination**, and the **Convention on the Rights of Persons with Disabilities**, among others. The individual complaints mechanism for the **Convention on Migrant Workers** has not yet entered into force. Most states parties to these treaties will have incorporated the provisions into domestic law, meaning that children can, in theory, receive a remedy through domestic courts. However, in practice, migrant children rarely have easy access to the legal systems of the countries through which they travel.

In cases where states *do* uphold their provisions, these treaties provide additional safeguards to child migrants including the prohibition of *refoulement*. This principle prevents an individual being returned to a country where they would face harm. *Refoulement* is explicitly prohibited in the **Convention against Torture** and the **Convention against Enforced Disappearance**. It is also implicit in provisions of the **Refugee Convention**, and the **CRC** and **ICCPR** – particularly their respective Articles 6 on the right to life.

The **Nansen Initiative** (2015) highlights examples where international and regional human rights law may be used to prevent the *refoulement* of people displaced by natural disasters, where their return would lead to a “situation deemed to be inhuman” (p.24). It further notes that the Inter-American Court of Human Rights has ruled against deportation of a child under **CRC** Article 3 where removal was not in the child’s best interests, and argues that persons affected by natural disasters may also find protection in international and national anti-trafficking laws. Pobjoy (2017) meanwhile argues for the application of **CRC** Article 3 in asylum determination procedures, including where “the child is not eligible for protection under the [Refugee Convention] or the more traditional *non-refoulement* obligations” (p.31). Nevertheless, McAdam (2016) finds domestic laws around admission and conditions for return to be ad hoc, discretionary and unpredictable.

**Case study: *Teitiota v. New Zealand***

The case of *Teitiota v. New Zealand*, which tested the applicability of the **ICCPR**’s *non-refoulement* provision in a climate change scenario, was concluded by the UN Human Rights Committee (the treaty body for the **ICCPR**) in January 2020. The case concerned Ioane Teitiota, a Kiribati national who applied for asylum in New Zealand on grounds that his home island of Tarawa had become uninhabitable. When New Zealand rejected his asylum application, he applied to the Human Rights Committee under **ICCPR** Article 6 (the right to life), claiming that his return to Kiribati amounted to *refoulement*:

“Inhabitable land on Tarawa has eroded, resulting in a housing crisis and land disputes that have caused numerous fatalities. Kiribati has thus become an untenable and violent environment for [Teitiota] and his family.”  
(UN Human Rights Committee, 2020: §2.1).

An expert witness confirmed that land scarcity on Tarawa had led to violence, injuries and deaths (§2.4); yet the Committee ruled against Ioane Teitiota, since there was no evidence that violence or persecution was directed against him specifically (§2.8). Despite the outcome, the case is significant since the ruling noted that:

“without robust national and international efforts, the effects of climate change in receiving states may expose individuals to a violation of their rights under articles 6 [right to life] or 7 [freedom from torture] of the Covenant, thereby triggering the non-refoulement obligations of sending states. Furthermore, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realized.” (§9.11)

Two dissenting opinions further supported the claims of climate migrants. One noted:

“The conditions of life... resulting from climate change in the Republic of Kiribati, are significantly grave, and pose a real, personal and reasonably foreseeable risk of a threat to his life under Article 6(1) of the Convention. Moreover, the Committee needs to handle critical and significantly irreversible issues of climate change, with the approach that seeks to uphold the sanctity of human life” (Annex 2, §1)

The ruling thus opens the door to other climate migrants using international human rights law, particularly *non-refoulement* provisions, to contest their deportation back to conditions that put them at grave risk of climate-related harm. I met one of the dissenting Committee members in 2022 and asked for her thoughts on the case two years on. She noted that Ioane Teitiota’s children had since become ill and been hospitalised due to unsafe drinking water on Kiribati, sadly vindicating her fears that their failed asylum application represented a potential violation of Article 6.<sup>179</sup>

Frydman & Bookey (2018) and Pobjoy (2017) argue that human rights law should be applied in the interpretation of the **Refugee Convention** definition, with any “sustained or systematic

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<sup>179</sup> Conversation with Vasilka Sancin, Vice-Chair of the UN Human Rights Committee, Geneva, 15 September 2022.

violations” of human rights law amounting to persecution (Pobjoy, 2017:29). Pobjoy contends that this would “enable the [Refugee Convention] definition to evolve in a contextually sensitive way [by drawing on] the increasingly sophisticated body of international human rights law” (p.30). Moreover, application of human rights law would lead to “objective and consistent decision-making” in refugee determination procedures (Pobjoy, 2017:29). However, I question how “objective and consistent” these determinations would prove to be, given the inconsistency with which states currently apply human rights law, the number of non-ratifications of, and derogations from, treaty law, and the vagueness of some provisions. Ensuring that human rights are interpreted in a broad manner in domestic law appears key to ensuring protection for child migrants.

People migrating from climate or environmental change have never enjoyed explicit protection as refugees in the national legislation of any country (Lukyanets et al., 2019) and there are few “concrete or binding commitments” towards this group in domestic law (Thornton et al., 2019:253). However, three regional instruments – the **African Union’s Kampala Convention**, the **Convention on the Refugee Problem in Africa**, and the non-binding **Cartagena Declaration** in Latin America – do provide broader recognition to refugees, including, in the case of the **Kampala Convention**, to people displaced by natural disasters. Although lacking widespread support, these instruments have been incorporated into the domestic law of some signatory states.

Moreover, some states allow for the temporary admission and residence of non-citizens escaping environmental catastrophe, either through national laws or regional agreements, although this is uncommon (Nansen Initiative, 2015). Given this lacuna, and the fact that most environmental migrants remain within the borders of their home country, responsibility for their protection generally sits with the home government. This state of affairs “contradicts the global responsibility for the victims of climate change” (Biermann & Boas, 2010:74), a responsibility recognised under the climate law framework. Sections 9.3 and 9.4 investigate this paradox, along with the various ways in which environmental migrants could be protected under national, bilateral and regional frameworks.

Broad interpretation and implementation of human rights provisions into national law adds an extra layer of protection for child migrants, whatever their immigration status. In short, being granted refugee status is only half the story if the national law and policy of your new country

still allows for discrimination against foreign nationals, prevents you accessing public services, and does not protect you from exploitative employers. This was the experience of Vietnamese child refugees in the USA, many of whom faced poverty and exploitation (see Chapter 5), and of Montserratian children in the UK, who were not recognised as refugees or given prompt access to welfare and national insurance numbers (see Chapter 7). On the other hand, being recognised as a refugee may prove redundant if your destination country respects, protects and fulfils the human rights of citizens and foreign nationals alike, regardless of immigration status.

### *Statelessness*

A further source of discrimination and exploitation is the condition of being stateless.

Statelessness is both caused by, and contributes to, discrimination against certain groups, particularly women and ethnic minorities. Stateless migrants face additional difficulties since they often lack documentation. The European Commission (2017) recognises statelessness as a cause of delayed regularisation of child migrants arriving in the EU, resulting in delayed identification of child victims of exploitation.

Two international instruments address this phenomenon: the 1954 **Convention Relating to the Status of Stateless Persons**, and the 1961 **Convention on the Reduction of Statelessness**. In addition, **CRC** Article 7 and **ICCPR** Article 24(3) confer on children “the right to acquire a nationality”. Yet adequate safeguards against statelessness exist in only a minority of states (van Waas, 2018), further demonstrating that full incorporation into domestic law is essential to the realisation of human rights and the protection of migrant children.

## 9.2.4 Child exploitation

### *Trafficking and sexual exploitation*

Several human rights instruments prohibit trafficking of women and children, including **CEDAW**, the **CRC** and the **CRC Optional Protocol** combating the sale of children, child prostitution and child pornography.

In addition to these human rights instruments is the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children** of 2000 (the **Protocol on Trafficking**). Along with the **Protocol on Smuggling** (2000), it supplements the **UN Convention against**

**Transnational Organized Crime**, and thus sits in the framework of international criminal law.<sup>180</sup> Thus the primary aim of the **Protocol on Trafficking** is the prosecution of traffickers. Realising the human rights of victims is a secondary goal (Thomson, 2016), although its provisions reference human rights. In contrast, the provisions of the **Council of Europe Convention on Action against Trafficking in Human Beings** of 2005 (**CoE Trafficking Convention**) “are entirely located within a human rights framework and consequently are often where the greatest protection for victims is found” (Thomson, 2016:64). So, for example, while the **Protocol on Trafficking** appeals to states to pay “particular attention to women and children” (UN, 2000d: Article 2(a)), the **CoE Trafficking Convention** insists on “guaranteeing gender equality” (CoE, 2005: Article 1(1)(a)), in recognition that men and boys are victims of trafficking too, including sex trafficking.

The **Protocol on Trafficking** contains specific provisions to protect children from exploitation. Under the Protocol, trafficking does not have to occur across borders. Indeed, UK citizens are the most commonly referred victims under the UK’s National Referral Mechanism (NRM).<sup>181</sup> The Protocol defined the crime of trafficking, allowing states to identify victims and prosecute perpetrators. Yet the absence of a human rights basis for the Protocol meant that key obligations were omitted, including the rights of victims to proactive identification, immediate protection and support and access to an effective remedy (Gallagher, 2015). To fill this gap, the UN OHCHR published the **Recommended Principles and Guidelines on Human Rights and Human Trafficking** (2002), setting out the protection needs of child victims (UN OHCHR, 2002: Guideline 8).

The Guidelines were influential in the drafting of both the **CoE Trafficking Convention** and the **EU Anti-trafficking Directive** of 2011, which incorporate and expand on the Guidelines’ human rights language, giving recognition to trafficking victims as “holders of a special set of rights” (Gallagher, 2015). Furthermore, the **Protocol on Trafficking** allows individual states to expand the definition of exploitation when incorporating the Protocol into domestic legislation (Allain, 2019). While this can prove problematic when exercising jurisdiction over cross-border acts of trafficking (Allain, 2019; McAdam, 2019), it does allow for the definition to keep pace with a changing understanding of how victims are affected by various forms of exploitation.

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<sup>180</sup> These instruments are also known as the Palermo Convention and Palermo Protocols.

<sup>181</sup> The NRM was established to meet government obligations to identify victims under the CoE Trafficking Convention. Latest figures here: [www.gov.uk/government/collections/national-referral-mechanism-statistics](http://www.gov.uk/government/collections/national-referral-mechanism-statistics)

The relevance of this for children fleeing environmental change is apparent when one considers that greater opportunities for displacement present greater opportunities for criminals to exploit and traffic children (Bales, 2016; Hill, 2018). Human trafficking is indeed predicted to increase as the climate changes (Coelho 2017; Gerrard, 2018). Climate impacts are not always the primary cause of exploitation, but they may exacerbate the vulnerability of previously disadvantaged groups, including children (Sanghera, 2005; Castañeda Camey et al., 2020). Realisation of human rights provisions is therefore crucial to ensuring that people do not find themselves vulnerable to exploitation when disaster strikes. For example, Chapter 8.4 showed how realisation of the right to education can increase children’s understanding of the risks of migration, while the right to social security provides a safety net to support people *in situ*.

#### *Child labour and slavery*

Child trafficking frequently involves harmful labour and modern slavery, with some children being forced to carry out criminal activities. Economic exploitation, whether in the context of trafficking or not, is prohibited by several international instruments including the **ICESCR** (Article 10(3)); **CRC** (Article 32); **ICCPR** (Article 8) and the 1926 **Slavery Convention**. The prohibition of slavery is recognised as a *jus cogens* norm and, as such, slavery is banned outright in all jurisdictions and circumstances, regardless of whether a state has ratified the relevant treaties.

Child (and adult) labour is regulated at the international level via legally binding instruments of the International Labour Organization (ILO), some dating back almost a century. The most relevant to under-18s is the **Worst Forms of Child Labour Convention (ILO Convention 182 of 1999)**. Other ILO instruments with particular relevance to migrant children are **Convention 97 (Migration for Employment)**, **Convention 138 (Minimum Age for Employment)**, **Convention 143 (Migrant Workers)** and **Convention 189 (Domestic Workers)**. Between them, these treaties aim to tackle labour discrimination against migrant workers (Alonso, 2015), prohibit economic activity for children under 12 (Myers & Theytaz-Bergman, 2017), and improve conditions for the mainly women and girl migrant domestic workers (Alonso, 2015).

Regionally, the **African Charter on the Rights and Welfare of the Child** (1990), in recognition of the continent’s high rate of child labour, protects children from “any form of economic



exploitation” or that which is hazardous or interferes with the child’s development (African Union, 1990: Article 15(1)). Another approach is the adoption of unilateral instruments aimed at ceasing child labour, exemplified by the so-called **Harkin-Engel Protocol** (2001), which focuses on child labour in the cocoa supply chain. It has received criticism for focusing on just two producer countries – potentially moving the problem elsewhere – and removing a source of income for children and families. Despite the potential for such “perverse consequences”, conditional clauses in trade agreements may nevertheless help promote human rights (Fukuda-Parr & Wyant, 2015:341), potentially reducing child exploitation in supply chains.

All of the above-mentioned provisions are relevant in the context of environmental change, since both environmental change and subsequent migration are risk factors for exploitative child labour (see Chapters 2.4 and 8). Myers & Theytaz-Bergman (2017) cite numerous examples of climatic and other environmental factors driving children to undertake harmful forms of work. For example, unpredictable weather patterns and soil depletion in Burkina Faso have pushed children to migrate to undertake highly hazardous work in gold mines. These migrant children, who may previously have worked on the land, are driven into arguably more harmful and exploitative labour as a direct result of environmental change (Myers & Theytaz-Bergman, 2017).

The question therefore remains: *why* are children still subjected to trafficking and exploitative labour when legal provisions abound to prevent this, including the non-derogable prohibition of slavery? Numerous reasons exist, from the capacity of developing states to police the issue or provide alternative economic opportunities, to social practices that promote child labour, to cultural concepts around the duty of the child, their role in the family, and the very definition of childhood. In most cultures, children are expected to perform some unpaid labour within the home, which can extend to working on the family farm or in the family business (Pupavac, 2009). In some settings it is culturally acceptable to send a child to another household to perform such tasks in return for food and lodging, and quickly the line between ‘normal’ duties and child trafficking becomes blurred. Additionally, defining the “worst forms of child labour” is problematic (Cullen, 2019), as the ILO itself has recognised, since working conditions exist along a continuum (O’Connell Davidson, 2013).

Chapter 5.5.2 showed how Vietnamese refugee children undertook various forms of labour – some exploitative – in the USA to support their families. This was not caused by a lack of state

capacity, nor did it result from Vietnamese cultural norms (as shown by the absence of equivalent experiences for Vietnamese children in the UK). It resulted from the USA's decision not to provide adequate social security or resettlement support, and to instead rely on the flawed sponsorship programme. Children themselves often make the decision to enter the workforce, to escape worse conditions at home, to provide support for their families, to fund onward migratory journeys, to gain an education or to otherwise better their prospects. Legal prohibitions on accepting 'regular' work due to age or immigration status pushes children into illicit forms of labour, and immigration controls may drive children towards smugglers and traffickers, forcing them to undertake exploitative work under duress and/or to pay debts (IOM and UNICEF, 2017). Thus, laws designed to protect children (and borders) can make migrant children more vulnerable to exploitation.

The current system, therefore, is largely unsuited to the challenges faced by child migrants, who turn in increasing numbers to smugglers, and face "risks of exploitation, trafficking, detention, and brutality" (Farmer, 2018:173) along their journeys. Locating and identifying slaves and victims of trafficking is more complicated today than it was during historic anti-slavery movements, when the lines between 'bonded' and 'free' were less blurred. Given the many drivers of migration, it is equally hard to identify viable solutions, as demonstrated by the only partial success of twentieth century anti-slavery legislation. Institutional reforms such as setting age limits on work and marriage are a solution for some children, but others fall through the net (Quirk, 2006). Moreover, the basis in criminal law of anti-trafficking legislation may result in criminal justice systems becoming overwhelmed as more children are victimised. In short, the system as it is currently organised may not have capacity to manage the scale of the problem resulting from climate change (Gerrard, 2018). Section 9.3 considers the contribution of recent instruments tailored to issues arising from climate displacement and migration. On the specific question of stemming exploitative child labour resulting from climate change, a semi-legal framework from West Africa provides a model of good practice.

**Case study: West African Network for the protection of children**

West Africa has been hit hard by environmental change, with unpredictable weather patterns and soil depletion driving poverty (Myers & Theytaz-Bergman, 2017). It also has a long tradition of labour migration within the region (Geissler & Lagunju, 2018), with children making up a large proportion of those migrating within and between members of the Economic Community of West African States (ECOWAS). They do so for many reasons,

although climate change has increased the pressure to migrate. Geissler & Lagunju (2018) identified various categories of child migrants in West Africa, including victims of trafficking, victims of abuse, children in conflict with the law, children deprived of education, orphans, street children and victims of natural disasters, among others. Some undertake highly dangerous and exploitative labour, such as gold mining.

Following the signing of the Protocol on Trafficking in 2000, some ECOWAS countries adopted domestic legislation outlawing trafficking. Although significant numbers of children were subsequently 'rescued' from exploitative situations, it was soon recognised that these laws did not address the reality of child migration in West Africa, and were even causing additional vulnerability. Dottridge & Feneyrol (2007) documented the "disastrous confusion" that occurred as a result of these laws, which conflated *any* migration by children in West Africa with child abuse. Police and local "vigilante committees" began preventing migration across borders by any child, regardless of their age, and labelling all vulnerable children as trafficking victims.

ECOWAS states and the international community moved quickly to address the problem, establishing the West African Network for the protection of children (WAN) in 2005. To date, 15 ECOWAS countries plus Mauritania have joined WAN and it is supported by a volunteer network of 300,000 young people who identify child migrants at risk and signpost them for support and care. Although a key goal of WAN remains child repatriation, the emphasis has shifted to consider children's individual circumstances. Objectives include removing children from exploitative situations, providing emergency support and reintegrating them in a manner that prevents further abuses, through a process that involves listening to the child and providing alternative, safe educational or vocational solutions. The WAN guidelines state: "children must be considered not only as victims in need of protection, but also as capable individuals with talents, resources, skills and solutions to remedy their situation" (ECOWAS, 2016:19).

WAN demonstrates the possibility of co-ordinating child protection across multiple countries with differing cultures and interests, and provides a model for other regional organisations. Via WAN, international child rights and anti-trafficking legislation have been applied in a culturally and regionally appropriate manner via a child-centred approach. Out of 6,754 children identified and repatriated by WAN between 2005 and 2016, only 2.7% were on the move as a

result of alleged trafficking (Geissler & Lagunju, 2018:324), a figure which demonstrates the complexity of the issue. WAN provides a template for a more nuanced approach to child migration and labour in the context of environmental change, which could be adopted elsewhere as climate change continues to complexify child migration patterns.

### *Child soldiers*

While environmental change is a clear driver of child labour exploitation, the link between the environment, climate change and the recruitment of children into armed forces is less apparent. Previous chapters showed how environmental change may drive children to migrate alone or become separated from care-givers. Children may also be left alone at home due to the death or departure of their parents. Both the UN Committee on the Rights of the Child (2005) and the International Committee of the Red Cross (ICRC, 2004) acknowledge that unaccompanied and separated children face an increased risk of military recruitment. Principle 13 of the **Guiding Principles on Internal Displacement** flags the risk of military recruitment of displaced people, including in the context of natural disasters, and specifically prohibits the recruitment of displaced children (OCHA, 1998; see section 9.3.3). Thus, environmental change is known to leave children vulnerable to recruitment into armed forces and armed groups.

The international legal framework includes instruments of direct relevance to child soldiers.<sup>182</sup> These include the **Optional Protocol to the CRC on the involvement of children in armed conflict** (2000), and a soft-law instrument, the **Paris Principles** (2007). The latter notes that military uses of girls and boys range from: “support roles, such as cooking or portering, to active fighting, laying mines or spying [while] girls are frequently used for sexual purposes” (UNICEF, 2007: para.1.0). Recent research has found that boys are also vulnerable to sexual violence in this context (All Survivors Project, 2018). In international labour law, forced military recruitment of under-18s is banned by **ILO Convention 182**.

In international humanitarian law (the law governing armed conflict), the forced recruitment of children under 15 is a war crime, according to **Geneva Convention IV of 1949**, the **Additional Protocols to the Geneva Conventions of 1949**, and the **Rome Statute of the International Criminal Court. Additional Protocol I** to the Geneva Conventions states that:

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<sup>182</sup> The more accurate term is “children associated with armed forces and armed groups”. The term “child soldiers” is used here as shorthand.

“The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces.” (UN, 1977: Article 77(2))

The draft article originally read “all *necessary* measures”, but this was changed to “all feasible measures” because “on this point governments did not wish to undertake unconditional obligations” (ICRC, 1987: para.3184). The ICRC further clarifies that *voluntary* recruitment of children under 15 is not explicitly prohibited, and indeed appears to condone allowing these children to participate in active combat:

“children of that age have certainly participated in hostilities voluntarily in extreme circumstances, and have sometimes performed acts of heroism, possibly without always being aware of the reasons for the conflict. It is difficult to moderate their enthusiasm and their will to fight.” (ICRC, 1987: para.3185)

This official commentary on **Additional Protocol I** fails to consider the pressures that young children may come under to enrol. Children may be driven to join armed forces due to a strong ideological commitment or sense of injustice, having witnessed conflict in their community (Wyness, 2019). As evidence mounts that climate change causes conflict (see Chapter 2.3.2), potentially increasing child military enlistment, strengthening international humanitarian law to protect children of all ages from becoming embroiled, and thus exploited, in active combat becomes more urgent.

In comparison, the **Paris Principles** are explicitly based on human rights principles, including the best interests of the child. They provide practical steps to prevent children being recruited and to facilitate reintegration and rehabilitation of former child soldiers. In addition, the **Optional Protocol to the CRC on children in armed conflict** contains rules for the minimum age for recruitment and taking part in hostilities. While both instruments recognise the role of both state and non-state actors in ending the use of child soldiers, it remains the responsibility of governments to ensure that non-state armed groups abide by this rule (UN, 2000a: Article 4(1)). This is increasingly important as non-state actors such as Boko Haram and Islamic State intensify their use of child exploitation (Martin, 2019).

Some commentators (e.g. Bales, 2016; Martin, 2019) equate child soldiers with modern-day slaves; however the legal framework around child soldiers does not use the terminology of

slavery and I believe the comparison is problematic since it overlooks the choice that some children make to enrol voluntarily. This includes children in the UK, where boys and girls may enlist from the age of 15 years and seven months. Voluntarily enrolment may be a prudent decision given a child's personal circumstances, and for some a military career is highly commendable and rewarding. Yet hundreds of thousands of children are used in military forces worldwide against their will; their circumstances may permit them limited alternatives, or they may have been drugged, brainwashed or otherwise coerced into enlisting. Some may be victims of environmental change and consequent family breakdown, bereavement, conflict and/or loss of livelihood. Given this link, climate change should be recognised as a risk factor for the proliferation of the war crime of conscripting or enlisting child soldiers.

#### *Medical ethics*

The trafficking of children for their organs is a crime particularly affecting vulnerable populations, prisoners, migrants and refugees (Bagheri, 2016). Environmental change, as we have seen, can swell the numbers of vulnerable populations, increasing susceptibility to this crime.

In criminal law, organ trafficking is outlawed as a form of exploitation under the **Protocol on Trafficking** (UN, 2000d: Article 3(a)). In the field of medical ethics, a number of non-binding statements, declarations and guiding principles also exist to prevent this crime. Since organ transplantation cannot be carried out successfully without the involvement of trained medical personnel in a clinical setting, professional standards and guidance on medical ethics have particular importance to this area of child exploitation. These include the World Health Organization's **Guiding Principles on Human Cell, Tissue and Organ Transplantation** and the **Declaration of Istanbul on Organ Trafficking and Transplant Tourism**, which provide safeguards for potential victims.

Under the **Protocol on Trafficking**, whether the victim has consented to their own exploitation is "irrelevant" where trafficking has been employed (UN, 2000d: Article 3(b)), effectively preventing children from being able to consent to any form of trafficking, including of their organs. The **Council of Europe Convention against Trafficking in Human Organs** calls on states parties to make a criminal offence of the illicit removal of organs without the donor's consent and/or for financial gain, including of deceased donors (CoE, 2015: Article 4). The Convention does not address child organ trafficking specifically. This lacuna is reflected in the texts on

organ transplantation and trafficking generally; the vulnerability of children to this crime is rarely addressed, and little guidance is available for medical professionals in this area. There is no extant literature on the risk of increased organ trafficking from climate change. However, climate and environmental change may increase all forms of child trafficking due to increased economic stress and vulnerability to exploitation (Coelho, 2017; Gerrard, 2018). Medical staff, their professional bodies, and law enforcement officials should therefore be alert to a potential increase in attempted cases of child organ trafficking.

#### 9.2.5 Discrimination

Human rights law prohibits various forms of discrimination which marginalise certain groups and people with particular individual characteristics, rendering them more vulnerable to environmental change. Intersecting forms of discrimination and marginalisation are recognised as drivers of vulnerability to exploitation for child migrants (see Chapters 2.4.2 and 8.4.2). Each of the major international human rights treaties targets one or more forms of discrimination, enshrining in law the **UDHR**'s exhortation that: "All human beings are born free and equal in dignity and rights" (UN, 1948: Article 1).

The **ICESCR** prohibits discrimination on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" in the fulfilment of the convention rights (UN, 1966b: Article 2(2)). A similar list exists in **ICCPR** Article 2(1). Such factors are sometimes known as 'protected characteristics', although the list varies from instrument to instrument across international, regional and domestic human rights law.

Where such characteristics are *not* actively protected, child migrants face a higher risk of exploitation, violence and abuse during what are already hazardous journeys (Hansen et al., 2019). This discrimination intersects with external factors, such as the length of their journey, the terrain, and access to health facilities and child protection programmes (Hansen et al., 2019). IOM and UNICEF (2017) similarly found that racism and xenophobia compounded the dangers for children crossing the Central Mediterranean, with children of some sub-Saharan nationalities facing the greatest risk of exploitation.

Migrants who are unaware of their human rights face the highest risk of exploitation (Zimmerman et al., 2015). I propose that this is because a lack of human rights knowledge contributes to migrants' low capacity to counter discriminatory policies and practices by state

officials, and/or because migrants will be less willing to seek official protection from abuse or discrimination by non-state actors. Programmes in transit countries which provide human rights education may therefore create resilience to exploitation.

Discrimination can itself be a driver of onward migration, coupled with a lack of access to human rights and/or legal status. In Greece, migrants who had not previously intended to travel further into Europe nevertheless undertake onward journeys due to discrimination and inability to claim their rights (Crawley, 2018). Thus, discrimination pushes migrants to lengthen their journeys, potentially increasing the risk of harm. Often, the perpetrators of this discrimination are state actors, including immigration officials, child protection officers and social workers (e.g. O'Connell Davidson, 2011). Training in human rights standards for officials may reduce the embedded discrimination that pushes child migrants further into risky situations.

Archival evidence in Chapter 7.4.5 demonstrated how Montserratian children in the UK suffered from discriminatory beliefs about their capacity for learning, which resulted in under-achievement in schools and became a driver of child repatriation to Montserrat. Discrimination is also perpetrated by private actors. Archival evidence cited in Chapter 5.5.1 showed how avoidance of racism was a key motivation for, as well as a symptom of, the UK's government dispersal policy, and how racist discrimination within local communities became a driver of secondary relocation for Vietnamese refugees within the UK.

The Mixed Migration Centre (2017) found de facto discrimination against unaccompanied and separated children in several countries' national policies, including France, Lebanon, Greece, Italy and Sweden. The **European Convention on Human Rights** contains non-discrimination provisions but no provision specifically on migrants' rights (Smyth, 2018). Consequently, EU countries treat child migrants inconsistently (O'Donnell, 2018), putting children at risk. To address this, the European Commission (2017) made recommendations to EU member states, intending to end discriminatory practices based on the legal status of the child such as denial of education or health services. Yet subsequent studies recorded significant discrimination persisting against unaccompanied migrant children in Europe, including victims of trafficking (e.g. Hynes et al., 2018; Beadle & Davison, 2019).



In contrast, where human rights-based regional migration agreements exist, such as the **Mercosur Residence Agreement** in South America, cross-border migration is significantly safer (Sánchez Dionis & Dearden, 2019). Regional and sub-regional human rights-based agreements can thus foster a non-discriminatory, more migrant-centred approach. Combined with policy aims such as improving the public perception of migrants to combat community discrimination (Zimmerman et al., 2015), such agreements could reduce the discrimination that makes child migrants vulnerable to secondary migration and exploitation.

#### 9.2.6 Children in conflict with the law

A vicious cycle of criminalisation exists for marginalised children, which can put them in conflict with the law and trap them on a treadmill of criminality. This includes children who are marginalised and impoverished because of the effects of environmental change. Research on West Africa (Geissler & Lagunju, 2018) and Vietnam (McShane, 2020) found that children in conflict with the law in their home country are more likely to migrate and suffer exploitation during their journeys. This exploitation often involves criminal activities such as drug smuggling, cannabis cultivation or sex work (e.g. European Commission, 2017; de Boer-Buquicchio, 2019; see Chapter 8.4).

While children in such roles are still victims, they are nevertheless often criminalised by the authorities in destination countries (Beadle & Davison, 2019), as are many children whose means of entry is deemed “illegal” (Mixed Migration Centre, 2017). This can result in deportation, sometimes without their families (Orellana et al., 2001), leaving children extremely vulnerable and potentially perpetuating the cycle of migration and exploitation (Kempadoo, 2005).

Numerous international and regional standards govern the relationship between the child and the criminal justice system. These fall under various regimes including criminal law, the human rights regime, humanitarian law, and professional guidelines for law enforcement officials. In terms of preventing the criminalisation of child victims of exploitation in the first place, the UN’s human rights guidelines clarifying the **Protocol on Trafficking** state that neither adult nor child victims of trafficking should be criminalised for offences relating to their situation as trafficked persons (OHCHR, 2002: Principle 7 & Guideline 8(3)). A similar provision exists in the **CoE Trafficking Convention** (Article 26). Nevertheless, child migrants continue to be criminalised for acts conducted as victims of trafficking and exploitation.

In humanitarian law, the issue of culpability of child soldiers in war crimes divides opinion, even when the children themselves are victims of the war crime of forced recruitment. The **Rome Statute of the International Criminal Court** sets the age of criminal responsibility at 18 for crimes under its jurisdiction (UN, 1998: Article 26). This was challenged by the International Criminal Tribunal for the former Yugoslavia (ICTY), which found that “no such rule exists in conventional or customary international law” preventing the prosecution of a minor for war crimes (ICTY, 2006: para.400). Moreover, as discussed above, the **Rome Statute** and the **Additional Protocols to the Geneva Conventions of 1949** set the minimum age for combat at 15, leaving a grey area for 15 to 17-year-olds regarding their personal culpability for war crimes.

Several non-binding international standards guide the treatment of under-18s in the criminal justice system, mostly based on human rights standards. Of particular relevance are guidelines that promote the following children’s rights:

**FIGURE 31: PROTECTIONS FOR CHILDREN IN THE CRIMINAL JUSTICE SYSTEM**

| <b>Provision</b>   | <b>Instrument</b>  |
|--|--|
| The use of specially trained personnel for the administration of juvenile justice                    | <ul style="list-style-type: none"> <li>• Rule 12.1 of the Beijing Rules</li> <li>• Rule 85 of the UN Rules for the Protection of Juveniles Deprived of Liberty</li> <li>• Guideline 24 of the Guidelines on Children in the Criminal Justice System</li> </ul> |
| Investigation into the circumstances and background of the child when adjudicating on criminal cases | <ul style="list-style-type: none"> <li>• Rule 16.1 of the Beijing Rules</li> <li>• Rule 23 of the UN Rules for the Protection of Juveniles Deprived of Liberty</li> </ul>  |
| Provision of legal aid for children  | <ul style="list-style-type: none"> <li>• Rule 15.1 of the Beijing Rules</li> <li>• Principle 11 of the UN Principles on Legal Aid</li> <li>• Rule 17(a) of the UN Rules for the Protection of Juveniles Deprived of Liberty</li> </ul>                         |
| Programmes of socialisation and integration to prevent juvenile delinquency                          | <ul style="list-style-type: none"> <li>• Guideline 10 of the Riyadh Guidelines</li> </ul>  |
| Formal trial and detention or institutionalisation of children as a last resort only                 | <ul style="list-style-type: none"> <li>• Rules 11, 13 &amp; 18 of the Beijing Rules</li> <li>• Guideline 18 of the Guidelines on Children in the Criminal Justice System</li> </ul>  |

The implementation of these standards in domestic law and policy would help prevent the criminalisation of children in their home countries, preventing migration in some cases. It

would also create a less punitive and hostile approach to the treatment of child migrants, including victims of trafficking. Closing the criminality gap for child soldiers, thereby ensuring they are rehabilitated rather than punished, would also help the reintegration of these children into their communities, reducing vulnerability to further exploitation and migration.

#### 9.2.7 Conclusion

International human rights law, refugee law, labour law, humanitarian law and criminal law provide an array of safeguards for child migrants at risk of harm and exploitation, bolstered by non-binding guidelines, professional standards, regional instruments and domestic legislation. Nevertheless, protection gaps remain in law and practice which affect child environmental migrants. These gaps exist because of contradictions in international law and the unwillingness of states to create strong provisions when drafting treaties or enacting them in domestic legislation. Meanwhile, new problems created by climate change, such as the question of citizenship for inhabitants of sinking small island states, find no resolution in existing instruments.

This may slowly be changing, as cases such as *Teitiota v. New Zealand* challenge the implementation of existing instruments and push the boundaries of their applicability. Despite the negative outcome for Teitiota, the ruling acknowledged that climate change will undermine human rights, particularly the peremptory norms of the right to life and freedom from torture. Thus human rights mechanisms may well become a powerful tool for deciding individual protection needs as case law develops around the issue of climate change.

This chapter opened with a critical evaluation of the utility of human rights law, given its weak theoretical foundations and limitations in justiciability. Yet I subsequently demonstrated how the influence of human rights language and provisions has helped to shape criminal, refugee, labour and humanitarian law. Consequently, human rights standards have trickled down into domestic legislation and policy both through the ratification of human rights instruments and via norms developed in other areas of law, becoming influential in the day-to-day application of the law; one example being the human rights-based guidelines developing the **Protocol on Trafficking**.

The case study of the West Africa Network (WAN) demonstrates a successful model for protection of child environmental migrants, thanks to a locally sensitive approach that

combines criminal law with human rights standards; in particular, consideration of the best interests principle and the child's right to be heard. Both the WAN model and the *Teitiota* case demonstrate the flexibility of existing legal systems to meet the challenges of environmental change, despite gaps caused by the unforeseeable threat that climate change posed when most of these treaties were drafted. This chapter has so far shown that existing law provides many of the tools required to combat child exploitation in the context of environmental change. The remainder of this chapter seeks ways to fill the remaining gaps using new instruments designed to meet the specific challenges of climate change, and suggests a way forward in light of the historical case studies examined in earlier chapters.

### 9.3 The developing protection regime for environmental migrants

*"[I]f we stay fixated on the rules of the past we cannot solve the problems of the present" (Pati, 2019:291)*

This section analyses existing and emerging agreements in the international climate regime and soft law which address environmentally driven migration. The aim is to determine whether, in combination with the treaties and mechanisms discussed in 9.2 above, these agreements provide sufficient protections to environmental migrants, particularly children. Then, in Section 9.4, I review proposals to develop a new legal framework specifically addressing environmental migration, scrutinise the arguments for and against, and examine the form that such a framework might take. The chapter concludes with proposals for a way forward that grants greater protection to child environmental migrants.

The table in the Appendix outlines the 10 agreements and initiatives examined in this section and their relevance to child migrants. It is not an exhaustive list: other initiatives have been excluded as they are less relevant to the issues under discussion or enjoy minimal support.

The 10 initiatives discussed here fall into three categories. First, I consider the two Global Compacts, the **Model International Mobility Convention** and the **Guiding Principles on Internal Displacement**; four initiatives focused on human mobility which reaffirm existing international human rights law. Second, I consider international agreements which fall under the **UN Framework Convention on Climate Change** (UNFCCC) system, including the 1992 Framework Convention and the **Paris Agreement** (both legally binding), as well as the **Cancun Adaptation Framework**. Third, I outline three widely-supported sets of global principles dating

from 2015 that are rooted in existing law but not legally binding in themselves: the **Sendai Framework for Disaster Risk Reduction**, the **Nansen Initiative**, and the **Sustainable Development Agenda**.

Each of these initiatives was developed through a unique drafting process, and they have widely different goals, implementation strategies and levels of international support. The following sub-sections briefly examine each initiative and its contribution to the protection of child environmental migrants.

### 9.3.1 The Global Compacts

The **Global Compact on Refugees** and the **Global Compact for Safe, Orderly and Regular Migration** are a pair of agreements developed by the UN General Assembly and affirmed in 2018. Despite being based in existing international human rights, humanitarian and climate change law, they are not usually considered legally binding in themselves (Bhabha, 2019). This has been challenged by some states which assert that the new category of “compact” (as opposed to “principles” or “guidelines”) renders them semi-binding. These include the US government, which rejected the Global Compacts citing a threat to state sovereignty (Guild et al., 2019).

It is my view that the Global Compacts represent soft law, since their implementation depends on individual states taking voluntary steps towards the stated aims, similar to the model of implementation for the Sustainable Development Goals (see 9.3.9). What, then, is the contribution of the Global Compacts to the protection of child environmental migrants, and could they be applied more effectively to this end?

#### *Child migrants*

**The Global Compact on Migration**'s aim is to advance Sustainable Development Goal 10.7 on safe, orderly and regular migration. The Compact professes to

“promote... existing international legal obligations in relation to the rights of the child, and uphold... the principle of the best interests of the child at all times... including unaccompanied and separated children.”

(UNGA, 2018b: para.15(h))

Several of its objectives promote support for child migrants. These include ‘positive rights’ such as the provision of child-sensitive information; family reunification measures; education and training; support for trafficked, abused or otherwise vulnerable children; and child-

sensitive repatriation programmes. ‘Negative rights’ include avoiding child statelessness; ending detention of child migrants; prohibiting *refoulement*; and preventing child labour.

In addition, Objective 8 calls on states to “[s]ave lives and establish coordinated international efforts on missing migrants” (UNGA, 2018b:15). Bhabha (2019) argues that this entails creating attractive alternatives to migration for children, and prioritising children’s needs over immigration concerns. Objective 10 seeks to prevent trafficking, and Objective 26 aims to end exploitative migrant labour. In combination, these objectives promote providing support and protection to children before, during and after their migratory journeys.

These protections are grounded in human rights law, including the **CRC**. In this sense, the Compact does not add anything new. Its importance lies in its strength as a moral reminder that migrants’ rights are human rights, and that children’s rights apply equally to child migrants, whether their journey is regular or irregular. Since regular migration opportunities for environmental migrants are currently scarce, incorporation of these objectives into domestic immigration policy could greatly aid migrants in host countries.

**The Global Compact on Refugees** needs not make this argument so strongly, since refugee rights are more commonly recognised and upheld by states than those of irregular migrants. As with its sister compact, the **Global Compact on Refugees** is grounded in existing human rights and refugee law. It does not seek to fill protection gaps; rather, it clarifies how children’s rights should be realised in practice. It consists of two parts: a Comprehensive Refugee Response Framework (CRRF, found in a separate document – the New York Declaration) and a Programme of Action.

The CRRF contains provisions to offer adequate reception facilities to children and victims of trafficking; recognises the specific protection needs of child refugees, including unaccompanied and separated children and child-headed households; and calls for the prevention of statelessness (UNGA, 2016: Annex 1).

The Programme of Action claims to be underpinned by consideration for “trafficking in persons, sexual exploitation and abuse, and harmful practices; facilitating the meaningful participation of youth... [and] ensuring the best interests of the child” (UNGA, 2018a: para.13), among other concerns. It calls on “UNHCR and relevant stakeholders” to help combat

smuggling and trafficking in persons and to protect and assist former child soldiers (para.57). It recognises the specific needs of children, youth, stateless people and survivors of trafficking, among others (para.59), and calls on states to identify such individuals, provide appropriate support, and refrain from detaining them (para.60). It also calls for child refugees to be given educational opportunities (paras 68-69) and mental health and psychosocial support (paras 76-77). As demonstrated in the case studies of Montserrat and Vietnam, some of these provisions have historically been lacking for refugees arriving in the UK. However, a UNHCR update on implementation of the **Global Compact on Refugees** (UNCHR, 2019) suggests that little action has yet been taken by the UK Government to implement these provisions for child refugees.

#### *Environmental change*

The **Global Compact on Migration** is the first intergovernmental agreement to recognise climate-related migration (Guild et al., 2019), and considers both sudden-impact and slow-onset drivers. It promotes both in-place adaptation (to prevent migration) and pathways for regular migration, and protects against *non-refoulement* for environmental refugees by recognising “other [forms of] irreparable harm” arising from forcible return (Kälin, 2018:666). Nevertheless, Kälin warns that the Compact’s approach towards protecting environmentally displaced people is not systematic and that competing priorities in migrant protection may ultimately bury the issue of climate migration.

Objective 2 commits states to “[m]inimize the adverse drivers and structural factors that compel people to leave their country of origin” and promotes disaster preparedness measures; climate change mitigation and adaptation; post-emergency recovery; mapping of vulnerabilities; and humanitarian assistance (UNGA, 2018b: para.18), among other measures to reduce migration at source. If that fails, Objective 5 calls on states to “[c]ooperate to identify, develop and strengthen solutions for [environmental] migrants... *in cases where adaptation in or return to their country of origin is not possible*” (UNGA, 2018b: para.21(h) – my emphasis). Migration, therefore, is still couched as a last resort; a *failure* to adapt rather than an adaptation strategy in itself. This bolsters the notions that responsibility to adapt rests with the individual and that environmental migration is voluntary rather than forced, reducing recognition of environmental migrants’ legitimate protection needs.

The **Global Compact on Refugees** takes a more “minimalist” approach to climate-related displacement (see Chapter 2.3.2), stopping short of recognising environmental change as a direct cause of displacement:

“While not in themselves causes of refugee movements, climate, environmental degradation and natural disasters increasingly interact with the drivers of refugee movements.” (UNGA, 2018a: para.8)

This lost opportunity to recognise ‘climate refugees’ within the Compact has been attributed to “the reluctance of States to deal with disaster-induced cross-border displacement in the context of refugee law and policy” (Kälin, 2018:667).

Nevertheless, the New York Declaration, which accompanies the Compact, notes that “climate change, natural disasters... or other environmental factors” drive human mobility (UNGA, 2016:§I, para.1) and commits to “assist, impartially and on the basis of needs, migrants in countries that are experiencing conflicts or natural disasters” (§II, para.50). Furthermore, the Programme of Action recognises that “in certain situations, external forced displacement may result from sudden-onset natural disasters and environmental degradation” (UNGA, 2018a: para.12) and gives recognition to the need for resettlement programmes (para.90-93) and international support for returnees to rebuild their livelihoods and address land and property issues (para.89).

### *Discussion*

Taken together, the Global Compacts attempt to strengthen recognition that child migrants possess the same human rights as all children. They attempt to cover all circumstances in which children migrate – from refugee situations to human trafficking – and suggest measures to ensure their protection. These measures are not fully comprehensive; however, they compile some basic principles and best practice, and have fairly broad support, at least on paper, from the international community. In terms of climate change, the two Compacts flag a major lacuna in the legal regime: the lack of recognition of climate change as a migration driver. However, neither Compact fully recognises the increasing impact of climate change globally; instead, they focus on “disasters and humanitarian situations” (Warner, 2018:394).

In summary, the Global Compacts echo the well-established protections due to children, while struggling to grapple with the rights of environmental migrants under the still-emerging area of climate-related mobility. In conclusion, while the Compacts’ recognition of environmental



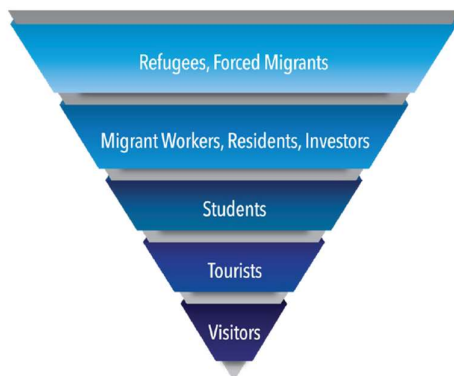
drivers of displacement is a welcome step, their utility lies in reminding states of their duties towards child migrants.

### 9.3.2 The Model International Mobility Convention

The draft **Model International Mobility Convention** (the **Model Convention**) is the most comprehensive of several proposed instruments offering solutions for environmentally displaced persons. It covers various forms of migration and enjoys the support of many climate migration scholars; however, it remains in draft form: “The different proposals have so far remained theoretical and academic considerations and have faced strong political reluctance” (Gemenne & Brücker, 2015:257).

The **Model Convention** takes an unusual form, in that the rights contained within it are ‘cumulative’. It is structured like so:

**FIGURE 32: STRUCTURE OF THE MODEL INTERNATIONAL MOBILITY CONVENTION**



(Source: Columbia Global Policy Initiative, 2017:8).

This approach is explained thus:

“Chapter II specifies the rights enjoyed by tourists, which are provided in addition to those spelled out in Chapter I [‘Visitors’]. Similarly, Chapter III on students builds on and adds to the rights embodied in the previous two chapters.” (Columbia Global Policy Initiative, 2017:8)

This is immediately problematic, since the rights contained in the **Model Convention** are based in existing international human rights and refugee law. The structure of the **Model Convention** therefore suggests that those individuals at the sharp end of the pyramid are entitled to fewer

rights than those at the top. For example, freedom of expression is introduced in the section relating to ‘Students’, implying that tourists and visitors have no such right. Thus, it explicitly *excludes* specific groups from certain protections, while human rights instruments aim to be *inclusive*.

Nevertheless, the **Model Convention** makes an important contribution by explicitly recognising “environmental disaster, enduring food insecurity [and] acute climate change” (Article 125(1)(d)) as among the causes of “serious harm” that (a) would cause an individual to be forcibly displaced from their home country, and (b) should prevent their forcible return. Article 128(1) further prohibits *refoulement* in cases where potentially harmful “events... have taken place since a person left”. Taken together, these provisions suggest that an irregular migrant could not be returned to an environmentally precarious country, even if that was not the reason they left.<sup>183</sup> Moreover, by categorising environmental migrants as forcibly displaced, the **Model Convention** provides them with the same rights as refugees; the only one of the initiatives in this chapter to do so.

### 9.3.3 Guiding Principles on Internal Displacement

The **Guiding Principles on Internal Displacement** (the **Guiding Principles**) were adopted by the UN in 1998, and seek to protect people fleeing their homes due to “natural or human-made disasters” (OCHA, 1998: para.2). In addition, they provide safeguards during planned relocation (Principle 7.3) and seek to prevent children being separated from their families (Principle 7.2) or recruited into armed forces (Principle 13.1; see also section 9.2.4 on child soldiers). Thus, the **Guiding Principles** recognise environmental change as a driver of migration, child exploitation and child military recruitment; and the necessity of planned resettlement in some instances.

The **Guiding Principles** are a compilation of existing legal norms (Gemenne & Brücker, 2015:246), yet they also attempt to clarify grey areas and address gaps in the normative framework applicable to internally displaced persons (Ayazi & Elsheikh, 2019). Its success is attributed by Foresight (2011) and Gemenne & Brücker (2015) to its non-binding nature and thus the flexibility of individual state interpretation. This leads to inconsistency between nations. However, “as more states choose to adopt the Principles into national policies, they become increasingly self-enforcing and thereby represent a benchmark of international

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<sup>183</sup> This was the argument made by the dissenting judges in the case of *Teitiota v. New Zealand* (see 9.2.3).

standards and expectation” (Williams, 2008:512). Indeed, the UN General Assembly recognises the **Guiding Principles** as “an important international framework” (UNGA, 2005: para.132), elevating them almost to the status of a legally binding treaty.

A central objective is the avoidance of displacement (Principles 5 & 7). While this is an important aspiration, it side-lines relocation as an adaptive measure. In this way, the **Guiding Principles** pushes an anti-mobility agenda similar to that promoted by the **Global Compact on Migration** (see above).

#### 9.3.4 UN Framework Convention on Climate Change (UNFCCC)

The **UNFCCC** has almost universal support, being ratified by 197 states. Its adoption in 1992 formally recognised climate change as a threat to humankind. The main contribution of the treaty to the current debate is that it promotes climate change adaptation alongside mitigation. While displacement is not cited explicitly, it opened the door for migration to be considered a form of adaptation in subsequent mechanisms under the UNFCCC process.

The treaty urges states: “Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing... measures” (UNFCCC, 1992: Article 3(3)). This precautionary principle has a role in debates about climate displacement, as a counter to the common argument that nothing can be done to help migrants unless there is scientific certainty that their displacement can be attributed to climate change.

#### 9.3.5 Cancun Adaptation Framework

In 2010, parties to the 1992 **UNFCCC** treaty drew up the **Cancun Agreements**, a set of non-binding pledges on mitigation and adaptation. They include the **Cancun Adaptation Framework**, which formally integrated human mobility into climate policy by calling on states to undertake “[m]easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation” (UNFCCC, 2011: para.14(f)).

McAdam (2014) argues that paragraph 14(f) had a

“catalytic effect.... This acknowledgement by states of the impacts of climate change on human mobility had threefold significance: as a matter of record; as a reference point to agitate for further action; and as a basis for securing

adaptation funding to develop strategies on migration and resettlement.”

(McAdam, 2014:12)

Moreover, paragraph 14(f) has been an important advocacy tool, helping UNHCR to demonstrate “the need for a new normative framework by highlighting the gaps in the existing protection regime” (McAdam, 2014:13). While calls from UNHCR for a global framework on environmental refugees “was rebuffed in no uncertain terms” (McAdam, 2016:1521) the organisation’s advocacy efforts resulted in the **Nansen Initiative** (see 9.3.7 below).

### 9.3.6 The Paris Agreement

Another instrument within the UNFCCC system, the **Paris Agreement** of 2015 is legally binding on states parties, although it suffers from questions over its justiciability and enforceability (Bodansky, 2016). While its main aim is limiting global warming to below 2°C, Article 7 reaffirms the importance of adaptation measures and reducing vulnerability (Lesnikowski et al., 2017). The **Paris Agreement** acknowledges the human rights of vulnerable groups, including children, and recognises that measures to combat climate change may have harmful unintended consequences.

The negotiating draft of the **Paris Agreement** demonstrated a strong willingness to address climate-related displacement at the outset of negotiations. It contained:

“Provisions for establishing a climate change displacement coordination facility that:

- i. Provides support for emergency relief;
- ii. Assists in providing organized migration and planned relocation;
- iii. Undertakes compensation measures.” (UNFCCC, 2015: Option 1, para.70.3(a))

However, wrangling over emissions targets overshadowed discussions on adaptation and displacement (Mandal & Subedi, 2017) and the provisions on displacement were relegated to the UN decision paper adopting the **Paris Agreement**, which established a Task Force on Displacement to “develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change” (UNFCCC, 2016: para.50).

The Task Force has not been fully implemented at the time of writing. While governments will be under no obligation to adopt its recommendations, they may yet be incorporated into

future agreements or national climate and/or migration policy. The **Paris Agreement**'s main contribution on climate displacement to date, therefore, is its recognition that climate-related displacement is happening and requires an urgent, mainstreamed response involving international co-operation.

### 9.3.7 The Nansen Initiative Protection Agenda

The 2015 **Nansen Initiative Protection Agenda** (the **Agenda**) is an initiative from Norway and Sweden with support from UNHCR and the endorsement of 109 states. Its starting point was to reject calls for a new legal treaty (Ayazi & Elsheikh, 2019). Indeed, the **Agenda** seeks to reassure governments that it “does not aim to expand States’ legal obligations under international refugee and human rights law for cross-border disaster-displaced persons and persons at risk of being displaced” (Nansen Initiative, 2015:7) Its non-binding nature has allowed for consensus-building between states “on key principles and elements regarding the protection of persons displaced across borders in the context of disasters” (UNHCR, 2015:10). Nevertheless, it is based in existing human rights and humanitarian law (Thornton et al., 2019:253). Moreover, it

“outlines the normative gaps in addressing displacement, migration and planned relocation in the context of disasters and climate change, and suggests concrete steps that states can take at the national, regional and international levels to address them.” (McAdam, 2016:1525)

The **Agenda** covers displacement from climate-related and other natural hazards, both slow-onset and sudden-onset. It mainly addresses cross-border displacement but also covers risk reduction, internally displaced people and planned relocation programmes that respect human rights. It promotes the actions of a minority of countries which have unilaterally admitted disaster-displaced persons for humanitarian protection. Among other policies, it suggests granting entry, visas and temporary stay; facilitating pastoralists to move livestock across borders; exploring whether regional legal instruments apply to disaster-displaced people; harmonising humanitarian protection measures; and providing residency permits or seasonal worker programmes “in accordance with international labour standards” (Nansen Initiative, 2015:26 & 36-37). The **Agenda** recognises that some disaster-displaced persons may meet the criteria for refugee status under the **Refugee Convention** when natural disasters generate “violence and persecution” (Nansen Initiative, 2015:27).

Ultimately, the **Agenda** leaves responsibility, and control, in the hands of national governments and regional bodies, having no mechanism for enforcement. In 2016, the Platform on Disaster Displacement was developed to implement the **Agenda**. A state-led initiative, its website is full of non-specific commitments to address knowledge and data gaps, identify effective practices, enhance co-operation, and the like. However, its strength may lie in its ability to assist national governments and regional groupings to develop domestic and regional frameworks for the admission and treatment of people fleeing environmental change. The fruits of this are yet to be seen.

#### 9.3.8 Sendai Framework for Disaster Risk Reduction

The 2015 **Sendai Framework** aims to build resilience to disasters and reduce deaths, loss and damage. It recognises that many disasters are exacerbated by climate change and identifies planned relocation as an adaptive measure. Kelman (2015) observes that the **Sendai Framework** fails to identify the role of vulnerability in risk, and argues that climate change dominates the **Sendai Framework**, crowding out issues of vulnerability and non-climate-related disasters such as earthquakes and landslides.

Thus, the **Sendai Framework** may prove useful for advocating on behalf of people at risk of climate change-related hazards, but less so for reducing vulnerability for specific groups, such as children, or promoting the rights of people affected by other forms of disaster. Another limitation of the **Sendai Framework** is that “greater achievements in one country or region can compensate for the less-than-expected outcomes elsewhere, without precluding that the overall goal is met” (Mysiak et al., 2016:2190). Thus, the hardest-to-reach communities and most vulnerable people may be missed, in favour of tackling low-hanging fruit in order to meet targets. In this context, the **Sendai Framework** should be seen as one initiative among many to protect the rights of vulnerable people, including children; its main contributions being the reduction in climate-related risk for people *in situ*, and the recognition that planned relocation programmes will sometimes be necessary.

#### 9.3.9 The Sustainable Development Goals

The last of the 10 initiatives analysed in this section is the UN’s **2030 Agenda for Sustainable Development (2030 Agenda)**. The **2030 Agenda** contains 17 Sustainable Development Goals (SDGs), broken down into a total of 169 targets, for which each country sets voluntary national aims (UN, 2015). As with all the initiatives discussed above there is a tension between this non-binding agreement and state sovereignty. This is addressed in the opening paragraphs of the

**2030 Agenda:** “We reaffirm that every State has, and shall freely exercise, full and permanent sovereignty over all its wealth, natural resources and economic activity” (UN, 2015: para.18). It nevertheless affirms that the SDGs are based in existing international law, including human rights law.

The most relevant goals to the current discussion are:

- **Goal 10:** Target 10.7: “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.
- **Goal 11:** Safe and sustainable human settlements. This includes environment-related targets, risk reduction and climate adaptation.
- **Goal 13:** Combating climate change and its impacts. The targets include resilience to natural disasters, mainstreaming climate policy and improving mitigation and adaptation.
- **Goal 15:** Sustainable ecosystems. Targets include reducing environmental degradation.
- **Goal 16:** Peace, justice and strong institutions. Particularly Target 16.2: “End abuse, exploitation, trafficking and all forms of violence against and torture of children” (UN, 2015).

UN OHCHR (2018) has published a human rights-based approach to data to help “ensure respect, protection and fulfilment of human rights in the measurement and implementation of the 2030 Agenda” (p.2). In particular, it seeks the participation of vulnerable populations, including migrants and children. The **2030 Agenda** itself commits to building the resilience of vulnerable people, including displaced persons and those at risk of climate-related and other disasters. The **Nansen Initiative Protection Agenda** claims that the **2030 Agenda** establishes “a clear link between displacement, climate change, natural hazards, and development” (Nansen Initiative, 2015:35). Nevertheless, there is no explicit link in the SDGs between climate change and migration (Abel et al., 2019:247).

The contribution of the SDGs to the current discussion, therefore, is its recognition of the urgency of climate change and environmental degradation as a threat to development; the importance of safe, orderly and regular migration to reduce inequality; and the importance of protecting children and their participation in decision-making. In this way, it reaffirms and

promotes existing protections for child migrants as national priorities for states, rather than adding new protections.

How the targets are implemented in practice remains in the power of individual governments, although globally agreed indicators for each target guide progress. The earlier **Millennium Development Goals** registered mixed progress, narrowly missing most of their key targets (Galatsidas & Sheehy, 2015). However, recognition since then of the importance of “the ‘qualitative’ dimensions of development, such as Human Rights, Access to Justice, Good Governance, Rule of Law and Security” (UNODC, n.d.), and the integration of these dimensions into the **2030 Agenda**, suggests the SDGs may be more successful.

#### 9.3.10 Conclusion

Each of the 10 initiatives mentioned above contributes to our understanding of the links between climate change, environmental degradation and displacement. However, in terms of protections for child migrants, they reaffirm existing provisions rather than adding anything new. Their main contribution is in bringing these issues to the forefront of national policy and global priorities; no small feat, given the numerous competing priorities within the urgent discourses of migration and climate change. The result is numerous small local and regional initiatives, for example the **SAMOA Pathway** which aims to achieve climate mitigation and sustainable development in SIDS (see Commonwealth Foundation, 2015). It may be decades before the impact of such initiatives can be evaluated.

In the following section, I analyse whether the existing international legal frameworks promoted by these initiatives – as discussed in section 9.2 – together contain sufficient provisions to protect environmental migrants. I then analyse the arguments for and against a new legal regime for environmental displacement in the current literature. Finally, I apply my own case study findings to determine the most appropriate and effective legal and policy responses.

#### 9.4 A new legal regime for environmental migrants

Chapter 2.3.2 introduced two schools of thought on climate migration: ‘maximalists’ and ‘minimalists’ (Morrissey, 2012). To recap, maximalists believe climate change has a direct causative effect on decisions to migrate, whereas minimalists view migration in the context of multiple, complex drivers, of which environmental change is but one factor (Ayazi & Elsheikh,



2019). These schools have each influenced debate around developing a new international legal framework on environmental migration. The following sections consider the arguments for and against such an initiative and suggest alternative approaches.

#### 9.4.1 Arguments for

Maretti et al. (2019) place arguments in favour of a new legal framework in the ‘maximalist’ camp, “based on the conviction that environmental change is to be considered an important push factor to forced migration” (p.152). The logic here is that, just as the upheavals of the 1940s led to the **Refugee Convention**, so the emerging existential threat of climate change requires a similar response today.

Section 9.2 above addressed the protection gaps in existing international law for child environmental migrants. Closing these gaps “includes identifying and filling gaps in national and international protection for migrants and those who are displaced” (Foresight, 2011:130 – emphasis removed). The key is that climate change is a *new* threat, requiring a fresh approach. Currently, environmental migrants are a square peg in the round hole of existing legal structures. Furthermore, Fisher et al. (2017) contend that handling climate-related issues under existing law is “legally disruptive”, since its “highly polycentric, uncertain, socio-politically charged and dynamic nature presents particular challenges for legal orders and adjudication” (pp.173-174). This raises the question, however, of the feasibility of creating a new framework that can address this complexity.

Docherty & Giannini (2009) list three benefits of a stand-alone climate migration treaty: first, it would acknowledge the seriousness of the problem; second, “it would establish that this problem is a multidisciplinary one that needs to blend different legal and normative principles, including those of human rights, humanitarian assistance, and international environmental law”; and third, the drafting process could present an opportunity for civil society and affected communities to participate meaningfully in the climate migration debate (p.392).

Several authors highlight more immediate practical benefits of the existence of clear legal obligations towards environmental migrants. Currently, in the absence of a targeted legal convention, “the[se] victims either end up in detention camps or are refused shelter in safer places or countries” (Ahmed, 2017:5). Such situations of protracted displacement can generate social upheaval and security concerns for host countries, and risks to the displaced individuals.

Thus, Ahmed argues, a legal solution is urgently required. In 2011, the then UN High Commissioner for Refugees, António Guterres, was being similarly pragmatic when he raised the issue at the UN Security Council:

“[M]obility seems likely to be one of the [climate] adaptation strategies employed by affected populations. That is why I believe it would be appropriate for the international community to formulate and adopt a set of principles, specifically designed to reinforce the protection of and to find solutions for people who have been forced to leave their own country as a result of catastrophic environmental events, and who may not qualify for refugee status under international law.” (Guterres, 2011)

During his tenure, Guterres saw it as his personal mission to put normative gaps on the international agenda (McAdam, 2014). He did not succeed. To date, the closest thing we have to the set of principles he recommended are the initiatives described in section 9.3 above, of which only the non-binding **Nansen Initiative** and Task Force on Displacement come close to tackling the issues he described – thanks, in part, to UNHCR’s involvement their drafting under Guterres’ leadership.

Guterres’ failure to achieve consensus on a new protection framework can be explained by states’ distrust of initiatives that might entail new obligations, as discussed above. Pressure from wider society can force governments to accept greater responsibilities, yet the consensus-building role of civil society cannot be taken for granted. For example, in the early 1980s, the United Nations Children’s Fund (UNICEF) was surprisingly hostile to the concept of a children’s rights treaty (Pupavac, 2009). Pressure from other NGOs eventually pushed UNICEF staff to lobby for a **Convention on the Rights of the Child** within UNICEF in the mid-1980s (Hagn, 2018).

So, does consensus exist in civil society and among practitioners for a new legal regime? In a study by Thornton et al. (2019), 34% of NGO and media respondents and 31% of public sector respondents stated that their preferred response to environmental migration would be “creating a new/revised protection category under international law” (Thornton et al., 2019:250). People who gave this response were also more likely to view environmental migrants as “refugees” or “displaced” (p.250); terms which indicate a need for special protection. A pragmatic, bottom-up approach, led by practitioners rather than states, might

therefore succeed in building consensus that ultimately translates into a new normative framework.

A further strand of the maximalist argument, sometimes termed 'climate justice', supposes that the most polluting countries should assume the legal burden of environmental migrants.<sup>184</sup> Amnesty International has supported this stance, proposing that displaced people should be "entitled to support from the countries most responsible for climate change" (Carvalho, 2015). This approach may be compelling because of the fundamental injustice "visible in the figure of the climate refugee" (Bettini et al., 2017:351) and has been conceptualised as a form of restorative justice (Zetter, 2012). Some scholars have calculated the exact proportion of displaced people that each developed country should admit based on historical emissions (e.g. Ahmed, 2017:5). To achieve this, a multilateral, legally binding agreement under the international climate regime would be essential to hold each nation to its responsibilities.

Counter-arguments that releasing emissions is not necessarily a "wrong" (Wyman, 2013), that emitters were "excusably ignorant before a certain point" and in any case many of the perpetrators are long-dead (Draper & McKinnon, 2018) might be employed by high-emitting states to reject any such agreement. Yet there exists a parallel for the corrective justice approach in the debate on slavery reparations: developed states have benefitted from releasing emissions in much the same way that many economies profited from historical slavery; therefore, morally, some economic rebalancing is due.<sup>185</sup>

This idea translates into the climate regime as the concept of "common but differentiated responsibilities", and is accepted by states parties to the **UNFCCC**. The treaty lists 24 so-called "Annex II parties" (including the EU), to which it confers obligations to provide technical and financial support to less-developed economies for mitigation and adaptation. Thus, a precedent exists in the climate regime for a legal framework which obliges historically high-emitters to support adaptation measures, which could be widened to include planned relocation schemes and humanitarian support in emergencies. Section 9.4.3 says more about the option of developing new norms under the UNFCCC framework.

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<sup>184</sup> This argument is based on the 'polluter pays' principle that those who caused climate change should bear the various costs. See for example Shue (1999) and Neumayer (2000).

<sup>185</sup> For a development of this argument, see Souter (2014) on "asylum as reparation".

#### 9.4.2 Arguments against

While maximalists advocate for a distinct legal regime to address the specificities of climate migration, Gready (2010) warns of the inflexibility of new legal norms designed in response to specific catastrophic events, arguing that such “[n]orms are tied to a singular past, rather than providing scope for multiple futures” (p.179). Given our evolving understanding of climate science (acknowledged in the UNFCCC’s precautionary principle), any climate refugee convention would need to be adaptable to future realities. The whole UNFCCC system, however, is designed to be adaptable by encouraging future protocols and agreements. The inflexibility of individual treaties therefore need not preclude using them as a tool to address climate change migration.

Short (2009)<sup>186</sup> notes that in a social constructionist view of human rights norms, “we should not assume rights to be beneficial to the rights holders” (p.103). Codifying rights into legal treaties may, in other words, be more beneficial to states parties than to individual rights holders, since the balance of power lies with those who draft, and sign, the treaties. Creating a new migration treaty may, counterintuitively, take rights *away* from child migrants who already enjoy multiple protections under international law. There is ample evidence that states do, in fact, often act to protect the rights of citizens (and, occasionally, non-citizens), including by signing international agreements. Yet opening up discussions on legal norms might have the unintended consequence of stripping migrants of their rights. Jane McAdam, a vocal opponent of creating new norms on climate displacement, points to the **EU Qualification Directive on refugees** as an example of states opportunistically using the renegotiation of an area of law to “dilute their obligations to a minimum level... and closing off potential avenues for future protection needs” (McAdam, 2006:15). To counter this, she recommends “identify[ing] the international legal basis of obligations in any codified complementary protection regime, so that ‘soft law’ is not used to fudge standards or replace treaty-based obligations” (McAdam, 2006:15).

Firmly in the minimalist camp, McAdam has more recently argued that:

“climate change and disasters alone do not cause movement. Rather, they are the straw that breaks the camel’s back, overlaying existing drivers

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<sup>186</sup> Neither Gready nor Short were addressing the issue of climate change, but rather the development of human rights norms more generally.

like conflict, human rights abuses, poverty and poor governance.”

(McAdam, 2017)

She contends that such complexity would be difficult to capture in a legal treaty and, moreover, if we are to give special protections to climate migrants, why not also people living in poverty? (McAdam, 2017; see also Hugo, 2012). The last point displays flawed logic; we should not reject an opportunity to give human rights to one group just because others have equally strong protection claims. And yet the problem of complexity is valid, and section 9.4.3 considers methods to overcome this barrier.

McAdam’s strongest argument against new legal norms lies in their justiciability and enforcement: “The problem is not an absence of law, but an absence of political will to implement the law” (McAdam, 2017). Instead, she proposes a range of measures to avoid displacement altogether, or offer safe methods of migration. Some of these are discussed below, but it is essential to acknowledge the human right to freedom of movement<sup>187</sup> and the imperative not to unduly prevent people moving out of choice. Meanwhile, Pobjoy (2017) argues that the 1951 **Refugee Convention** is sufficient to protect children in all modern refugee and migration situations because, so long as it is interpreted in line with current human rights law, its definition of a refugee would evolve to cover everyone in need of protection. This depends on the **Refugee Convention** being applied fairly and consistently the world over, which, as earlier chapters have shown, is wishful thinking.

Another potential snag for a new refugee treaty is deciding who would be eligible for protection, since “any attempt to assess which proportion of a migration ‘decision’ is influenced by environmental change is unlikely to be scientifically credible” (Foresight, 2011:151). Adger et al. (2014) have likewise bemoaned the “scientifically and legally problematic” question of defining ‘climate refugees’ in any future treaty, and noted that some inhabitants of SIDS may reject being labelled as “victims” (p.771).

Nevertheless, states have grappled with such definitional questions before in international law. The international community has reached majority decisions on divisive questions such as the age of majority for children, the abolition of slavery and the definition of torture. Chapter 2.2 demonstrated how the act of categorising people is problematic, since “categories allow power to be exercised as the world is ordered and organized in particular ways that are

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<sup>187</sup> Provided by Article 12 of the ICCPR.

favorable to a select group of people” (Jones, 2009: 185), potentially excluding some categories of people from realising their rights. However, this can be overcome through a human rights-based approach to the drafting and implementation of new instruments, such as that applied by OHCHR to the SDGs (see 9.3.9 above).

Ultimately, the absence of a new legal treaty “does not mean that there will be no ‘global governance’ of migration and displacement” (Foresight, 2011:154), nor is there a complete legal void for climate-displaced people (Zetter, 2012; McAdam, 2016). If the 10 initiatives cited in 9.3 above were each fully and universally implemented, along with existing human rights, refugee, criminal and humanitarian law, then there would be sufficient “global governance” for the protection of all child migrants. Sadly, this scenario is unlikely to be realised, leaving a protection – or implementation – gap, which must be addressed in some form.

#### 9.4.3 What form could it take?

Multiple proposals have been made as to the structure, positioning and scope of future legal or soft law initiatives on environmental refugees. Both minimalists and maximalists have contributed to this debate; some of their proposals are summarised below, alongside my own contribution arising from the findings of the present study.

##### *A new legally binding treaty*

Above I considered the pros and cons of creating a legally binding instrument to grant new rights to environmental migrants. Here I propose what this might look like.

Since the existing **Refugee Convention** definition of a refugee includes a ‘persecution test’, Ayazi & Elsheikh (2019) propose a future “Convention Relating to the Status of Climate Refugees” which categorises victims of climate change as having been “persecuted” and thus eligible for making an asylum claim in a third country (Ayazi & Elsheikh, 2019:2). Their proposed convention covers people fleeing both slow-onset and sudden-impact climate change; a much-debated view. One influential paper argues that legal protection should be limited three groups of climate refugees – those fleeing “sea-level rise, extreme weather events, and drought and water scarcity” – since these climate impacts are “largely undisputed” (Biermann & Boas, 2010:64). This position has been criticised based on the precautionary principle, since “it does not take into account the possibility that advances in science could enable more accurate determination of which events are caused by climate change” (Docherty & Giannini, 2009:368).

Docherty & Giannini (2009) propose an instrument addressing three broad areas. The first area covers refugee status determination procedures, humanitarian assistance and human rights norms, and the second sets out the responsibilities of the various state actors. These areas appear relatively straightforward, in that templates for such provisions exist in other international treaties, although gaining states' agreement on their responsibilities is often difficult. The third area of their proposal recommends establishing three new mechanisms: a global fund, a co-ordinating agency and a body of scientific experts. Similar mechanisms have since been created in the climate regime, although not specifically for 'refugees'. Docherty & Giannini (2009) suggest initiating a drafting and negotiation process similar those for the **Mine Ban Treaty** and the **Convention on Cluster Munitions**, both of which were developed in independent fora with strong civil society and community involvement. While it is true that those treaties were drafted with great speed thanks to their separation from existing treaty frameworks, they enjoy limited international support with 40 and 108 states parties respectively.

Other formats for a stand-alone treaty include a proposal from Byravan & Rajan (2006) based on climate justice, in which the biggest emitters absorb more climate refugees (see also Penz, 2012; Ahmed, 2017). One flaw to this proposal, which Byravan & Rajan concede, is that it might not gain support from countries like China which are both high-emitters and major sources of internally displaced people and which would thus be dealt a double-blow of responsibility under such a mechanism.

Wyman (2013) proposes an *ex ante* mechanism allowing people to move "many years before conditions deteriorate" (Wyman, 2013:205), rather than *ex post* protections for people who have already migrated. Biermann & Boas (2010) propose something similar: planned relocation schemes based on the assumption that climate change allows for forward planning. While this recognises the urgent need for human rights-based planned relocation programmes, it denies protection to the millions already on the move due to environmental change, and ignores natural catastrophes that cannot be anticipated.

Each of these proposals potentially excludes certain categories of migrants, and risks alienating some states and other stakeholders from the process. Moreover, their success relies on the attribution of hazards to climate change. The precautionary principle obliges us to throw the

net wide when deciding what ‘counts’ as climate displacement, but such an approach is unlikely to win the backing of states since it potentially invites anybody with a remotely environmental cause for their migration to apply for resettlement. As the Vietnam case study (Chapter 5) demonstrated, this could mean millions of people from a single source country. Several alternatives, with more potential for international support, are set out below.

#### *An extension or protocol to the 1951 Refugee Convention*

Tagging ‘climate refugees’ on to the **Refugee Convention** at first seems like a pragmatic solution (Cooper, 1998); quicker and less controversial than creating a new treaty from scratch. Yet this proposal has several practical drawbacks.

A key difficulty arises from the concept of persecution. Under the **Refugee Convention**, claimants for refugee status must demonstrate a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UN, 1954: Article 1(A)(2)). Persecution can arise from environmental change (Nansen Initiative, 2015), for example if a natural calamity leads to conflict or is used as an excuse for stripping resources from a particular social group or forcing a community to relocate against their will. However:

“Climate-related migrations can... be planned and organized with the support of their governments and public agencies, exactly the opposite of the political or religious persecution faced by political refugees.” (Biermann & Boas, 2010:74)

Indeed, some of these governments have appealed to the international community for support to *prevent* displacement (Ayazi & Elsheikh, 2019). Applying the **Refugee Convention** definition also removes responsibility for protection from the victim’s home government, even though most migrants are displaced internally (Gemenne & Brücker, 2015). Thus, “the traditional approach to refugee protection is ill suited to address the contemporary challenge of environmental refugees” (Williams, 2008:510). There is also the risk of reopening a fairly successful treaty to renegotiation, potentially watering down existing protections. For this reason alone, expanding the **Refugee Convention** to cover environmental migrants is not a desirable option.

#### *A protocol, facility or mechanism under the UNFCCC*

Biermann & Boas (2010) and McAnaney (2012) support creating a legally binding protocol to the **UNFCCC** on climate migration. Such an approach could benefit by being linked to a number of existing mechanisms under the UNFCCC framework, including adaptation efforts and



financing. Others argue that the climate regime is not sufficiently equipped to deal with the issue comprehensively, given that its primary focus is on reducing emissions (Docherty & Giannini, 2009; McAdam, 2014).

Wentz & Burger (2015) propose another approach – a “displacement coordination facility” under the UNFCCC’s adaptation strand with various responsibilities including preventing displacement, assisting migrants, providing resettlement, providing technical assistance to governments, and establishing a displacement monitoring and tracking system. While such an approach would increase safe, orderly migration, Wentz & Burger acknowledge that it would require “considerable allocation of resources” (p.10). They also recognise the need for a future international instrument by suggesting that the facility’s remit should include the development of binding or non-binding principles. Reframing migration as a positive form of adaptation – as attempted by Barnett & Webber (2012) among others – could help position migration within the UNFCCC’s existing adaptation frameworks.

I believe that the UNFCCC system’s emphasis has shifted from a focus on emissions towards social impacts of climate change, particularly since the **Paris Agreement** in 2015. The above proposals might therefore gain more support within the UNFCCC system today. However, as the initiatives in 9.3 demonstrate, the global appetite is still for non-binding guidelines rather than new international law.

#### *A non-binding instrument*

A non-binding protection agenda would allow states to experiment with new provisions without legal commitment. It might also ensure greater humanitarian protection, as did the **Guiding Principles on Internal Displacement**, “but it would not necessarily guarantee better protection of rights, as this would depend on the goodwill of states” (Gemenne & Brücker, 2015:263). Moreover, “[e]ven the adoption of soft law has become increasingly contentious in recent years” (McAdam, 2014:20), as seen in the USA’s withdrawal from the Global Compacts, citing fears of a threat to state sovereignty (see section 9.3.1). Nevertheless, any future instrument on environmental migration would likely begin life as a non-binding declaration or set of principles, as did the key human rights treaties, including the **CRC**.

The soft-law regime already contains two non-binding instruments that recognise environmentally driven migration and reaffirm children’s rights: the Global Compacts (see

9.3.1 above). The Compacts are based on existing legal provisions, but their contribution lies in the fact that they apply human rights provisions to environmental migrants; a group often deemed to be void of rights. I propose strengthening the provisions in these Compacts and pushing for their quasi-legal status to be converted into formal treaty law. This could be carried out alongside other initiatives proposed below.

*Regional and bilateral agreements and domestic law*

Aside from international agreements, alternative approaches have been suggested that rely on regional or bilateral agreements or domestic law and policies.

The success of labour migration schemes in Australia and New Zealand in helping people to leave, and send remittances to, environmentally degraded parts of Southeast Asia and the Pacific have been lauded as one model for other countries to adopt (Hugo, 2012; Nansen Initiative, 2015; Dun et al., 2018; Thornton et al., 2019).<sup>188</sup> Other examples include a labour programme in Spain that targets Colombian workers from zones at high risk of natural disasters (Ayazi & Elsheikh, 2019). In 2013 the UN Economic and Social Commission for Asia and the Pacific (UNESCAP) launched a project to increase labour mobility opportunities for Pacific Islanders at risk of climate change through such schemes. However, there are concerns that labour migration schemes may become traps for low-paid, unskilled workers (Bedford et al., 2017), leading to worker exploitation and abuse if safeguards are not in place (Ayazi & Elsheikh, 2019). Bilateral agreements between sending and receiving countries could ensure a degree of protection to migrant workers and their families. Such agreements benefit both countries and are tailored to local circumstances, while the number admitted remains under the control of the receiving state. Thus, they are more attractive to states than multilateral immigration rules (Wyman, 2013).

Some regional instruments, such as the **Cartagena Declaration** and **Kampala Convention** (see 9.2.3), already provide some protection to environmental refugees. As with bilateral agreements, they are tailored to regional circumstances and norms. Even where regional agreements merely reiterate existing obligations, such as in Europe, they can harmonise domestic practice (Williams, 2008). Williams suggests that larger blocs, such as ASEAN and the EU, as well as smaller, more informal regional groupings, could draw on support from the

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<sup>188</sup> New Zealand's Pacific Access Visa, for example, is allocated by ballot to 750 Pacific islanders and their families each year.

UNFCCC process to create regional migration agreements. The Platform on Disaster Displacement is also mandated to facilitate such efforts (see 9.3.7).

UNHCR's official stance since 2015 has been to promote the development of domestic and sub-regional law "in accordance with [countries'] specific situation and challenges", in preference to a binding international treaty (UNHCR, 2015:7). Numerous examples of good practice exist in individual states' domestic laws and policies, such as Italy's "Zampa law" of 2017, which prohibits the return of unaccompanied children and provides a comprehensive framework for their protection (IOM and UNICEF, 2017). Moreover, granting of humanitarian status, while normally a temporary measure, is a unilateral step that states can take to protect environmental migrants. Many countries already have such frameworks in place, and national jurisprudence through strategic litigation may be used to highlight legal gaps and thereby amend domestic policy (McAdam, 2016:1539). Nevertheless, "there is a clear need to go beyond domestic solutions to harmonise legal approaches" since domestic law is haphazard and discretionary (Kälin, 2012:100) and thus no guarantee of protection.

This thesis has previously discussed two separate humanitarian migration schemes; one multilateral and one bilateral. Chapter 5.3.2 described UNHCR's unprecedented Orderly Departure Programme for resettling Vietnamese refugees in Western nations between 1979 and the mid-1990s. Chapter 7.2.1 discussed the UK's evacuation programme for Montserratians between 1995 and 1998. While both schemes had problematic aspects, explored in the respective chapters, they also included elements which could be used as a model for future planned relocation schemes for people facing environmental hazards.

In both cases, the main benefit of these schemes was that they allowed people, including unaccompanied minors, to move to a safe country in a safe and regular fashion, reducing (though not eliminating) the risk of trafficking, exploitation or reliance on smugglers or other irregular and possibly dangerous routes of entry. Picking people up 'at source', rather than at a later stage in their migration journey, can prevent the host of human rights abuses described in previous chapters, including the significant risk of death that irregular migrants encounter. In the case of sudden-onset disasters such as a hurricane, people may flee quickly and no longer be in their home communities by the time they are offered relocation assistance. Nevertheless, protection will be more effective the earlier the scheme intervenes to help people with their onward journeys. Such schemes could be permanent, for example in the case

of sinking small island states, or temporary, for example where adaptation efforts may yet provide a sustainable environment for returnees. The Montserrat scheme included a repatriation element for those wishing to return once the volcanic threat had abated; however, infrastructure is still lacking for returnees.

Planned relocation schemes are an example of where careful, human rights-based planning can protect people from harm during environmentally driven migration. Chapters 5 and 7 provided evidence of the harms associated with poorly planned relocation schemes from Vietnam and Montserrat. Moreover, communities and individuals have the right to freedom from forced eviction and the right to be consulted about their relocation.<sup>189</sup> Applying a human rights-based approach to bilateral or multilateral relocation efforts, possibly with the oversight of UNHCR or IOM, could provide a safe solution for many who might otherwise become trapped populations or irregular migrants. UNHCR's Orderly Departure Programme for Vietnam was controversial and has never been repeated (Kumin, 2008). But the fact that it provided a largely safe and regular resettlement opportunity for some 650,000 people demonstrates the potential of such schemes.

#### 9.4.4 Conclusion

This chapter set out to answer my sixth and final research question: "What legal protections currently exist for child environmental migrants, and are these sufficient to prevent harm?" I found multiple tools that advocates can use short of, or in addition to, calling for a stand-alone international legal instrument to protect child environmental migrants. These include existing international law as well as soft-law instruments and national and regional legislation. Moreover, the range of new initiatives shows a willingness on behalf of the international community and civil society to respond to environmental displacement. The nature of these responses depends on the extent to which they have grown out of purely humanitarian considerations or political and security motivations. However, they have in common an acceptance and reaffirmation of existing human rights law.

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<sup>189</sup> Freedom from forced eviction protects against removal from one's home or land without consent. It arises from several human rights instruments and is defined by General Comment 7 of the UN Committee on Economic, Social and Cultural Rights (1997). Indigenous peoples additionally have the right to free, prior and informed consent about matters relating to their relocation under Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples.

Nevertheless, I found that serious protection gaps remain, which could lead to repetition of the historical harms described in my case study chapters. I therefore proposed a number of legal and policy options to fill these gaps. These options are not mutually exclusive. A strong international framework for environmental migrants would ideally be based on the full application of international human rights, humanitarian and criminal law; regional cooperation; human rights-based bilateral or multilateral migration agreements; and domestic law and policy grounded in humanitarian values. Such a regime could be beneficial to migrants as well as to both sending and receiving countries.

The first step is for states to ratify, and remove their reservations from, existing human rights, humanitarian, refugee and criminal law instruments, and fully implement them into domestic law. Meanwhile, regional, bilateral and national provisions provide a fast and effective way to support migrants in a manner that is sensitive to local needs and capacities. Creating new multilateral agreements of any sort is usually time-consuming and contentious. Yet, throughout the last 80 years, huge strides have been taken in reaching international consensus on both human rights and climate change, through the UN and other channels. This should give cause for optimism that solutions can be found for the protection of child environmental migrants, and thus no avenue of possible agreement should be closed down.

## Chapter 10 – Conclusion

*“We children... want our hopes and dreams back”  
– Greta Thunberg (2019:68)*

### 10.1 Answering the research questions

My two overarching research questions for this study were:

1. What factors interact with environmental change to drive human migration and determine (child) migrants’ vulnerability to harm?
2. What protection gaps exist for child environmental migrants, and what solutions are needed to fill those gaps?

These questions were further sub-divided in my case study chapters.

Chapter 1 began with my hypothesis that climate-related displacement has highlighted numerous protection gaps and that the solution to child migrant protection lies in the creation of a new international treaty on environmental or climate refugees, akin to the 1951 Refugee Convention. In the subsequent chapters, I interrogated this hypothesis via several sub-questions, and concluded that other solutions, legal and non-legal, would provide more targeted, human rights-based solutions for people migrating in the context of environmental change. During this process, I moved away from a “maximalist” approach to climate displacement and towards a more “minimalist” approach,<sup>190</sup> whereby I came to understand climate/environmental change as just one factor in complex migration decision-making; albeit a significant factor.

In order to reach this conclusion, I first chose two case studies to determine the extent to which environmental change drives child migration and the mechanisms involved. Chapter 5 concluded that the boat people migration from Vietnam, long characterised as a politically driven exodus, was influenced by environmental push-factors. Environmental degradation, along with state policies aimed at agricultural and environmental restoration, contributed to massive internal migration during and following the Vietnam War, including large-scale government-forced relocation, leading to secondary overseas migration.

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<sup>190</sup> Morrissey, 2012; see Chapter 2.3.2.

The Montserrat case study findings in Chapter 7 came to the reverse conclusion, again overturning the dominant narrative about the causes of migration. My research showed that the exodus, which had hitherto been characterised as a straightforward case of natural disaster-driven mass displacement, resulted from social policies. The volcanic eruptions were the trigger, but the evacuation itself was a government-led decision, designed to redress numerous social policy failures, and was one of several alternative options open to the British and Montserratian authorities.

I therefore concluded that, while environmental change does drive migration, it is rarely the sole cause and its role is often misunderstood. Displacement is one of many human responses to abnormal or unexpected interactions of environmental change with human systems. Migration is never the only option, but it is sometimes the only acceptable option.

Second, my two case studies considered the migration experience for children, including: accompanied, unaccompanied and separated minors; boys and girls; different age groups; and children from varied socio-economic backgrounds. This perspective is important since children's experiences are frequently missing from migration accounts, and because children have different perspectives and protection needs compared to adults. I identified numerous risks and harms to child migrants' human rights before, during and after flight, perpetrated by both state and non-state actors. I found that the greatest harms were perpetrated by the actions or omissions of governments – of varied political leanings – in the context of a failure to apply existing international human rights and refugee law. Harms were suffered by refugees of all ages, with unaccompanied and separated children exhibiting specific vulnerabilities. Violations were also experienced by children who stayed behind in degraded environments, usually because of political failures to fulfil their human rights rather than the direct effects of environmental catastrophe.

My case studies show how the categorisation of child migrants affected the protections and support they were afforded during and after their migration journeys. In both examples, the regularisation of child migrants' legal status was the single biggest factor in securing their protection and, by extension, their human rights. Recognition of a child's regular status as a refugee or evacuee afforded both Vietnamese and Montserratian children safer journeys and easier access to welfare, education, healthcare, accommodation and other public services,

compared to irregular migrants. Nevertheless, regularised status was no guarantee that human rights would be respected, protected or fulfilled. Many regularised child migrants still faced convoluted and drawn-out journeys, unethical adoption and fostering practices, exploitation by private actors, and problems in accessing accommodation and public services. In the UK, dispersal policies compounded these difficulties for both Vietnamese and Montserratian children.

The UK's acceptance of 'economic migrants' from Vietnam allowed protections to be extended to people leaving for reasons linked to environmental degradation. The USA and other countries were more selective in their refugee admittance programmes, as was the UK from 1989 onwards, and as a result many people perceived to be 'economic migrants', including children, were repatriated to Vietnam from British-administered Hong Kong and other transit camps. The UK's reluctance to formally categorise Montserratian evacuees as either refugees or full citizens created additional hardship. The granting of citizenship in the resettlement country finally provided children from both groups with security and greater access to their human rights. For Vietnamese refugees, this came after five years' residency in the UK or USA. Montserratians were granted British citizenship rights in 2002, some five years after the main evacuation.

My third task was to determine whether climate change will drive future migration from these two locations, and the extent to which protections are in place for future migrants to prevent the repetition of past patterns of violations. Chapter 8 demonstrated how the interplay of environmental factors – including climate change – with individual, household, community and structural factors can drive both migration and vulnerability to human rights abuses. The Mekong Delta region of Vietnam faces multiple risks from climate change and other human-made environmental degradation. Montserrat's climate risk meanwhile represents an existential threat to the island's future, particularly if changing rainfall patterns trigger a further volcanic crisis, or if a category five hurricane strikes the resettled population in the island's north. In both locations, under-preparedness for both slow- and sudden-onset disasters remains a serious concern, partly caused by inadequate consultation with affected communities.

Chapter 9 discussed how the legal landscape for environmental migrant protection has barely progressed since either the Vietnamese or Montserratian exoduses of the late twentieth



century. What has changed for Montserratians is an automatic route to British citizenship, potentially offering a safe haven in a future disaster with fewer of the barriers faced by the evacuees of the 1990s. No such safe, orderly routes exist for today's Vietnamese irregular migrants, including environmentally displaced people. As discussed in Chapter 8, Vietnamese children today face grave risks, including death, exploitation and detention, to reach Europe, and natural disasters may be contributing both to their decisions to migrate and to their vulnerability en route.

My final sub-question concerned the need for a new protection regime for environmental migrants, and what form this could take. Returning to my original hypothesis that a new international legal treaty is required to protect climate refugees, my exploration of the complex interaction of environmental factors with other determinants of migration reduced my faith in the effectiveness of this approach in protecting child migrants. What is missing, I now believe, is an approach to migrant protection that encompasses second- and third-order impacts of environmental change. My study shows that the erosion of people's human rights results from numerous intersecting factors, including external forces like natural disasters and environmental degradation, but also personal and household characteristics, community drivers and local and national policy. Whatever the cause, the inability to adequately realise one's human rights *in situ* should be a legitimate reason for seeking protection elsewhere, and the causes of flight are less important than the need to safeguard the rights of people on the move.

For these reasons, I now propose an approach that applies existing legal frameworks (human rights, humanitarian law, labour law, refugee law and criminal law) through context-specific, bilateral and multilateral resettlement agreements. In Chapter 9, I cited the locally sensitive approach of the West African Network for the protection of children (WAN), which forefronts the 'best interests' principle of child rights law in its child migrant protection efforts. Chapter 5 highlighted the pros and cons of UNHCR's Orderly Departure Programme (ODP), which provided safe, regular migration for a select, but large, group of Vietnamese refugees. Chapter 7 considered the successes and failures of the UK government's official evacuation/relocation programme for Montserrat from a human rights standpoint. In Chapter 9, I proposed that these programmes, although imperfect, could provide models for future solutions to environmentally driven migration if developed in line with human rights principles. In particular, under any future migration framework, children should have independent claims to

resettlement and/or asylum based on their specific needs, while remaining entitled to family reunification.

My research demonstrates the breadth of human rights harms that emanate from poorly designed resettlement programmes, particularly in relation to children, the key concerns being:

- Separation from family, which may drive additional vulnerability (although not in all cases), and associated assumptions that the best interests of the child lie in adoption/fostering arrangements with hitherto unknown families;
- Harms arising from undertaking all or part of the journey in an irregular fashion – necessitating the need for relocation either direct from the home country or as early as possible in the migration journey;
- Lack of consultation with migrants about their preferred location and duration of resettlement;
- Discrimination and marginalisation in the resettlement country based on protected characteristics;
- Lack of access to rights and services, in law or in practice, that are otherwise provided to citizens of the resettlement country;
- Inability to regularise one's status in the resettlement country;
- Dispersal policies that split up minority communities, hinder realisation of cultural rights and drive secondary migration;
- The ad hoc and voluntary nature of support for settling in, orientation, language training and other integration activities.

As a result of this study, I conclude that addressing each of these concerns in the context of future bilateral or multilateral relocation programmes for environmental migrants would fill existing human rights gaps without necessitating the creation of a new legal framework. A new international framework may suffer from a lack of support from states and is unlikely to encompass all who need protection, while existing legal frameworks would provide adequate safeguards to migrants if states can be encouraged to ratify and fully apply them. These assumptions need to be tested in the context of a future human rights-based relocation programme, acknowledging that relocating whole communities poses “the greatest risks to their livelihoods and human rights” (Barnett & Webber, 2012:43). The question of jurisdictional responsibility for migrants' human rights can also be overcome through bilateral

and multilateral agreements, when states agree to assume certain duties towards people entering or exiting their borders. Finally, such programmes would align with the emerging trends of

“oscillating [migration] flows that involve visiting, studying, seasonal work, temporary contracts, tourism and sojourning, rather than whole-family migration, permanent settlement and the adoption of exclusive citizenships”  
(Cohen, 2008:123)

which are replacing traditional, unidirectional migration and which may be more adaptive to the needs created by climate change.

## 10.2. Evaluating my methodologies

My decision, as outlined in Chapter 3, to focus on archival records supplemented by ‘key witness’ discussions provided several significant benefits and outcomes for this study.

First, in relation to Montserrat, my persistent pursuit of several key documents helped to bring to light information that had previously been suppressed or classified regarding the authorities’ volcano response and evacuations. The exposure of this new information has already garnered interest on Montserrat, within the evacuee diaspora, and beyond.

Second, by triangulating these findings through supplementary discussions with key witnesses, I enriched my study and helped reignite a conversation regarding the treatment of the diaspora and the ongoing relationship between Montserrat and the UK. Thus, the impact of this research has already expanded beyond the findings contained within these pages.

Third, in relation to Vietnam, my use of existing oral history testimony allowed me to draw on the experiences of hundreds of refugees in the USA and UK; many more narratives than I could have hoped to gather myself through first-hand interviews. I believe that my account of the experiences of this diaspora is therefore more wide-ranging, and more representative, than a primary qualitative study could have been.

Fourth, the inclusion of oral histories recorded in podcast form allowed me to interrogate the process of creating podcast narratives and contribute to the fledgling literature around podcast-based research ethics and methodologies.

Nevertheless, I believe that my chosen methodology had one important limitation; I was not able to include the voices of children with disabilities. Whether due to the fact that disabled children were not able to migrate from these two locations, or because they were excluded from oral histories and other studies, I did not find narratives of disability represented in the sources I examined. Thus I have been unable, in this study, to examine the effect of policy and legislation on the human rights of this significant minority, nor to make specific recommendations for their future protection. I found unaccompanied and separated children to be the most vulnerable group of child migrants; however, this is with the caveat that the needs and experiences of children living with disabilities were not included in this study.

### 10.3 Contribution to knowledge

In Chapters 2, 4 and 6 I identified significant gaps in the literature pertaining to environmental migration, the Vietnamese boat people exodus, and the Montserrat evacuation respectively.

Key lacunas identified in the current understanding around environmental migration included motivations for migration; the interplay of environmental change with individual, household, community and structural factors; and the additional drivers of vulnerability for child environmental migrants. In general, children's experiences are frequently excluded from literature on environmental migration. This study tackled the first three issues while maintaining a focus on children's voices and experiences at each stage.

In Chapters 5 and 7, I reported that migrants often do not cite environmental motivations for their flight, since the ultimate push-factors are usually second- or third-order. For example, in Montserrat, the volcanic crisis resulted in the suspension of schooling, a second-order impact which drove children to seek an education overseas. In Vietnam, wartime environmental degradation led to the second-order impact of internal displacement under the NEZ resettlement policy; the third-order impacts of which included malnutrition and family separation. These third-order impacts were cited by some refugees as a key driver for fleeing Vietnam. Additionally, I found that people were reluctant to cite environmental and/or economic concerns since asylum procedures focused on political persecution as the determinant of refugee status (as per the Refugee Convention). In summary, while environmental factors may lie behind decisions to migrate, they are rarely cited as such.

In Chapter 8, I developed and tested a conceptual model which can be applied to future horizon-scanning efforts connecting environmental change with migration and subsequent vulnerability to exploitation and other harms. I demonstrated that environmental change can influence both migration drivers and sources of vulnerability at each of the four levels (individual, household, community and structural), contributing to the risk of human rights abuses against children in numerous subtle but significant ways.

The main contribution of my Vietnam case study is the compilation of six decades of evidence that environmental causes were a significant contributor to the boat people exodus. While environmental factors were cited in wartime and immediate post-war literature, this narrative was subsequently buried under the competing Cold War narrative of the 'evils of Communism' as the primary driving force for the exodus. My study combines archival evidence of ecocide with oral history narratives to show how degradation of the landscape contributed to massive internal and secondary international migration, and subsequent grave human rights violations, with a focus on the effect on children. Understanding these patterns may further our comprehension of migration and vulnerability in the context of the current climate crisis and other environmentally degrading activities in Vietnam.

For Montserrat, I began by quantifying the evacuee population in the UK, including the child population; something that had not been done before. Thus, my case study contributes a better understanding of size and composition of the population. This is also the first time a human rights-based analysis has been conducted on the impact of the post-volcano policies, including evacuation, on Montserrat's children. This can aid understanding of how children may be affected by a future evacuation or relocation scenario on Montserrat as well as other British Overseas Territories and SIDS.

My evaluation of the Montserrat evacuation demonstrates that internal and external relocation schemes that fail to prioritise human rights can cause serious and lasting harms, including for children. Protection may be provided more effectively by leaving people *in situ* and focusing on adaptation and adequate service provision rather than removing populations in a badly planned, poorly resourced fashion. In either case, pre-disaster preparation and consultation with affected individuals are key to the protection of human rights.

## 10.4 Recommendations

The following list of recommendations is aimed at policy makers and advocacy organisations. It is based on the findings outlined above and in previous chapters.

This list of recommendations is not exhaustive. There are numerous other safeguards required to ensure all migrants can attain the highest level of human rights realisation before, during and after their journeys. This list arises directly from the findings in this study and is proposed as a minimum set of requirements to ensure fulfilment of the human rights of all migrants, including people participating in relocation and resettlement programmes, as well as people who choose to remain in situ.

1. States, advocacy organisations and the international community should consider assisted relocation and resettlement as one legitimate form of adaptation to climate and environmental change, which can benefit both sending and receiving areas as well as migrants themselves.
2. Relocation should always improve, or at a minimum restore, human rights realisation and living standards for the relocatees. Nobody should be made worse off as a result of relocation, and relocation/migration must never be used as a reason to deny an individual their human rights.
3. Relocation and resettlement schemes are not one-size-fits-all. They can range from small-scale, bilateral seasonal labour migration schemes to large-scale resettlement of entire populations across multiple countries. Each scheme must be tailored to the particular needs of the community as well as circumstances in the sending and receiving areas. This also means that the same site may not be suitable for all members of a relocated community; i.e. a choice of multiple locations may need to be offered to relocatees, weighed against the risks of dispersing an otherwise united community.
4. Except where essential to protect the human rights of relocatees, dispersal of relocated communities in the host country/region should be avoided to prevent splitting up pre-existing communities, hindering realisation of cultural rights and driving secondary migration. Where practical, any pre-existing micro-communities such as extended families and school- and faith-based communities should be moved together to allow support networks to continue, unless this goes against the wishes of the relocatees themselves. Relocatees and other migrants should nevertheless have the freedom to move within the host country (or return to their former home) if they so wish, in line with the right to freedom of movement.

5. Families should always be supported to stay together except where family unity is not in the best interests of the individual members – including children – as determined on a case-by-case basis with the wishes of the individuals in question taking precedence.
6. The design and implementation of relocation and other migration schemes should be based on existing human rights principles. The full range of human rights of all migrants/relocatees should be protected at each stage of their journey and resettlement, regardless of the reason for their migration (e.g. political, economic, environmental etc.).
7. People who choose to stay in situ and not participate in relocation and resettlement should not be penalised for their decision or treated any less favourably than those who choose to migrate. People who choose to stay should be given every opportunity to realise their full range of human rights in situ, including through appropriate environmental adaptation measures where necessary.
8. In all migration scenarios, children should have independent claims to resettlement and/or asylum based on their specific needs, while remaining entitled to family reunification.
9. Decisions based on the best interests of a child migrant should always take into consideration the child's individual wishes and their evolving capacities and agency.
10. It should not be assumed that adoption or long-term fostering arrangements are the best options for unaccompanied child migrants until all other options for family reunification have been exhausted.
11. Repatriation of children should be avoided unless it is determined to be in the child's best interests and conducted with their full consent, and once sufficient protections against *refoulement* and other human rights harms are carried out. Diplomatic assurances of safety and non-discrimination are an insufficient safeguard against ill-treatment for returnees.
12. Where a young person's age is in doubt for the purposes of ensuring child protection and other child rights provisions, it should be presumed that they are under the age of 18 unless and until this can be proven beyond a reasonable doubt without resorting to measures such as hand X-rays or other invasive and inaccurate procedures.
13. Potential candidates for planned relocation and resettlement should always be fully consulted about their preferences (including option to remain in situ if they so choose). Consultations should include the timing, manner, location and duration of resettlement as well as any compensation for land or property lost. In order to make a fully informed decision, candidates must be provided with sufficient information about their options in line with the human right to receive and impart information. This includes providing information appropriate to all ages, including children, and in formats that are accessible to all.

14. Interventions should be made to assist migrants and relocatees in regularising their journeys as early as possible in their migration; preferably before they leave their homes via planned relocation schemes. This will prevent irregular, unsafe migration and associated risks and harms.
15. Steps must be taken to prevent discrimination and marginalisation based on protected characteristics before, during and following relocation and resettlement. This includes preventing discrimination in the process of choosing candidates for relocation (for example, by making labour migration schemes open to people of all ethnicities); preventing discrimination during relocation (for example, by making the journey safe for children and people with disabilities); and preventing marginalisation and assisting integration following resettlement (for example, by tackling racism and other hostility in the host community).
16. Relocatees, refugees and other migrants should have access to the same rights and services, in law and in practice and without discrimination, as citizens of the host community. This applies during relocation journeys (for example, in transit camps) as well as in the final resettlement location. Particular attention should be paid to making services available and appropriate for marginalised groups, for example by providing appropriate health care for LGBTI people and suitable education for children of different ages.
17. Those relocating permanently to another country should have the option to regularise their status in the host country at the earliest opportunity, ideally via routes to citizenship.
18. Support should be provided to relocatees for settling in, orientation, language training and other integration activities in a manner that realises their economic, social, cultural, political and civil rights. While individuals and charities may wish to contribute their resources and expertise, such activities should not rely wholly on voluntary organisations or individuals; support should be centrally funded by the host state, provided equitably and consistently; and meet the needs of all members of the relocated community, including those who may be marginalised or disadvantaged.
19. Links should be maintained and encouraged with the sending country/community where this is possible and desired by the relocatees, to allow relocatees to stay in touch with people who remain in situ, to maintain and benefit from any property still held in the area and to visit, where practical.



### 10.5 Future areas of research

Further potential areas for research are numerous, given the breadth of the issues surrounding environmental change and migration. The conceptual model developed in Chapter 8 can be applied to any migration scenario. It nevertheless needs further testing in a context where sufficient datasets are available for comparison to assess links between environmental change, migration and indicators of vulnerability and/or harms. Examples might include the comparison of house prices in major European cities before and after a heatwave, followed by comparisons of health indicators for recent movers disaggregated by age, sex, household size, household income and so on. The first example may help determine whether rising temperatures are a motivation for internal migration in Europe. The second example may illuminate the interrelationships between individual and household factors and heat-driven migration in the context of realisation of the right to health. There are many permutations of this example for different locations, environmental hazards, populations and types of harm/vulnerability.

The Montserrat study would have benefited from primary research interviews conducted with former child evacuees to learn more about their migration drivers and experiences of evacuation first-hand. And while the Vietnam case study benefited from the existence of large oral history archives, a further step would be to ask former boat people specifically about environmental factors for their migration; a line of questioning missing from extant Vietnamese oral history projects. Further primary research for both case studies may also have provided an opportunity to include the voices and experiences of migrants living with disabilities – a gap identified above – and to explore the particular experiences of other minorities such as Vietnam’s Indigenous highlander population. Conducting primary interviews with these groups was not possible in the present study for the reasons outlined in Chapter 3.2, not least because of the limitations of Covid, but is a possible further avenue for investigation and enrichment of the topics covered above.

Finally, following the approach of eco-global criminology, the issue of identification of victims also requires further study. Williams (1998) expands the definition of environmental victims to encompass:

“those of past, present, or future generations who are injured as a consequence of change to the chemical, physical, microbiological, or

psychosocial environment, brought about by deliberate or reckless, individual or collective, human act or act of omission.” (p.8)

This stance is supported by the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), which includes in its definition of “victims” people who have suffered harms (broadly defined) “through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights” (UN, 1985b: Principle 18), whether or not a perpetrator has been identified (Principle 2). The Declaration was written in the context of preventing the crime of genocide, but its principles can, and I believe should, be applied more widely in line with the principle of indivisibility of human rights norms.<sup>191</sup> Nevertheless, refugee law does not currently recognise environmental migrants as victims requiring protection, and Williams (1998) observes that individuals do not always choose to identify as victims of environmental injustice, as was demonstrated by my Vietnam case study. Victimology in the context of environmental migration is a field requiring further study, particularly its relevance to the drafting of new laws and guidance on refugee determination criteria and broader migrant protection issues.

### 10.6 Practical applications

The contributions to knowledge described above have practical applications of urgent relevance to displaced people and would-be child migrants. There is a growing appetite for information on the topic, as states and other actors become increasingly concerned about the impacts of climate change on human security, immigration and other policy areas. This presents enormous scope to drive policy and legislation.

My study had an ambitious aim: to anticipate future patterns of climate-driven migration using lessons drawn from two dissimilar historical case studies, and to draw up recommendations for child migrant protection from these findings. It was never intended that this study would cover every angle of the child migrant experience, nor predict the precise nature of future migration scenarios. Nevertheless, the study broadens our understanding of the reasons why children migrate, the migration experience through their eyes, and the steps necessary to realise children’s rights in a warming world.

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<sup>191</sup> Indivisibility means that “all human rights have equal status, and cannot be positioned in a hierarchical order” (UNFPA, 2005).

## Epilogue

As this thesis was being prepared for submission, the UN General Assembly (2022) declared access to a clean and healthy environment to be a universal human right. With 161 votes in favour, the resolution was applauded by the UN Secretary-General as an opportunity to “close protection gaps”, including for children, while combating “the triple planetary crisis of climate change, biodiversity loss and pollution” (UN News, 2022).

The resolution, which has been 50 years in the making, recognises that environmental damage has negative implications, direct and indirect, on the enjoyment of all human rights. To be meaningful, it must be adopted by states as a legally binding obligation and the right extended to all vulnerable communities, including existing migrants and people at risk of displacement. The impetus for the creation of this new right came from a handful of states including the Maldives, for which climate change presents an existential threat, including as a result of population loss through migration or planned, overseas relocation. It falls to other states – the wealthiest and the highest emitters – to recognise this new universal human right vis-à-vis the Maldivian people and other vulnerable populations, and to make suitable mitigation and adaptation efforts, including through climate financing, to protect their environments. For people for whom these efforts come too late, who are already – or will shortly be – on the move, this resolution provides recognition of a failure to protect their rights. Redress for this failure should include safe resettlement options which grant or restore their enjoyment of the full range of human rights.

## Appendix: Selection of initiatives relevant to environmental migration

| Initiative   | Covers IDPs? | Covers cross-border displacement? | Covers forced migration / refugees? | Covers 'voluntary' migration? | Legally binding? | Features  |
|--|--------------|-----------------------------------|-------------------------------------|-------------------------------|------------------|---|
| Global Compact on Migrants (2018)                  | NO           | YES                               | NO                                  | YES                           | NO               | <ul style="list-style-type: none"> <li>- based in existing international human rights and humanitarian law;</li> <li>- references climate and environmental law, including the UNFCCC;</li> <li>- includes protection measures for migrant children;</li> <li>- individual states determine their level of contribution to the Compact's aims.</li> </ul> |
| Global Compact on Refugees (2018)                  | NO           | YES                               | YES                                 | NO                            | NO               | <ul style="list-style-type: none"> <li>- based in existing international human rights and humanitarian law;</li> <li>- covers broad issues including children, trafficking, climate and environmental concerns;</li> <li>- individual states determine their level of contribution to the Compact's aims.</li> </ul>                                      |
| Model International Mobility Convention (2017)     | NO           | YES                               | YES                                 | YES                           | NO <sup>1</sup>  | <ul style="list-style-type: none"> <li>- draft treaty drawn up by academics;</li> <li>- covers all forms of cross-border migration;</li> <li>- based on human rights norms.</li> </ul>  |
| Guiding Principles on Internal Displacement (1998) | YES          | NO                                | YES                                 | YES                           | NO               | <ul style="list-style-type: none"> <li>- based on existing law, but highlights some gaps;</li> <li>- recognises "natural or human-made disasters" as a driver of internal migration;</li> <li>- seeks to minimise displacement at all costs but acknowledges that planned relocation is sometimes necessary.</li> </ul>                                   |
| UN Framework Convention on Climate Change (1992)   | NO           | NO                                | NO                                  | NO                            | YES              | <ul style="list-style-type: none"> <li>- ratified by 197 states;</li> <li>- aim is mitigating climate change by reducing emissions;</li> <li>- has been developed by later agreements.</li> </ul>   |
| Cancun Adaptation Framework (2010)                 | YES          | YES                               | YES                                 | YES                           | NO               | <ul style="list-style-type: none"> <li>- integrates human mobility into international climate policy;</li> <li>- aims to strengthen adaptation in developing countries.</li> </ul>  |
| Paris Agreement (2015)                             | NO           | NO                                | NO                                  | NO                            | YES              | <ul style="list-style-type: none"> <li>- ratified by 189 states;</li> <li>- main goal to keep warming below 2°C;</li> <li>- promotes adaptation, strengthening resilience and reducing loss and damage;</li> <li>- acknowledges the human rights of vulnerable groups, including migrants and children.</li> </ul>  |

<sup>1</sup>This is a draft convention with no states parties. It is intended to be legally binding if it were ever adopted.

|   |     |     |     |     |    |   |
|---|-----|-----|-----|-----|----|---|
| Nansen Initiative Protection Agenda (2015)          | YES | YES | YES | YES | NO | <ul style="list-style-type: none"> <li>- suggests practical steps for states to respond to disaster displacement;</li> <li>- tries to fill gaps in existing legal protection;</li> <li>- promotes "migration with dignity";</li> <li>- recognises migration as a form of climate change adaptation and as a DRR strategy;</li> <li>- promotes improved planned relocation options and seasonal worker schemes.</li> </ul> |
| Sendai Framework for Disaster Risk Reduction (2015) | YES | YES | YES | YES | NO | <ul style="list-style-type: none"> <li>- recognises climate change as a driver of disaster risk;</li> <li>- promotes planned relocation as an adaptive measure.</li> </ul>  |
| Sustainable Development Agenda and Goals (2015)     | YES | YES | YES | YES | NO | <ul style="list-style-type: none"> <li>- strong emphasis on climate change;</li> <li>- promotes safe and orderly migration;</li> <li>- includes a target to end the abuse, exploitation and trafficking of children.</li> </ul>   |

(Saphia Fleury, 2022)

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*This bibliography is divided into three parts. Part 1 is primary archival sources. Part 2 is secondary sources (literature). Part 3 is other sources, including legislation and news websites.*

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