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Benoît and Crépeau's edited volume, *Research Handbook on Climate Change, Migration and the Law*, is, in many ways, an outstanding book. In a collection of twenty chapters, authored by experts from different fields and geographical backgrounds, the book compiles the most recent perspectives on the debate surrounding the development of legal protection to climate-induced migrants. The book is of common interest to academics in the fields of law, political and social sciences, and political philosophy, but also to anyone concerned in getting a detailed overview of the current challenges related to the interplay between climate migration and the law. The views of the various contributors are at times conflicting and thus expose the complexity of the normative debate attempting to establish how law should respond to climate-induced migration.

To put the book into its discursive context, it is worth noting that the main difficulty in the debate as a whole seems to be understanding the climate-migration nexus itself. This is a difficulty affecting the ability to prescribe what national and international law makers and policy bodies ought to be doing in relation to it. For example: How does climate change interfere with the patterns of human mobility? Can climate change be considered in isolation from socio-economic and political factors also driving migration? Should persons migrating because of climate change be protected by special rights? If yes, which rights? Since the already vulnerable people will suffer disproportionately from the impacts of climate change, should the special rights to climate migrants be considered in connection with issues of distributive justice? Should persons displaced by climate change be legally considered refugees? How do we determine whether the primary reason for their migration is climate change and not other causes? If it is not possible to make this determination, how should we distinguish climate migrants or refugees from other migrants? How important is to make this distinction? Discussing these questions from various angles is fundamental for the design of laws and policies that will *de facto* increase the protection of climate-induced migrants.

It is against this background that this book so effectively demonstrates that the key to addressing these difficult questions lies in thinking critically about how the issue of climate-induced migration is framed. It is undisputed that changes in the environment have always impacted migration patterns and activities and that Global warming will exacerbate such impacts due to the intensification and recurrence of sudden- and slow-onset natural disasters. What the book questions is how climate-induced migration should be framed and internationally regulated in order to increase protection for the migrants while insuring compliance of the receiving states. The book presents migration as a form of adaptation to these environmental changes that should be rather embraced than seen as problem. It also argues that rather than attempting to single out climate change as the *solo* driver for climate-induced migration and distinguishing climate-induced migrants from the other migrants, the focus should be on addressing the vulnerabilities and needs of these migrants in general. The main message that comes across in the book is finally that to prescribe how we ought to be acting towards persons and populations displaced by climate change should not centre upon seeking to assert the causes of displacement (as it is usually done), but rather on addressing

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<sup>1</sup> I am grateful to CJ Hayward, CJ Thompson, and A Vitikainen for lively discussions on the topic. This publication is part of the Globalizing Minority Rights Project (RCN 2016-2020/ 259017).

the vulnerabilities and needs of the migrants that emerge in the context of the changing landscapes. Another great merit of the book is that it not only maps the development of different national and international laws on climate migration (which are still quite limited), but it also explores several avenues for progress in environmental and climate law and in refugee, migration and human rights law.

However, while this breadth of coverage offers a valuable and comprehensive overview of relevant law, the broad body of relevant laws is substantial, and readers may feel overwhelmed. Unfortunately, the structure of book does little to help the reader systematize all the information. The book is divided into three parts: the first part seeks to analyze the climate-migration nexus; the second part (containing the majority of chapters) deals with developments in law and institutions; and the third part is dedicated to exploring ways forward. The problem with this division is that it is too coarse, and it does not always reflect the content of the papers. For example, several contributions of part one and two engage in normative discussions at the core of the chapter; at the same time, several contributions of parts two and three deal with the climate-migration nexus; and all of them, to a certain extent, discuss the developments in law and institutions. I, of course, understand the extremely hard task that the editors had in grouping all these chapters. I also understand that this is a Handbook of independent pieces that are not necessarily meant to be read sequentially. My point of criticism is that a more nuanced structure would have enabled readers better to keep track of all the valuable information found in the book.

In light of this structural weakness, my analysis of the book proceeds according to a division that I found more appropriate for articulating a discussion. I propose a more nuanced division for the book covering five main approaches: definitional, representational, rights-based, ethical, and organizational. My proposed division, which has more methodological awareness than the original one, will give the readers a better tool for systematizing the various aspects of the debate.

**Definitional approaches** are those concerned with conceptual clarifications. **McLeman**<sup>2</sup> derives the complex concept of climate migration from an analysis of concrete examples from West Africa, Bangladesh, and Central America. Large variations in patterns and outcomes occur not only due to the differences in the nature of climate-related threats themselves, but also due to the differences in the resilience of the affected people and populations. This is in turn determined by socio-economic and political factors. The main contributions of this chapter are, first, that it refutes the popular idea that climate migration has a single cause and, second, it frames migration not as a problem, but rather as a resource for adaptation to vulnerabilities exacerbated by climate change. **Nicholson**<sup>3</sup> argues that ‘climate migration’ is an equivocal definition that remains conceptually incoherent. Diagnosing a technocratic turn in academic research, he points to weaknesses in the relevant literature. This chapter primarily calls on researchers to be more self-reflective about their work. Nicholson, however, ignores the fact that vagueness is an artifice of language and science, and not merely a defect of it: Ambiguity and some degree of contradiction have been used in the context of climate

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<sup>2</sup> R McLeman “Climate-related migration and its linkages to vulnerability, adaptation, and socio-economic inequality: evidence from recent examples” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 29-48.

<sup>3</sup> C T M Nicholson “‘Climate-induced migration’: ways forward in the face of intrinsically equivocal concept” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 49-66.

migration research to express the complexity of the issue. Although I am sympathetic with his solution, which proposes that academics should ‘think differently’ instead of ‘thinking different things’, I cannot visualize an academic world where concepts and definitions will cease to be controversial. In this sense, **Gemenne’s**<sup>4</sup> approach seems sounder. He acknowledges conceptual controversies and makes a conscious decision about which concepts he will use and how. He offers compelling reasons why one might want to adopt the term ‘climate refugee’ for describing climate migrants. Although it is possible to remain skeptical about his conceptual choices, his main contribution in this chapter is to show that the advancement of research comes more with a decision about how to enter into dialogue with other researchers than with a unanimous agreement on basic concepts. **Vlassopoulos**<sup>5</sup> puts the concept ‘climate migration’ in a historical perspective, reviewing the last 40 years of its history ending with the 2015 Paris Agreement<sup>6</sup>. She articulates a number of concerns about the field’s most recent developments in terms of the broader category of Loss and Damage. Loss and Damage consists in assigning to polluter states the responsibility of repairing for the loss and damage inflicted on other states. Vlassopoulos adverts that this new approach might be problematic because it removes climate migration from the centrality of the debate; delays the setting up of strategies and mechanisms to protect climate-induced migrants; and disempowers key international organizations in dealing with the problem. An additional problem that could have been mentioned is that, in practice, questions of compensation and historical responsibilities are constantly avoided and deferred. Her main contribution is in showing how changes in definitions seem to be influenced more by political interests than by academic recommendations.

**Representational approaches** are those occupied not with concepts or definitions, but with the way the phenomena of ‘climate migration’, ‘climate migrants’ or climate refugees’ are perceived and then represented. **Farbokto**<sup>7</sup> uses performative theory to argue that actions are always a product of a particular cultural system of representation. The process of legislating with respect to climate migrants, on this view, is largely influenced by the way in which they are represented. Academics, politicians, journalists, and other actors all enact their own representations of climate migrants—and this does not always coincide with migrants’ representations of themselves. Farbokto traces this multiplicity of representations in order to find a common ground and to detect misrepresentations. Her goal is to minimize the risk that the prevailing representation deployed in law-making will not take into consideration the agency and the real needs of the affected populations. **Randall**<sup>8</sup> takes up the issue of representation of climate migration with a more specific example in mind. He analyses how climate migration has been portrayed by the British media over the last decade and who they use as their sources. He claims that even when journalists rely on experts for information,

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<sup>4</sup> F Gemenne “The refugees of the Anthropocene” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 394-404.

<sup>5</sup> C A Vlassopoulos “When climate-induced migration meets loss and damage: a weakening agenda-setting process?” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 376-39.

<sup>6</sup> Paris Agreement adopted on 12 December 2015. See: UNFCCC. 1/CP.21 Adoption of the Paris Agreement, 26 January 2016.

<sup>7</sup> C Farbokto “Representation and misrepresentation of climate migrants” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 67-81.

<sup>8</sup> A Randall “Engaging the media on climate-linked migration” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 331-34.

they tend to misrepresent expert conclusions. In order to address this issue and contribute to improving the coverage of climate migration in the media, Randall suggests some guidelines for academics to follow. Despite giving valuable advice, however, the chapter lacks a more profound critique of the ethical responsibilities of the media in covering climate migration issues.

**Rights-based approaches** seek to ensure that human rights are respected, protected, and fulfilled. Such approaches strive for consistency in climate governance at national and international levels in order to spot and to minimize human rights violations as well as to address their sources. **Jodoin et al.**<sup>9</sup> make use of this approach to denounce concrete cases of forced evictions in which an unbalanced climate governance model lead to *prima facie* violations of human rights. This chapter shows the fragile relationship between human rights and climate migration governance, and how inappropriate governance structures can easily turn a complementary relationship into a polarized one. Climate migration becomes then a reason or an excuse for relaxing the observance of human rights norms. Despite its fragility, **McInerney-Lankford**<sup>10</sup> endorses the importance of a rights-based approach to climate migration. She argues that human rights provide an important source of protection for persons afflicted by climate change even if there is no direct inclusion of rights for climate migrants in the main human rights instruments. Climate change impacts the rights to life, water and food, health, self-determination—and disproportionately affects already vulnerable minority groups. McInerney-Lankford emphasizes the disparity in enjoyment of human rights and focuses on the relevance of the right to non-discrimination as a way to minimize or mitigate against previous inequalities. **Jegade**<sup>11</sup> discusses a concrete case of how a minority group, namely indigenous peoples in Africa, suffers disproportionately from the impacts of climate change as their lifestyle is largely dependent on land and natural resources. **Burkett**<sup>12</sup> denounces the paucity of the development of international climate migration law to address displacement caused by climate impacts, despite numerous reports having placed enormous concern on the issue. She focuses on cross-border displacements and suggests a creative use of existing laws to expand protection to the displacees. **Millar and Wilson**<sup>13</sup> are more critical of rights-based approaches and present an alternative to them. Their goal is to argue for a more effective way of dealing with displacements driven by climate change. In order to do so, they consider the architecture of global climate governance and assert there should be the instauration of a displacement facility—a proposition that was deferred after the Paris Agreement for further negotiation. Millar and Wilson emphasize that the need for such an institution arises precisely from the current lack of a legal framework for planned relocations

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<sup>9</sup> S Jodoin, K Hansen and C Hong “Displacement due to responses to climate change: the role of a rights-based approach” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 205-237.

<sup>10</sup> S McInerney-Lankford “Climate Change, human rights and migration: a legal analysis of challenges and opportunities” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 131-168.

<sup>11</sup> A O Jegede “Indigenous peoples, climate migration and international human rights law in Africa, with reflections on the relevance of the Kampala Convention” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 169-189.

<sup>12</sup> M Burkett “International climate change law perspectives” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 190-204.

<sup>13</sup> I Millar and K Wilson “Towards a climate change displacement facility” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 420-448.

of populations and communities afflicted by climate change. **Cournil**<sup>14</sup> also presents a critical view of rights-based approaches, by turning attention to inadequacies in making use of them when attempting to base the protection of climate migrants on refugee law. This attempt, according to her, is misleading for several reasons: first, because of the difficulties surrounding the concept of ‘climate refugees’; second, because refugee law offers protection to individuals, while climate migrants also need protection as communities; and third, because most of the displacements are more likely to occur internally, while refugee law covers only cross-border displacements. **Ferris**<sup>15</sup> picks up on this last point to show how the Guiding Principles on Internal Displacement<sup>16</sup> can provide a strong normative framework in upholding the rights for those internally displaced by climate impacts. What remains to be explored is whether such a framework could also be used analogically to cross-border displacements driven by climate change as well.

**Ethical approaches** are those that rely on certain principles and values for justifying a duty to act in a certain way. **Wyman**<sup>17</sup> criticizes political theorists for being mainly occupied with the ethical obligations that countries have towards small islands while neglecting the case of several developing countries that will experience displacements on a much larger scale. Since these countries will not lose all of their territory, it remains uncovered how the responsibility for protecting their displacees will be allocated among states. **Mayer**<sup>18</sup> brings the ethical discussion to the core of international law and state responsibility. He extracts state responsibilities from two sources: conventional sources, i.e. treaties and agreements to which the states have formally consented to comply with, and international law independent of the states’ consent. The latter, grounded on the no-harm principle, obliges states to repair injuries caused to other states. On this approach, those countries that make the greatest contribution to causing climate change as a result of high greenhouse gas emissions would owe a debt to low emitting countries. Migration from low to high emitting countries could be seen as a way to pay this debt, but since migration could be seen as an injury suffered by the migrants themselves or as an injury caused to the host communities, Mayer argues that the reparations should be paid from high to low emitting countries independently of migration. **Biermann and Boas**<sup>19</sup> assert the relevance of changing the scope of climate governance to a global level. They claim that the most crucial governance need is to address the plight of climate migrants. According to the authors, the magnitude of the problem together with great inequalities among states makes current institutions unfit to address the challenge. This drives Bierman

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<sup>14</sup> C Cournil “The inadequacy of international refugee law in response to environmental migration” in B Mayer and F Cr peau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 85-107.

<sup>15</sup> E Ferris “The relevance of the Guiding Principles on Internal Displacement for the climate change-migration nexus” in B Mayer and F Cr peau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 108-130.

<sup>16</sup> The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) were presented to the UN Human Rights Commission in 1998 and endorsed by the Global Summit in 2005.

<sup>17</sup> K M Wyman “Ethical duties to climate migrants” in B Mayer and F Cr peau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 347-375.

<sup>18</sup> B Mayer “Climate change, migration and the law of state responsibility” in B Mayer and F Cr peau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 238-261.

<sup>19</sup> F Biermann and I Boas “Towards a global governance system to protect climate migrants: taking stock” in B Mayer and F Cr peau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 405-419.

and Boas to propose mechanisms for a *sui generis* regime centred on the recognition, protection, and resettlement of climate migrants.

**Organizational approaches** are those concerned with the more practical issues of climate governance, highlighting the role of certain institutions in addressing the issue. **Ramos and Cavedon-Capdeville**<sup>20</sup> focus on the work of regional and sub-national organizations on migration, climate change, and disaster risk management in Latin America. They point out that Latin America is particularly exposed to the impacts of climate change both in terms of geography and of pre-existing politico- and socio-economic vulnerabilities. They show that the absence of binding documents recognizing the status of climate migrants, however, has not prevented the inclusion of climate migration on the agenda of some regional organizations. **Apave et al.**<sup>21</sup> seek to establish the role of the International Organization for Migration (IOM) as the leading institution for climate migration affairs. They summarize important achievements of the institution on developing the climate migration agenda since the 1990s, emphasize its stirring influence on the terminological and legal debate on climate migration, and highlight its capacity for engaging several relevant actors such as governments, migrants, civil society and the private sector. This chapter, however, appears not to go far enough in its critical analysis in light of the challenges faced by the organization after a 2013 UNFCCC paper assigned no special role to the IOM in dealing with climate migration issues. Rather, climate migration was considered to be part of the Loss and Damage workstream, to be dealt with by an executive committee. **Kagan et al.**<sup>22</sup> focus on the particular challenges faced by workers and disentangles the role of the International Labor Organization (ILO) in supporting them. Focusing on creating support for migrant workers displaced by climate change, ILO concentrates its efforts on improving the management of labour migration in coordination with existing labour policies, migration agreements, and climate adaptation strategies and in fostering a better receptibility of labour migrants in the host countries. The pilot program for training low-skilled workers from the Pacific Islands to fill labour shortages in Australia is an example of a successful initiative taken by this organization. **Martin**<sup>23</sup> defends the role of other organizations in enhancing the protection of climate migrants—The Nansen Initiative and its subsequent Platform for the Protection of Cross-Border Displaced Persons in Context of Disaster and Climate Change. She praises such initiatives for being able to establish a consensual platform and for filling in the gaps left by national and international law. According to Martin, the strength of these organizations is in building a bridge between these two spheres. By allowing states to preserve their sovereignty in non-binding initiatives, states are likely to become more willing to fulfill their responsibilities and meet international standards.

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<sup>20</sup> E P Ramos and F S Cavedon-Capdeville “Regional responses to climate change and migration in Latin America” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 262-287.

<sup>21</sup> G Appave, A Sironi, M T Chazalnoël, D Ionesco and D Mokhnacheva “Organizational perspectives: International Organization for Migration’s role and perspective on climate change, migration and the law” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 288-315.

<sup>22</sup> S Kagan, M Byrne and M Leighton “Organizational perspective from the International Labour Organization” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 316-330.

<sup>23</sup> S F Martin “Towards an extension of complementary protection” in B Mayer and F Crépeau (eds), *Research Handbook on Climate Change, Migration and the Law* (Edward Elgar Publishing, Cheltenham, UK and Northampton, MA, USA 2017) 449-466.

The set of approaches assembled in this Handbook demonstrates the enormity and complexity of the challenge of regulating climate migration—and the central challenge presented to policy makers by this challenge. Despite climate migration being a research topic since the 1970s, it only officially reached the international policy agenda in 2010 with the Cancún Agreements. Nine years have passed and several attempts to formally recognize the status of climate migration as an independent policy category have been made, but still little progress has been achieved. The recent inclusion of climate migration under the umbrella of the broader category of Loss and Damage seems, if anything, to have set back the efforts in solidifying climate migration as an independent policy category, undercutting the power of international organizations that were pushing the debate forward. This change opens a new chapter for climate migration law that will require a new Handbook—hopefully, written by the same team of authors.