Book Review

Jane McAdam


Over the course of July and early August 2010, Pakistan experienced the worst monsoon-related floods ever faced in its recorded history. Heavy rainfall, flash floods and riverine floods devastated large parts of Pakistan since the arrival of seasonal monsoon rains on 22 July. The floods affected 20% of the country, rendering almost 20 million people homeless and causing around 2000 dead and billions of dollars in losses and damages to infrastructure, housing, agriculture, livestock, and other family assets. The United Nations rated the floods in Pakistan as a huge disaster affecting more people than the South-East Asian tsunami and the earthquakes in Kashmir and Haiti combined.

However, the case of Pakistan is just one example of those catastrophic events predominantly described (also by the United Nations) as “natural disasters” and managed as such. But what about “climate change-induced” or “environmental” displacement in such contexts?

Environmental degradation brought about by climate change, as a driver of population movement, has recently gained increasing attention from researchers and scholars from different fields as well as from activists and the media. This crucial topic is comprehensively addressed by Jane McAdam in her book “Climate Change, Forced Migration, and International Law”.

The book moves from the consideration that the description of phenomena such as cyclones and floods and their consequences are often confined to the language of “natural” or “humanitarian” disasters, as it occurred in the case of Pakistan. As the author argues, if responses to such sudden-onset events remain couched in the language of “humanitarian disaster”, then it is even more improbable that longer-term movements from slow-onset impacts will gain any attention at all as climate-driven displacements. This would apply to such phenomena as drought, desertification, land degradation and sea-level rise, whose link with migration is complex and difficult to establish, especially due to the fact that changes related to these events take place over the long period and are sometimes hard to observe. As a result, climate change-related movements may in many respects remain an “invisible phenomenon”.

© KONINKLIJKE BRILL NV, LEIDEN, 2014 | DOI 10.1163/18719732-12341279
Jane McAdam's book thus deals with a “magmatic” phenomenon that is still relatively little investigated from a strictly legal perspective. Responding to the call for conceptualization of the complex and multifaceted dimensions of climate-induced migration, the author addresses the major legal issues raised by this phenomenon through a human rights approach, combining a theoretical analysis with empirically grounded case studies based on fieldwork undertaken in Kiribati, Tuvalu and Bangladesh.

The three key-words employed in the title (climate change, forced migration, international law) are implicitly linked by the question at the core of the book: what instruments are provided, or should be provided, by international law in order to protect environmentally forced migrants? In this respect, a first datum is certain: International law currently does not afford any special legal status to support the protection needs of people compelled to migrate because of the environmental impacts of climate change. It rather recognizes only a few categories of protected forced migrants, within which “climate migrants” do not fall. Hence, the consideration that a normative gap exists in the international legal protection regime makes the reading of the chapters devoted to the analysis of the pros and cons of proposed solutions particularly interesting.

In Chapter 2 the author explores the relevance of refugee law focusing on the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. She explains why environmental migrants do not easily fulfil the legal definition of “refugees” provided in the Convention – this notwithstanding the fact that the interpretation of this definition has evolved over time in parallel with the evolution of international human rights law – and she also observes that the application of the Geneva Convention would be inappropriate where the movement is only internal to a given country. Nonetheless, the author interestingly remarks that certain aspects of refugee law – namely its standard of proof (“well-founded fear”), the durable solutions it envisages, its prospective rights-based framework and the status it creates, as well as its institutional oversight by the UN High Commissioner for Refugees – may be relevant in crafting responses to climate change-related movement. Chapter 3 is instead focused on human rights law and examines the extent to which existing international and regional standards may offer complementary protection options for those forcibly displaced across international borders as a result of climate change-related impacts. It also expands on the issue whether States have obligations towards the displaced under international environmental law. In both respects, the conclusion is that protection gaps exist both for people fleeing sudden-onset disasters and for those escaping the effects of slower-onset impacts of climate change, and that it is very difficult that such impacts may substantiate an international protection claim under human rights law.