

# The Arbitrary Project of Protecting Environmental Migrants

Benoît Mayer<sup>1</sup>

**Abstract** The literature of environmental migration is divided. Some authors call for the protection of environmental migrants. Others argue that the concept is arbitrary and protection should be extended to all forced migrants. This chapter identifies three narratives: the rights narrative, the responsibility narrative, and the security narrative. I argue that none of these narratives justifies the implementation of a new governance mechanism for environmental migrants, who are not distinctively more vulnerable than other categories of migrants or non-migrants. Yet, this chapter also shows that virtually nothing in the contemporary governance of migration is based on systematic rational arguments. For example, the nexus requirement in the conventional definition of a refugee excludes many from the protection they need. This shows that the international governance of migration is largely framed by what states perceive as their own interests rather than by ethical considerations. Despite the arbitrariness, the concepts of environmental migration and climate migration could generate change because they attract significant attention. Other challenges are related to the definitions of migrant categories in need of protection – recognizing that states would prefer a narrow definition of environmental migrant. Essentially, protection of environmental migrants must be viewed as a first step toward the protection of the most vulnerable and must contribute to developing the capacities of the states most impacted by environmental degradation.

**Keywords** environmental migration, arbitrary concept, political argument, international governance of migration, norm entrepreneurship

## 12.1 Introduction

Although significant attention has been paid to environmental migration and specific governance proposals have been developed, there appears to be no valid reason to view environmental migration as a phenomenon most in need of reformed international governance. The vulnerability of migrants is not related to the cause of departure as much as to the circumstances of the journey and the reception in the receiving community. Among the persons affected by environmental phenomena, those who are able to choose to migrate – those with the necessary economic and social resources – may be assumed to be better off than those who are unable to migrate. It therefore follows that environmental migrants are not necessarily more vulnerable than non-environmental migrants, and they are actually better able to adapt than environmental non-migrants.

The above noted observations raise a number of questions: Why do some situations of human suffering attract more attention than others? Why has political momentum built in support of the specific protection of environmental migrants or climate migrants, rather than other categories of equally or more vulnerable individuals? And what can be done about it?

In this chapter, I will reflect on the baseless distinctions that the protection of environmental migrants suggests. The discussion is organized into three sections. The first section highlights the

---

<sup>1</sup> Benoît Mayer, Associate Professor, Wuhan University School of Law, Institute of International Law and Institute of Environmental Law, [bnt.mayer@gmail.com](mailto:bnt.mayer@gmail.com) <http://www.benoitmayer.com>

arbitrariness of the initiatives to protect environmental migrants. The second section recognizes that other concepts and in fact most of the international governance of migration is based on moral arguments. And the final section weighs the pros and cons of a specific governance of environmental migration.

## **12.2 The Arbitrariness of Projects to Protect Environmental Migrants**

Three narratives have been suggested to justify the protection of environmental migrants or climate migrants. These narratives relate to the protection of human rights (rights narrative), to the responsibility of some states for excessive greenhouse gas emissions causing global environmental change (responsibility narrative), and to the security dimensions of environmental changes and migration (security narrative) (Mayer 2012). Each of these narratives is rooted in a different discipline and leads to a different justification for an engagement of the international community. However, none of them is specific to environmental migration or able to offer a consistent justification for a specific governance endeavour.

The rights narrative relates to the broader humanitarian discourse and views the governance of environmental migration as essentially a question of international solidarity (e.g., McAdam 2012). Arguments in favour of the protection of environmental migrants use the rights narrative (e.g., Bell 2004, Brindal 2007). Such arguments often involve an analogy between refugees and environmental migrants. Some of these proposals expand the definition of a refugee to include environmental refugees or climate refugees (e.g., Biermann and Boas 2010). Other proposals reject such labels, but nonetheless use, explicitly or implicitly, the existing protection of refugees as a starting point for their analysis (e.g., Crideau 2008, Mayer 2011).

Yet, there is no clear reason to distinguish environmental migrants or climate migrants from other migrants in need of protection. The vulnerability of migrants has little if anything to do with the cause of migration. While denouncing the arbitrary definition of a refugee, many of the arguments based on the rights narrative only suggest a more inclusive, but equally arbitrary, protection be extended to environmental migrants. A coherent rights narrative should call for the protection of the human rights of all migrants including forced migrants, survival migrants (Betts 2013) or crisis migrants (Martinet al. 2014). Given the prevalence of internal migration in the aftermath of environmental phenomena, the rights narrative should not disregard the importance of the protection of internal migrants. Whether or not internal migration can be attributed to an environmental phenomenon is not relevant in terms of protection. The rights narrative may call for the protection of the right to migrate (especially in the case of forced migrants), but also, perhaps more importantly, for the protection of the rights of the migrants. International human rights law does not guarantee the right to enter a country other than that of origin. As such, international migrants (including those lacking proper documentation) have generally the same rights as citizens (Human Rights Committee 1986). However, in practice, both internal and international migrants are vulnerable to many forms of abuse.

The rights narrative should not be limited to migrants: it should be accorded to everyone, especially the most vulnerable. Empirical studies have found that migrants are not the most vulnerable in the aftermath of an environmental disaster. It is the poorer who lack the resources necessary to move (Black et al. 2013, Foresight 2011 [p. 9]) who are the most vulnerable. Why should the rights narrative focus on environmental migrants, when the most vulnerable cannot and do not relocate?

The responsibility narrative defines the special obligations resulting from the misconduct of states that harm other states specifically in the context of the impact of climate change. For example, the Global North is the source of the bulk of historical greenhouse gas emissions and continues to

have significantly higher per capita emissions than the Global South.<sup>2</sup> However, the adverse impacts of climate change tend to affect the Global South more severely for a range of reasons. These include the poorer population's greater reliance on natural resources and lesser resilience. In addition, many Global South countries are exposed to extreme weather events (e.g., tropical storms).

There are many different points of view on the legal, political and moral arguments calling for the Global North to take responsibility for its excessive greenhouse gas emissions and the consequences thereof. Although many of these arguments have merit, they are not without multiple technical hurdles as seen in the arguments that Tuvalu or Palau once considered submitting to the International Court of Justice, or those presented to American courts by the inhabitants of the small Alaskan village of Kivalina (see Ielamia 2007, Kysar 2011). Ethical arguments also raise important questions, such as the difficulty of discounting past emissions and future costs, the acceptability of ignorance as an excuse, and the level of excusable emissions (e.g., Shue 1999, Caney 2005). But if these difficulties can be overcome, could the responsibility narrative justify the specific protection of environmental migrants?

The relevance of responsibility as a basis for international cooperation vis-à-vis migration has been recognized in the on-going work on loss and damage associated with the adverse impacts of climate change (UNFCCC, Decision 3/CP.18, 2012, para. 7(a)(vi)). Some of the damage caused by climate change might be reflected in, consist of, or follow from migration. Yet it is practically impossible to conceive responsibility between an individual greenhouse gas emitter and an individual harmed by climate change. Responsibility may only be conceived between states – that is, between a state to which excessive greenhouse gas emissions can be attributed and a state whose population is significantly affected. If a person harms their neighbour, they must compensate the neighbour but they do not have the right to decide how the neighbour copes with the harm done. Likewise, the responsibility of a state cannot justify its interference in the domestic affairs of the injured state. The reparation due by a state as a result of an international wrongful act normally consists of compensation – a financial transfer to the injured state (see ILC 2001, art. 30, 31). There is no provision for responsible states – or anyone else, such as international institutions where responsible states have a say – to impose specific obligations on injured states.<sup>3</sup> The principle of state sovereignty demands that injured states be free to decide how to respond to the impacts of climate change, while remaining bound by unspecified international law obligations such as those protecting the human rights of migrants. Imposing specific obligations on injured states would cause further damage to the sovereignty of states, instead of making reparation. There is also the particular risk that foreign or international funders could use the pretext of climate-change adaptation to promote their own political agendas – the management of international migration and the containment of migrants in the South – rather than the protection of individuals affected by climate change. While there is always a risk that a government may be unwilling to protect its population, this risk does not justify a systematic denial of the sovereignty of developing states.

The security narrative is a construct of military and intelligence research. Its approach to environmental or climate migration is based on analyses of the interests of powerful actors (generally states, but possibly corporations as well) rather than their ethical responsibilities. This narrative contends that states should act early to prevent political instability and should cooperate to avoid illegal migration and the concomitant exacerbation of issues such as drug or human trafficking, failing

---

<sup>2</sup> See the data on greenhouse gas emissions per country provided by the World Resources Institute's Climate Data Explorer at <http://cait2.wri.org>

<sup>3</sup> It is at most a recommended practice but not an obligation under international law for a state to transfer to the injured person any compensation obtained for the injury from the responsible state. See ILC Draft Articles on Diplomatic Protection, Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10), 2006, art. 19(c)

states and wars affecting international commercial interests, and terrorism (e.g., Söderblom 2008).<sup>4</sup> In other words, states should cooperate because it is in their well-understood best interests, defined mostly on utilitarian grounds. This narrative comes with the incentive to militarize and a tendency to reframe climate migration as a human security issue (e.g., Elliott 2010). Here again, the specific relevance of environmental or climate migration as a distinct issue is not clearly evident. When a state goes through a spiral of environmental, economic, political, and military issues culminating in a failure to protect its population, the contribution of climate change to this spiral is irrelevant in terms of international security. At most, by making such scenarios more likely, climate change calls for more attention to larger security issues. By exacerbating certain elements of migration, climate change increases the scale of previously existing problems.

The literature on environmental or climate migration raises awareness of bigger problems related to the international mechanisms of rights protection and responsibilities in the context of climate change or international security. However, through none of these narratives does environmental or climate migration appear as a distinct issue that calls for specific solutions.

### 12.3 Arbitrariness in Global Migration Governance

The protection of environmental migrants is not the first arbitrary project in international governance. A brief historical review shows that, with regard to the governance of migration, arbitrariness is the rule rather than the exception. For example, the protection of refugees first applied to only a few specific national groups. It became more systematic with the adoption of the 1951 UN Convention relating to the Status of Refugees. This treaty recognized specific protections, in particular the prohibition of expulsion or return (non-refoulement), to the benefit of refugees. However, refugees were narrowly defined as any persons who:

“as a result of events occurring before 1 January 1951 and 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 and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

The condition of persecution was thus further restricted by a condition of a nexus with one of the five grounds recognized for persecution, which can not be justified by any sensible moral argument. As a consequence, whether asylum could be granted to women persecuted solely on the basis of their gender, for instance, was not clear. In 1951, the state parties were also allowed to restrict this protection just to European refugees. The state representatives who negotiated this convention were certainly aware of the narrowness of the definition. In fact, the final act of the Conference expressed a *hope* that the Convention would “have value as an example exceeding its contractual scope and that all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides.” The 1967 Protocol relating to the Status of Refugees removed the temporal and geographical limitations of the definition of a refugee without further extending its material conditions.

This definition of a refugee was denounced by many as arbitrary and insufficient, and arguments were made for the protection of *economic refugees* (e.g., Harris 1993), *internal refugees* and *development refugees* (e.g., Cernea 1990) as well as *environmental refugees* and *climate refugees*.

---

<sup>4</sup> The fifth assessment report of the Intergovernmental Panel on Climate Change deals with climate migration in a chapter on human security (Barnett et al. 2014 [sec. 12.4]).

Complementary protection was developed domestically and regionally but not in any consistent way. Treaties were not implemented (1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, see Betts 2013 [p. 14]), and EU institutions came up with an indecipherable condition of a “serious and *individual threat* to a civilian’s life or person by reason of *indiscriminate violence* in situations of international or internal armed conflict,”<sup>5</sup> an ambiguous phrase that limited the scope of protection.<sup>6</sup> The concomitant development of international human rights law offered grounds for domestic and regional courts to preclude refoulement in individual circumstances where a person would face a direct and personal risk to his or her core rights. Courts were however reluctant to expand non-refoulement to individuals facing more diffuse (but not less severe) threats to their rights.<sup>7</sup>

Beyond refugees, the situation of individuals remaining in their home countries was largely ignored. This happened despite the growing awareness of the *invisibility* of vulnerable individuals unable to move, in countries affected by armed conflicts or generalized violence (see Lubkemann 2008, describing these individuals as *displaced in place* because of the profound changes in their lifescape). The Guiding Principles on Internal Displacement, implemented at the regional level by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 2009, clarified the obligations of states toward people forcibly displaced within their jurisdiction. Yet this was done without providing any assurance of systematic international assistance in cases of large internal displacements.

While forced migrants need to be granted asylum, all migrants need to be protected from violations of their human rights that may arise because of their specific social vulnerability as migrants. To date, however, the protection of migrants in international law remains fragmented, with many states opposing any recognition of the human rights of undocumented migrants. The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003) remains the least ratified of all UN human rights conventions. This convention relates the protection of the rights of migrants to their economic function in the receiving community – as if the refugee’s economic function is a determinant of the rights of an individual.<sup>8</sup> The 1985 Declaration on the Human Rights of Individuals who are not Nationals of the Country is one of few documents that proposes the general and unconditional protection of the human rights of migrants.

Many other examples of arbitrariness can be found in international relations, particularly with regard to the governance of migration.<sup>9</sup> States maintain almost absolute control in determining their international legal obligations. States steadfastly defend their sovereign right to determine who is

---

<sup>5</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted, art. 15

<sup>6</sup> Out of 135,210 applications in 2013, the 28 EU member states accorded the Geneva Convention status to 14,785 persons, but the subsidiary protection status only to 5350 persons. Domestic legislation provided the ground for granting complementary protection to 4470 persons. Statistics of Eurostat (European Commission), <http://epp.eurostat.ec.europa.eu> (accessed on 17 July 2014).

<sup>7</sup> An interesting judgment in this regard was adopted by a Chamber of the European Court of Human Rights in *D. v. the United Kingdom* (case 30240/96, Merits and Just Satisfaction, 2 May 1997), where the expulsion of a terminally-ill patient was precluded, but only with a particular emphasis on individual circumstances.

<sup>8</sup> One could not conceive of a protection mechanism of other vulnerable categories (women, children, persons with disabilities, etc.) which would be limited to those who work and the members of their families. Tying the protection of migrants to their contribution to the economy in the society of destination is equally arbitrary. The putative contribution of a person to the economy of the receiving state may be a relevant consideration at the stage of granting the right to migrate or to remain within the country, but it should not be a condition for the protection of the rights of a migrant.

<sup>9</sup> For example, with regard to the exclusion of labour migration from the guiding principles on internal displacement see Koser (2011).

allowed to enter or remain under their jurisdiction. Consequently, the international governance of migration is piecemeal and largely unsatisfactory.

The important point here is that arbitrary concepts, definitions, and practices do not arise by chance. They are the product of compromises between divergent national interests and idealistic arguments. The states negotiating the 1951 Refugee Convention perceived a common interest in regulating the situation of groups of refugees within their territories (Hathaway 1990) and, despite their reluctance to establish broad protection mechanisms, they were keen to frame their agreement using general moral principles. The well-intentioned language of this convention unintentionally supported the arguments for broader protection through complementary protection, the protection of internally displaced persons, and the protection of the human rights of migrants in general. At the same time, however, the recognition of the rights of refugees may also have contributed to the distinction between forced migrants and voluntary migrants. This distinction leads to the unfortunate dichotomy between deserving and undeserving migrants. This of course highlights the right of states to control international migration and, perhaps, suggests that they could treat voluntary migrants however they wish. Because arbitrary concepts are not self-fulfilling, they create a dynamic for change. This in turn may constitute the first step toward more consistent forms of protection for some groups just as it may confirm the exclusion of others.

#### **12.4 Opportunities and Limits of the Project to Protect Environmental Migrants**

Because of the arbitrariness of the project of protecting environmental migrants, some authors have suggested that it should be abandoned altogether (see Betts 2013, Nicholson 2014). Consistent arguments could be made for the protection of the human rights of migrants (rights narrative), for the responsibility of states that have generated excessive greenhouse gas emissions (responsibility narrative), and for increased attention to the security consequences of climate change on migration (security narrative). To date, it appears that these narratives have had little influence on international negotiations. The UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) remains under-ratified and first-world countries are still reluctant to admit their responsibility for greenhouse gas emissions (Mayer 2014a).

Nevertheless, arbitrary projects sometimes succeed. The arbitrariness of the project to protect environmental migrants may not be an impediment. More than internal consistency, what makes a political argument successful is its ability to connect to existing problems that decision-makers have identified and want to address (see Cohen et al. 1972, Kingdon 1995 [p. 87]). New norms are established in international law when skilful norm-entrepreneurs, supported by powerful organizational platforms, are able to persuade critical states that in turn may rally other states (Finnemore and Sikkink 1998). Persuasion does not flow from reason alone; political arguments often draw on emotions and common representations rather than solely on clinical analyses of ethical duties or state interests (Crawford 2009).

Despite its logical inconsistencies, the case for the governance of environmental migration appears to be a magical recipe for norm entrepreneurs. There is no reason why migrants should be afforded protection more than any other group of vulnerable people...but migrants attract more attention if only because of the fear that they may be approaching *us*. Nor is there any reason to focus on environmental migrants or climate migrants specifically...except anything related to climate change attracts public attention and, possibly, engagement. By joining the deep-rooted fears of migration with the existential uncertainties elicited by climate change, the concepts of environmental migration or climate migration have immense *marketing* potential (Mayer 2014b).

However, there are significant hurdles with the protection of environmental migrants or climate migrants. For example, the project is disputed by norm entrepreneurs with very different agendas – humanitarian assistance, protection of the migrants, climate-change governance, international security. These norm entrepreneurs talk about the same concepts in entirely different terms, their arguments interplay, and the arguments with the greatest emotional power and the greatest ability to offer a simple and convenient solution will prevail (Mayer 2014b).

Another hurdle relates to the absence of a definition of environmental migrants beyond the very abstract notion of migrants *induced* to move by environmental phenomena. Multiple and complex proxy factors determine the impacts of a physical event on a society, including whether and how it results in migration – and the form of migration (organized or spontaneous, individual or collective, temporary or permanent, in better or worse conditions, etc.). Slow-onset environmental factors affect societies indirectly, particularly through economic channels. As a consequence, it appears that “it will rarely be possible to distinguish individuals for whom environmental factors are the sole driver (environmental migrants)” (Foresight 2011 [p. 9]). How can environmental migrants be protected, if they cannot be distinguished?

With these two considerations – the competition of norm entrepreneurs and the difficulty of distinguishing migrants to protect – it is possible that the advocates for the protection of migrants will be pushed to propose a very narrow definition of environmental migrants, which would form a convenient solution applicable in only a handful of cases where causation is clearly established. This definition may be limited to international migration, which represents only a tiny fraction of existing migration flows but constitutes a more direct concern for donor states. Western states may favour the protection of migrants in neighbouring countries as a way to confine migrants in the Global South, thus supporting regional cooperation with states of transit. Yet, international migration can rarely be directly connected to an environmental phenomenon – primarily because it follows from the economic consequences of slow-onset environmental changes rather than from sudden natural disasters, when migrants remain generally within the same country. The focus could therefore be on the case of small island developing states (with very small populations) as well as states that are highly affected by climate change (e.g., Bangladesh, Nigeria) and whose population could be tempted to migrate to Western states, or where particular security interests or threats (e.g., terrorism) are perceived to be at stake.

### 12.5 Conclusion

Social progress is rarely the product of fully reasoned ethical arguments. Instead, biased representation and emotions are factors that allow the success of certain arguments over others in public deliberation. The arbitrariness of the project of protecting environmental migrants is not a reason to abandon this project. The refugee label, based on an arbitrary definition, succeeded in the post-Second World War era because it expressed the protection of the individual’s rights in the language of the enlightened self-interests of states (Hathaway 2005 [p. 93]). It was the first step toward broader international efforts in the protection of forced migrants.

In an ideal world, the rights of all migrants would be protected, and states (if they existed at all in an ideal world) would cooperate with a spirit of solidarity and responsibility. Yet, governance proposals regarding the protection of environmental migration take place in a more pragmatic world, where governments focus mainly on the interests of their constituency. In today’s world, arguments for the specific protection of environmental migrants might be part of a strategy to achieve progress, even though they do not target those most in need of international attention. These protections must however be deployed and used cautiously, with constant consideration for the protection of the most

vulnerable individuals and for the limited capacities of the states impacted by environmental degradation.

## Acknowledgements

The author thanks two anonymous reviewers and the participants at the Association of Transnational Law Schools workshop (Melbourne Law School, June 2014) for detailed and helpful comments.

## References

- Barnett, J., Dabelko, G. D., Hovelsrud, G. K., Levy, M., Úrsula, Spring, O., & Vogel, C. (2014). Human Security. In *Climate Change 2014: Impacts, Adaptation, and Vulnerability, contribution of Working Group II to the fifth Assessment Report of the IPCC*. Cambridge: Cambridge University Press.
- Bell, D. R. (2004). Environmental Refugees: What Rights? Which Duties? *Res Publica*, 10(2), 135–152.
- Betts, A. (2013). *Survival Migration: Failed Governance and the Crisis of Displacement*. Ithaca, NY: Cornell University Press.
- Biermann, F., & Boas, I. (2010). Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees. *Global Environmental Politics*, 10(1), 60–88.
- Black, R., Arnell, N. W., Adger, W. N., Thomas, D., & Geddes, A. (2013). Migration, immobility and displacement outcomes following extreme events. *Environmental Science & Policy*, 27, Supplement 1, S32–S43. doi:10.1016/j.envsci.2012.09.001
- Brindal, E. (2007). Asia Pacific: Justice for Climate Refugees. *Alternative Law Journal*, 32, 240–241.
- Caney, S. (2005). Cosmopolitan Justice, Responsibility, and Global Climate Change. *Leiden Journal of International Law*, 18(04), 747–775. doi:10.1017/S0922156505002992
- Cernea, M. M. (1990). Internal Refugee Flows and Development-Induced Population Displacement. *Journal of Refugee Studies*, 3(4), 320–339. doi:10.1093/jrs/3.4.320
- Cohen, M. D., March, J. G., & Olsen, J. P. (1972). A Garbage Can Model of Organizational Choice. *Administrative Science Quarterly*, 17(1).
- Crawford, N. (2009). Homo Politicus and Argument (Nearly) All the Way down: Persuasion in Politics. *Perspectives on Politics*, 7(1), 103–124. doi:10.2307/40407219
- CRIDEAU. (2008). Draft Convention on the International Status of Environmentally-Displaced Persons. *Revue de Droit de l'Université de Sherbrooke*, 39, 451–505.
- Elliott, L. (2010). Climate Migration and Climate Migrants: What Threat, Whose Security? In J. McAdam (Ed.), *Climate Change and Displacement: Multidisciplinary Perspectives* (pp. 175–190). Oxford: Oxford University Press.
- Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, 52(4), 887–917. doi:10.2307/2601361
- Foresight. (2011). *Migration and Global Environmental Change: Final Project Report*. The Government Office for Science, United Kingdom.
- Harris, E. K. (1993). Economic Refugees: Unprotected in the United States by Virtue of an Inaccurate Label. *American University Journal of International Law and Policy*, 9, 269–307.
- Hathaway, J. C. (1990). A Reconsideration of the Underlying Premise of Refugee Law. *Harvard International Law Journal*, 31, 129–183.
- Hathaway, J. C. (2005). *The Rights of Refugees under International Law*. Cambridge University Press.

- Human Rights Committee. (1986, November 4). General Comment No. 15: The position of aliens under the Covenant. Retrieved from <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/bc561aa81bc5d86ec12563ed004aaa1b?Opendocument>
- Ilelema, A. (2007). A Threat to our Human Rights: Tuvalu's Perspective on Climate Change. *UN Chronicle*, 44, 18.
- ILC. Draft Articles on Responsibility of States for Internationally Wrongful Acts, Pub. L. No. Supp. No. 10, UN Doc. A/56/10, chap.IV.E.1 (2001). Retrieved from <http://www.unhcr.org/refworld/docid/3ddb8f804.html>
- Kingdon, J. W. (1995). *Agendas, Alternatives, and Public Policies* (2nd edition.). New York: Harper Collins College.
- Koser, K. (2011). Climate change and internal displacement: challenges to the normative framework. In E. Piguët, A. Pécout, & P. de Guchteneire (Eds.), *Migration and Climate Change* (pp. 289–305). Cambridge University Press.
- Kysar, D. A. (2011). What Climate Change Can Do about Tort Law. *Environmental Law*, 41, 1–72.
- Lubkemann, S. C. (2008). Involuntary Immobility: On a Theoretical Invisibility in Forced Migration Studies. *Journal of Refugee Studies*, 21(4), 454–475.
- Martin, S. F., Weerasinghe, S., & Taylor, A. (2014). *Humanitarian Crises and Migration: Causes, Consequences and Responses*. Abingdon, Oxon ; New York, NY: Routledge.
- Mayer, B. (2011). Pour en finir avec la notion de « réfugiés environnementaux » : Critique d'une approche individualiste et universaliste des déplacements causés par des changements environnementaux. *McGill International Journal for Sustainable Development Law and Policy*, 7(1), 33–60.
- Mayer, B. (2012). Fraternity, Responsibility and Sustainability: The International Legal Protection of Climate (or Environmental) Migrants at the Crossroads. *Supreme Court Law Review [Canada]*, 56, 723.
- Mayer, B. (2014a). Conceiving the Rationale for International Climate Law. NUS Law Working Paper No. 2014/003. Retrieved from <http://papers.ssrn.com/abstract=2432856>
- Mayer, B. (2014b). "Environmental Migration" as Advocacy: Is It Going to Work? *Refuge: Canada's Journal on Refugees*, 29(2), 27–41.
- McAdam, J. (2012). *Climate Change, Forced Migration, and International Law*. New York: Oxford University Press.
- Nicholson, C. (2014). Climate Change and the Politics of Causal Reasoning: The Case of Climate Change and Migration. *Geographical Journal*, 180(2), 151–160. doi:10.1111/geoj.12062
- Shue, H. (1999). Global Environment and International Inequality. *International Affairs*, 75(3), 531–545. doi:10.1111/1468-2346.00092
- Söderblom, J. D. (2008). Climate Change: National & Regional Security Threat Multiplier for Australia. *Security Solutions*, 52, 58.
- UNFCCC, Decision 3/CP.18. (2012, December 8). Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity.