

BOOK REVIEWS

Jane McAdam (ed.), *Climate Change and Displacement: Multidisciplinary Perspectives*, Oxford, Hart Publishing, 2010, 258pp., ISBN 9781849460385, £47.00.
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This review will start with a reference to the afterword by Castles – which should be read first. His description of how the publications on the topic of climate change and displacement have so far been shaped by the clash of two extremes – the environmentalists’ ‘doomsday prophecies’ (p. 242), which did more harm than good, and the scholars’ defensive posture against this politicization – will probably sound familiar to the reader interested in the topic. It also emphasizes a key issue of the discussion: the complex phenomenon of ‘climate-induced displacement’ that has overwhelmed the capacities of all stakeholders, who are still struggling to find adequate answers to it.

McAdam’s book is a huge step forward in this regard. As she appropriately quotes Kniveton in the introduction to the book, it is essential to consider:

the socio-cultural-political-economic environment that communities exist in; the cognitive processes of the people experiencing the impact of climate change; the individual, household and community attitudes to migration and migration outcomes; and the type of climate stimulus that migration may be responding to. (p. 4)

The topic of climate change and displacement is extremely complex and can only be grasped if addressed in its entirety. McAdam makes a very valuable contribution to this process of understanding by choosing a multidisciplinary approach. Three general disciplinary approaches comprise the essays contributed by high-level researchers: geographers assess the factual relationship between climate change and displacement, which is used as a basis for the second group of contributions, where the authors look at how normative frameworks can shape legal and policy responses; finally, related disciplines broaden the focus by analysing the relevance of displacement to public health and psychology.

McAdam succeeds in the long-overdue endeavour to bring together all disciplines relevant to climate-induced displacement that so far have only been analysed and published separately. While reading the compilation of essays, the reader understands the ‘full picture’ and develops true understanding of the overall topic when he reads about an issue raised in one essay within a specific discipline that he can

relate to another issue raised within another discipline. An example of this is the issue of multi-causality of migratory decisions, which is portrayed by Hugo as well as Barnett and Webber from a geographical point of view, and whose conceptual and legal implications are later discussed by Zetter and Kälin. This paves the way for the necessary next step highlighted by McAdam: to interrelate the different perspectives and conduct true interdisciplinary research.

In addition to the multidisciplinary view, another great benefit of this book is the fact that most authors identify and describe misconceptions, wrong assumptions, dramatization and linguistic imprecision (the 'doomsday prophecies') without assuming the polarized 'defensive posture' described by Castles. This is of fundamental importance, since wrong basic assumptions, conceptual mistakes, and linguistic imprecision, as well as 'overscholarly' analysis, will necessarily lead all research and policy reactions in the wrong direction. Furthermore, the authors are very honest about identifying the restrictions of their research due to a lack of base research and respective evidence. In highlighting the many issues that require further research and how this could be achieved, the book encourages and indirectly contributes to the future development of the understanding of the relationship between climate change and displacement.

The endeavour of compiling multidisciplinary perspectives bears a major challenge: the reader will not necessarily have background knowledge of all disciplines. Therefore, the different essays need to be addressed to an audience of laymen, who neither are familiar with the discipline as such nor have any background knowledge on the particular topic addressed. All authors succeed in this by providing the reader with a clear overview of the relevant aspects, which is remarkable given the complex relationship between climate change and displacement.

The reader should be aware that, just like the audience, the writer of this review is also not familiar with all disciplines and topics addressed. This implies that the following brief analysis of the essays cannot and will not be conducted from an expert point of view. Therefore, the author of this review will also not indulge in criticism of specific argumentation or findings, but rather focus on portraying the essays' key propositions, highlight their relevance to the overall topic, and assess whether they satisfy the reader's expectations of a clear and comprehensive overview.

Opening the section on geographical aspects, Graeme Hugo provides an excellent overview of the complex interplay of climate change and migration, illustrated by the example of climate-related migration in Asia and the Pacific. He criticizes the existing tendency to oversimplify this relationship, and counters it by correctly emphasizing that environmental change is usually not the only cause of migration, explaining the complex interplay between environment, resource availability, development, and population mobility. This is extremely valuable for the reader, since Hugo 'sets the scene' and clarifies what is actually meant by 'climate change and migration'. Very valuable is his argument that the response to climate change-induced displacement should take into account the lessons learnt from research on existing migration patterns, processes, and policies and should be embedded in the 'totality of migration'.

In the third chapter, Barnett and Webber examine ‘the place of migration in adapting to climate change’ (p. 38), which is a stringent specification and continuation of Hugo’s essay. By asserting that social processes that create poverty and marginality are more important determinants of migration outcomes than environmental changes per se, they reinforce the multi-causality of migration decisions. The authors extensively analyse how benefits of migration can be maximized and costs minimized for all groups concerned, with a clear and important focus on the people, their needs, and capacity to adapt. This analysis emphasizes the very important positive aspect to migration, namely that it can contribute positively to adaptation to climate change. In accepting this argumentation, the goal of effective policy decisions shall be to maintain the right to stay as well as the right to leave.

In Chapter Four, Campbell analyses climate-induced community relocation as an adaptation measure in the Pacific, with a focus on the meaning and importance of land, criticizing that the calls for countries like New Zealand and Australia to enable communities from the Pacific islands to migrate to these countries ‘fail to account for the extremely important losses that dislocation from the land will bring about’. By emphasizing the strong link of Pacific island people to their land and its relation to their identity, Campbell brings up the very important issue of culture. He comprehensively describes the different possibilities of resettlement within or outside the country, providing past examples of these different options. He clearly establishes the problems that emerged in relation to culture and land, and highlights that relocation brings with it social costs, shown in drastic changes in lifestyle, economy, politics, legal systems, and cultural norms over many generations. Even though he states that culture is ‘ever-changing and the fluidity of cultures and social structures in the Pacific (as elsewhere) cannot be denied’ (p. 78), he concludes, however, that the link to the land and culture may be lost if the entire community is relocated and there are no kinfolk left to sustain the relationship with the land, which may then become ‘only a symbol of a former status’ (p. 79).

Turning to the legal issues, Kälin, in Chapter Five, starts by stating that discussions about the ‘highly complex and in many ways little understood’ (p. 82) phenomenon of displacement induced by the effects of climate change are often ‘marred by hasty conclusions’ (p. 81). He counters this trend with an excellent conceptualization, which highlights the key challenges relating to the protection of and assistance to those affected. After describing the scenarios of climate-induced displacement, he gives an overview of the applicable legal protection frameworks, and stresses the gaps and key challenges relating to the different categories of migrants. Kälin identifies two gaps in the current system, which bears the risk that those who are forced to migrate across borders and those fleeing from sinking small-island states will be caught in a ‘legal and operational limbo’, since no specific law, except for general human rights law, applies to them. He discusses the legal issues arising and offers convincing solutions for both groups. Furthermore, Kälin highlights controversial issues of lack of criteria for determining whether migration induced by slow-onset environmental change is voluntary or forced, and the importance of finding durable solutions for those evacuated from high-risk zones.

In Chapter Six, McAdam discusses the (probably most) controversial issue of 'disappearing states', which she calls the 'litmus test for the dramatic impacts of climate change on human society' (p. 105). She mentions that analysis of the topic so far lacks adequate consideration of the legal rules on the creation and extinction of states and those on statelessness, which are at the core of the discussion. McAdam extensively assesses how these conditions of statehood are affected if a small-island state is flooded, assessing that international law does not give clear answers on this issue. She finds the solution to this uncertainty in the importance of the strong presumption of continuity of an existing state, based on thorough argumentation. However, this solution appears abstract and seems to neglect the high practical relevance of recognition of the existence of a state (which is emphasized by Kälin); it does not seem realistic that a state without territory and a government and population in exile could keep on functioning like a state inside and would be recognized by other states from outside for long. However, these obstacles are discussed while addressing the options of relocation and preservation of the state through an outpost on the remaining territory.

Zetter starts off the next chapter on conceptual challenges to the protection of those displaced with the crucial assessment that the international response to climate change through the UNFCCC/Kyoto Protocol does not include provisions on assistance and protection for those directly affected by the effects of climate change. He therefore analyses the relevance of general international human rights instruments and draws conclusions in which he correctly emphasizes the pressing call to consider people's rights in relation to climate-induced displacement, the global nature of climate change, and the key role of human agency. Zetter discusses a number of conceptual challenges, such as the causality between climate change and displacement, the question of when migration is 'forced', which legal instruments might apply, and whether the basis for the protection of migrants should be a concept of humanitarian or restorative justice. This account portrays the key challenges adequately and constitutes an important contribution to the controversial discussion of these issues. He concludes that existing frameworks should be built upon, global responsibility accepted, and respective capacities developed to ensure effective human rights protection for those who stay and those who migrate.

In Chapter Eight, Penz analyses four types of states' international ethical responsibilities to 'climate change refugees', which he says should lead legal responsibilities. He rejects responsibilities resulting from positive obligations to ensure freedom of movement and alleviate poverty, arguing convincingly that they neglect those who do not migrate and entitlements specific to the problem. Addressing the negative obligation not to harm that triggers compensation and insurance responsibilities, he argues that the latter should be given priority, since it does not require the difficult proof of causality and can be adjusted to the exact emissions of a state. What is very satisfying is the fact that Penz addresses the possibility and content of materialization of this concept, arguing that the portrayed pressures that states face 'raise the hope that a just climate regime is not merely an ethical fantasy, but a beacon that can guide changing reality' (p. 173).

In Chapter Eight, Elliott addresses the issue of security and portrays its discussion at national and international levels. Her justified criticism of this discussion is that most states and institutions focus on their own security, which might be threatened by migration triggered by the effects of climate change, while the existential threat faced by those directly affected by the impacts is neglected. This commendable humanitarian approach reflects the idea of human security, which demands that states should focus more on the destruction of livelihoods, and increase in poverty and misery of those affected, and encourage adaptation. The use of dramatic language often used when referring to 'climate migration' should be prevented, since it exacerbates the perceived threats and causes a counterproductive focus on defence strategies. This plea is commendable; however, a more extensive explanation of the concept of human security would have been helpful for a more thorough understanding of this concept.

Turning to the aspect of health, McMichael and others examine climate change-related impacts on health occurring in association with the displacement of groups of people. The authors assess how the adverse and increasingly great health impacts can first of all trigger displacement, and how the experience of displacement and living in a new physical, social, and cultural environment increases the risks of adverse health outcomes. This 'multifaceted relationship' (p. 191) is conveyed extensively and clearly, highlighting that climate change will add an extra dimension of health risks to those linked to displacement as such. The authors link health risks to vulnerability and adaptive capacity, and emphasize the important role social capital should play in policy responses, and that these should embrace policies across multiple sectors.

Loughry analyses how earlier global stressors have impacted mental health, and portrays how people and their behaviour – which is the subject of psychology – play a key role in the process of adaptation and migration. She pleads for increased psychological interventions, such as community mental health programmes, to be included in climate-change policies to ensure that fears presently expressed by communities about their future do not overwhelm their traditional capacity to cope. Her emphatic description of fears faced by Pacific island populations, and the emphasis on positive consequences of psychological interventions for the adaptive capacity of people, is convincing, even if some more detail would have been desirable on how this positive effect would exactly come about.

In the afterword, Castles gives an excellent and enlightening overview of the current state of the topic of climate change and displacement. He opens his concluding remarks by attesting that, after the failure of the UN Climate Conference in Copenhagen in 2009, 'adaptation is now the only game in town' (p. 240), which changes the terms of the debate. After describing the above-mentioned polarization and politicization of the topic, he emphasizes that co-operation is urgently needed, which reinforces the relevance of the book. Castles concludes by presenting a number of ideas which sum up the findings of the different essays and once more emphasizes the invaluable strength of this book: to analyse the topic of climate change and displacement across the range of all relevant disciplines in order to identify policy implications and research needs, so that the dangerous current trend that 'affected

communities and states are largely going to be left alone' (p. 243) can be countered effectively.

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Daniel H. Joyner, *Interpreting the Nuclear Non-Proliferation Treaty*, Oxford, Oxford University Press, 2011, 184pp., ISBN-13 9780199227358, €69.00/£55.00.
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The current context of uncertainty regarding the sustainability of the global regime governing the use of nuclear technology, in both its civilian and military applications, together with the focus on actual (e.g., North Korea) or alleged (e.g., Iran) cases of non-compliance by states with their international commitments in this field, explain and justify sustained academic interest in the 1968 Treaty on Non-Proliferation of Nuclear Weapons (NPT).¹ The book under review adds a significant and, as we will see, somehow unconventional contribution to the already vast amount of legal literature devoted to the NPT.²

Dan Joyner, professor at the University of Alabama School of Law, has already presented a comprehensive analysis of legal questions relating to the NPT in his previous work entitled *International Law and the Proliferation of Weapons of Mass Destruction*.³ He explains thus that the present volume is not *stricto sensu* a 'legal commentary on the NPT', but rather a 'thesis-driven monograph which will apply the rules of treaty interpretation in international law to produce . . . a "holistic interpretation" of the NPT' (p. 1). The thesis in question is unfolded at the outset:

The unifying thesis of this book is that the original balance of principles underlying the NPT, which can be distilled through an application of the principles of treaty interpretation contained in Articles 31 and 32 of the Vienna Convention on the Law of Treaties, has for over a decade been distorted particularly by nuclear-weapon-possessing governments, led by the United States, in favor of a disproportionate prioritization of non-proliferation principles, and an unwarranted under-prioritization of peaceful use and disarmament principles. . . . this distortion of principled balance by nuclear-weapons states has resulted in a number of erroneous legal interpretations of the NPT's provisions. (p. 2)

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1 Treaty on the Non-Proliferation of Nuclear Weapons, 1 July 1968 (entered into force on 5 March 1970), 729 UNTS 161. On current challenges facing the nuclear non-proliferation regime, see, e.g., the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Vol. 1 (NPT/CONF.2010/50), especially Part I ('Review of the Operation of the Treaty, as Provided for in Its Article VIII (3), Taking into Account the Decisions and the Resolution Adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference').

2 See, e.g., J. Goldblat, *Arms Control: The New Guide to Negotiations and Agreements* (2002), as well as Joyner's previous work mentioned *infra*, note 3.

3 D. H. Joyner, *International Law and the Proliferation of Weapons of Mass Destruction* (2009).