Article

Climate Change Refugees Need New Legal Protections

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Jayesh Rathod’s paper proposes policy solutions for environmental migrants

Coordinating a united strategy to address climate change is an ongoing challenge for international institutions. Meanwhile, many governments are taking a reactionary stance toward migration and are aggressively enforcing their border policies—even as the number of climate change refugees is growing. According to Dr. Jayesh Rashod, the author of “Legal Protections for Environmental Migrants: Expanding Possibilities and Redefining Success,” this humanitarian crisis requires taking a critical look at the existing body of international law. In fact, according to him, it can hardly be considered a single body of law but many different branches where none of those branches adequately address the needs of environmentally displaced populations.

“Currently, there is no international instrument dedicated to addressing international migration that is propelled by environmental factors,” he argues. Climate refugees, in other words, are currently trapped in a liminal legal space between environmental law, human rights law, and refugee laws.

> ***While the precise contours of "environmental migration" as a category remain contested, there is growing consensus around the need for a coordinated response, and for the establishment of normative frameworks that assign rights and responsibilities.***
>
> ***Jayesh Rashod, "Legal Protections for Environmental Migrants: Expanding Possibilities and Redefining Success"***

But what should this normative framework look like?

Even if such a framework could be established, Rathod argues that even more must be done to protect environmental migrants. In his assessment, the protections provided under legal frameworks are usually reserved only for those recognized as "victims" of a particular problem. However, in Rathod's words, "an agentic and proactive response" is needed. Addressing the needs of environmental migrants cannot end with new legal definitions or interpretations of the problem. The solution must also engage migrants themselves in a wide range of educational and participatory endeavors.

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Note: This paper is one outcome of "Religion and Environmentally-Induced Displacement in Latin America and the Caribbean," a *project organized by the Center for Latin American and Latino Studies (CLALS) at the American University.*