Introduction
Jane Mcadam

This introductory chapter begins with a discussion of climate change and its role in human migration. It then sets out the purpose of the book, which is to examine the scope of existing international law to respond to the climate change-related movement, and to identify its potential for future development and expansion. Stepping aside from political debates and climate change advocacy, it systematically analyses international legal principles, jurisprudence, and State practice to determine where regulatory gaps exist, and how they might best be responded to. The book takes a human rights-based approach to the climate change-related movement. An overview of the subsequent chapters is also presented.

The Relevance of International Refugee Law
Jane Mcadam

The term ‘climate change refugee’ is sometimes used to describe a person who will be forced to leave his or her home as a result of the impact of climate change. While this label may be useful from a political perspective, in that it highlights some of the most extreme ways in which climate change will affect human society, it is both legally and conceptually flawed. This chapter examines the extent to which international refugee law may apply to people displaced by the impacts of climate change. Though there are some circumstances in which it will be applicable, it is, by and large, an inappropriate normative
framework for responding to the needs of those forced to move on account of environmental change or climate change. Nevertheless, refugee law has some useful standards to offer any new protection-oriented instrument, such as the assessment of potential, future harm, rather than a requirement of past harm.