

Contents

<i>Foreword by Ved P. Nanda</i>	<i>xi</i>
<i>Acknowledgements</i>	<i>xiii</i>
<i>Prologue</i>	<i>xv</i>

PART I – PRESENT REFUGEE LAW: POLITICAL AND LEGAL ISSUES AND PROBLEMS

1	The Question of Environmental Refugees	3
	Introduction – The Recognition of Environmental Refugees	3
	The Question of Environmental Refugees	6
	A Question of Definition?	11
	The Legal Status of Internally Displaced Persons	12
	Persecution and the Problem of Intent	14
	Indigenous and Non-Indigenous: Any Solutions?	20
2	International Assistance and the Refugee Convention's Five Grounds of Persecution	27
	Introduction to the Five Grounds for Refugee Status to Establish Persecution	27
	Persecution or Lack of Protection?	29
	The Role of Racial Background in Refugee and IDP Issues	32
	Nationality	34
	Religion and Particular Social Groups	36
	Political Opinions	38
	Further Considerations on the Rule of Law and the New Global Politics: The Appeal of Limoges	39
3	State Protection and State Responsibility to Ecological Refugees	47
	Introduction	47
	The Responsibility of States	48
	The Present Crisis: How to Re-conceive Refugee Law?	54
	Forced Relocation and the ATCA Litigation 'Third Wave'	65
	International Law and Domestic Law	68

PART II – ECOLOGICAL REFUGEES AND REFUGEE LAW: THE INTERFACE

4	The Five Grounds Revisited: Who Are the Vulnerable?	79
	Introduction: Environmental Migrants – Cause and Impacts	79
	Race and Ethnic Background: The Implications	82
	The Foundations of Basic Human Rights	86
	Religious Beliefs: Holy Sites for Indigenous and Local Communities	90
	State Protection or State Complicity?	94
5	Ecological Refugees: Protection and Rights in International Law	105
	State Protection – Refugees and the Right to Health and Normal Function	105
	Ecological Refugees: The Emergent Realities	108
	Ecological and Economic Oppression as Crimes against Humanity	112
	Ecological Refugees and Indigenous Refugees: Similarities and Differences	117

PART III – THE WAY FORWARD: EXISTING LEGAL INSTRUMENTS AND NEW PROVISIONS

6	International Law beyond the Convention on the Status of Refugees	135
	Introduction: Genocide or Crimes against Humanity?	135
	The Need to Re-conceptualize the Rule of Law	139
	Climate Change and Public Health: New Categories of International Law	141
	Environmental Problems and Health Impacts: A Missing Link	149
	Ecological Refugees and Ecological Rights in International Law: <i>Lacunae</i> and Under-Inclusions	152
	The Water Conflict in the Middle East and the Question of Palestinian Refugees	155
7	Towards a Comprehensive Approach to Protecting Refugees and the Internally Displaced	175
	Understanding the Issues: The Aetiology of Crimes against Humanity	175
	State, Corporate and International Responsibility Before and After the Fact: A Review	176
	Environmentally Displaced Persons: A Convention for their Protection	180
	A Convention Modelled on the Convention against Torture?	186
	Towards a Comprehensive Approach: Ecological Integrity for Global Governance	195
	Global Governance for Ecological Integrity	201
	Appendix 1 Convention Relating to the Status of Refugees (1951)	215
	Appendix 2 Other Relevant Instruments	225
	Universal Declaration of Human Rights (1948)	225
	Protocol Relating to the Status of Refugees (1967)	228
	United Nations Declaration on Territorial Asylum (1967)	230
	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	231

Constitution of the International Organization for Migration (1987)	239
United Nations Convention on the Rights of the Child (1989)	244
Declaration of States Parties to the 1951 Convention and/or Its 1967 Protocol Relating to the Status of Refugees (2001)	256
Appendix 3 Draft Convention on the International Status of Environmentally-Displaced Persons	259
<i>List of acronyms and abbreviations</i>	269
<i>List of cases</i>	271
<i>List of documents</i>	275
<i>Bibliography</i>	279
<i>Index</i>	293