Climate Displacement and Resettlement: The Importance of Claims-Making 'From Below'

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Abstract

Climate-induced population displacement and resettlement is an ongoing problem around the world, and one that is being exacerbated by climate change. To date, most attempts to address this problem have taken a top-down approach in which international justice, legal and humanitarian frameworks are extended 'downwards' by policymakers and governments to local populations. However, there has been limited systematic work that emphasises the abilities of affected peoples themselves to develop and formulate their own justice-based solutions. This paper presents an analytical framework for thinking about 'bottom-up' claims-making that emphasises naming, blaming, claiming and framing. The framework enables claims-making to be distinguished from other forms of community-based agency, such as adaptation. The paper also suggests a normative framework to support policymakers and practitioners in helping communities facing displacement to make claims. The normative framework focuses on the barriers to, and opportunities for, claims-making 'from below'.

Key policy insights

- Bottom-up claims-making is potentially a powerful way for communities affected by climate displacement and resettlement to develop and formulate their own justice-based solutions.
- As an analytical and normative framework, claims-making has several features that make it distinct from other agency-based approaches to climate displacement and resettlement.
- In spite of its potential advantages, there is limited understanding of the political and legal opportunities for, and barriers to, claims-making by affected communities.
- The claims-making approach might only be suitable to particular environmental, political and socioeconomic contexts.

- There is a need to improve understanding of what does and does not work in bottom-up claims-making processes so communities and their NGO advisors are better-placed to move forward with these strategies.

1. Introduction

Climate-induced population displacement and resettlement is happening right now in places around the world where populations face high risks from weather-related shocks and stresses (Richards and Bradshaw, 2017). Without significant greenhouse gas mitigation in the coming years, these impacts are set to worsen as more and more people find their lives and livelihoods being threatened by hazards such as flood and drought. Although the quantification of changes in human mobility resulting from climate change is difficult to undertake, the IPCC (2014) states that there is 'high agreement' that global warming will increase the displacement of people in the 21st century.

Such concerns have prompted calls for better governance of community displacement and resettlement in the context of climate change (Goodwin-Gill and McAdam, 2017). To date, most efforts to address this issue have considered broad frameworks of justice, rights and humanitarianism that can be extended 'downwards' from international and national levels to local-level populations (Doberstein and Tadgell, 2015). However, there has been limited systematic work that emphasises the capacities of affected people themselves to develop and formulate their own justice-based solutions to the problems of climate-induced displacement. Such 'bottom-up' processes of claims-making could put new and potentially powerful forms of pressure on local and national governments, and international bodies, as they attempt to manage displaced communities.

Moreover, the pervasiveness of climate change means that it is highly likely that communities will need to play a central role in organising themselves and advancing their own claims in the face of displacement and resettlement rather than relying solely on central governments and authorities. In these cases, communities will benefit from knowledge of what has and has not worked best in prior community-based claims-making processes.

Bottom-up claims-making involves communities exerting agency to mobilise for a desired outcome in relation to climate displacement and resettlement. For some, the desired outcome will be for their whole community to be physically moved to a new location and for financial support to be provided to enable this; for others, it will be to prevent an unwanted resettlement from taking place. Where resettlement of a community as a whole is not possible, claims might be made for alternative forms of redress, such as individual compensation to relocate.

In this article, we are primarily interested in claims-making in two senses: 1) As an analytical framework for understanding the activities of communities, and the opportunities and barriers that they face in pursuing claims; and 2) A normative approach that directs agencies towards what they can be doing to help communities affected by climate displacement and resettlement. A focus on claims-making brings into view an important, but often missed, analytical bridge that connects activities such as protest, political lobbying and litigation, all of which feature in the literature on climate displacement and resettlement. This focus could better equip communities and their advisors in considering which strategic avenues to take, and how to shape them. In the sections that follow, we first elaborate on what claims-making is and how it is situated with regard to other agency-based approaches. We then consider what some of the challenges and barriers to the implementation of a claims-making approach might be before concluding.

2. Understanding claims-making

Although claims-making can progress in different ways, it is our contention that unpacking the constituent parts of the process involved provides a useful lens through which to view climate displacement and resettlement. To this end, we draw on Felstiner et al. (1980), who identified three steps in the claims-making process: naming, blaming and claiming, and to which we would add one more – framing.

Naming requires affected communities to identify and designate climate change as the main driver behind their displacement. This matters for future empirical research in this area. We need to know when communities name, or deliberately do not name, climate change as the underlying cause of their move. In some cases, communities might, for strategic reasons, decide to emphasise climate change as the cause of their grievance; in other cases, the role

of climate change might be downplayed or contested. It might be downplayed because a community does not want the 'baggage' that can come with describing their move in these terms: they could, for example, be suspicious of the international NGO involvement that it is likely to attract, or be wary of government interest due to a history of past exploitation (Maldonado et al., 2013). It might be contested because the community is resisting forced relocation which is driven by other motives but where the state is using climate change as a convenient cloak (Kothari, 2014).

Next, blaming is a matter of establishing which party or parties are responsible for the climate displacement and thus who could in theory be the object of the claim (i.e. relational grievance). This raises the issue of the geographical scale at which claims-making takes place: in principle, claims might be made at one or more of local, regional or national government, or even at international levels. Equally, the objects of claims could be private sector corporates, states or sub-state public sector bodies.

Claiming is the final stage wherein communities make demands using the range of different mobilisation strategies referred to above. These might include protest, litigation and political lobbying. Thus, for example, the Guna people on the Panamanian island of Gardi Sugdub, faced with rising sea-levels, have engaged in political lobbying to secure government funding for the infrastructure and house-building costs associated with a move to a new village at La Barriada on the mainland. They have also protested over continued delays to the opening of the new village school promised by the Panamanian government (Pressly, 2017). Claims-making in the form of climate displacement litigation, which forms a sub-genre of 'climate change litigation', has been less common. Thus far, the only obvious example of community-based litigation known to us is the *Kivalina* case, in which an Alaskan Native American community faced with inundation of their coastal village sued ExxonMobil for damages to pay for relocation (Johnson, 2013). However, if the mushrooming of other forms of climate litigation is instructive, this is likely to be a growing area.

A number of theories exist within the literature on social movements to explain why each of these claims-making strategies is adopted (in place of another or in combination) including, for example, political and legal opportunity structures and resource mobilisation (Hilson, 2002; Kriesi, 1995; McCarthy and Zald, 1977). The former two argue that the strategies adopted are likely to be shaped by the institutional structures that confront social actors

(although those actors also possess agency, on occasions, to shape those opportunities) (Vanhala, 2011b). The latter suggests that the resources available to them will play a key role. Hence, the availability of a favourable stock of legal precedent (for example on human rights) in domestic or potentially international or foreign courts would create a positive legal opportunity structure that may encourage a community to adopt litigation as a strategy (Andersen, 2005; Burkett, 2013). Equally, access to resources and professional legal support structures are also likely to be important to such a decision (Epp, 1998). While these theories largely stem from the social movement literature, they are obviously useful in understanding bottom-up claims-making by communities in a climate displacement context: why and how social movements choose to adopt different strategies has much in common with why and how communities choose different avenues for their claims-making.

The final component of claims-making, in our view, is framing. Framing describes the way in which "actors define the issue for their audience…A frame highlights some aspects of a perceived reality and enhances a certain interpretation or evaluation of reality" (Hänggli and Kriesi, 2012;p.266). Of course, naming, considered above, is itself a form of initial framing. However, framing plays an even more important role later in the claims-making process, in claiming. Whichever channel claiming proceeds via (i.e. the streets – when claiming coincides with protest – the courts, or political institutions), communities are likely to seek to frame their claims in a language which emphasises what matters for them. Ideally, this framing should also resonate with policymakers and the wider public who are the object of their claims. Frames may be legal in nature (such as human rights) and may be deployed in non-court settings as well as court-based ones. While legal mobilisation in a narrow sense is characterised by litigation in courts, legal framing used in the course of protest – as discussed above – or political lobbying can also be seen as a form of legal mobilisation, albeit in a broad sense (Vanhala, 2011a). Frames may, equally, be non-legal in nature, drawing on alternative normative justifications such as justice, security and humanitarianism.

The Carteret Islands, a Papua New Guinean atoll in the South Pacific, provides a good example of framing in operation. Widespread concern over the effects of climate change has contributed to a series of claims to resettlement to mainland Bougainville being advanced by islanders and their representatives, based on both the legal frame of a right to

self-determination – i.e. the idea that people should be able to determine their own political, economic, social and cultural futures – and non-legal frames around justice for future generations and livelihoods security (Pascoe, 2015). However, an important consideration in understanding and promoting framing in the context of climate displacement is that there might be tensions between frames preferred by international organisations, NGOs and national governments – such as human rights frames – and those which are prevalent within local, customary forms of law and justice (Zellentin, 2010). For example, in relation to the Pacific, Corendea (2017) has observed that, "Pacific nations have to find ways to better accommodate the two strands of the legal system in order to promote the equitable development of custom and the appreciation of human rights in culturally relevant terms" (p.24).

3. Claims-making in relation to other literatures

In examining claims-making, it is important to look at other agency-based approaches in the literature on climate displacement and resettlement. Although different understandings of agency exist, one common definition is a 'capacity to make a difference' (Giddens, 1984). Agency can be exerted in an 'everyday' or 'strategic' manner and can also be individual- or collective-based (Lister, 2004).

Two highly relevant fields of research in this vein are those of resilience and climate change adaptation. Although there are different understandings of what resilience is, in the Disaster Risk Reduction (DRR) and climate change-related literature, it is understood as a collective ability to respond to crisis, or a capacity for successful adaptation in the face of stress and disturbance (Imperiale and Vanclay, 2016). The climate change adaptation literature highlights that communities are capable of undertaking autonomous adjustments to respond to climate change and shocks, either to mitigate harm or to take advantage of new opportunities (Carr, 2008). This might be via migration to other, safer areas, as highlighted in the 'migration as adaptation' (Black et al., 2011) or 'autonomy of migration' (Casas-Cortes et al., 2015) literatures.

These collective abilities also matter for claims-making. However, the agency in claims-making has a strength to it in virtue of the fact that it is targeted at a source of perceived injustice. In that sense, it is inherently relational in ways that assign responsibility for the

injustice to others. This contrasts with approaches such as resilience and adaptation that might imply that individuals are responsible for their own adaptations (Welsh, 2013). Moreover, claims-making presupposes that communities and their members do in fact perceive injustice. This contrasts with resilience and adaptation because individuals and communities can persist and adjust without awareness of injustices that they suffer, whereas this is a necessary component of claims-making.

The development-induced displacement and resettlement (DIDR) literature reminds us that communities are not only capable of exerting resistance in the face of involuntary migration but might also use it as a way of furthering their own political agendas, thus becoming empowered (Oliver-Smith, 1991) or gaining development (Vanclay, 2017) in the process. For example, Beazley (2009) shows how communities faced with the involuntary resettlement from an Indian tiger reserve were able to advocate their rights and to negotiate more favourable terms of removal with local authorities. The well-developed literature on DIDR has implicitly engaged with claims-making but not in ways that deliver a robust and recognisable analytical framework for thinking about how claims are formed and advanced in the face of displacement.

The functions of bottom up claims-making can coincide with those of social protest, which is widely examined in the literature on social movements (Rucht et al., 1999). In particular, claims-making can emerge from struggle, and can serve the interests of people asymmetrically situated with respect to more powerful agents (such as national governments, corporations or municipal authorities) with whom they are in conflict (Hanna et al., 2016). Despite this overlap, claims-making in the face of displacement and resettlement can be considered as a phenomenon distinct from social protest in this type of context. Claims-making need not emerge from struggle and conflict; for example, it can be used by people in anticipation of displacement by climate impacts, and, as referred to above, need not have the performative purposes characteristic of social protest (McAdam et al., 2001). A focus on claims-making as sometimes distinct from social protest is needed to capture the full range of actions available to people facing displacement and resettlement as a result of climate change.

In spite of this range of approaches, current thinking about the governance of climate displacement and resettlement is often technical, managerial and depoliticised (Wilmsen

and Webber, 2015). Top-down approaches have correctly stressed the benefits of community participation in resettlement decision-making (UNHCR, 2015). However, such approaches have also been accused of being implemented in a manner that is 'thin' and 'tokenistic' (Satiroglu and Choi, 2015). Claims-making importantly differs from participation as examined in the community development and engagement literature. Formal participation schemes are always initiated from 'outside' and the intervening agencies ultimately retain control over the moments and the manner of participation. In contrast, claims-making is self-originating (even though it can be encouraged by structures of support and advice) and enables communities to choose how and where they direct power. Claims-making operates within a language based on legal and political mobilisation, and potentially targets a wide range of state-based and non-state actors. It has a dynamism and potency that is sometimes missing in ordinary participatory approaches.

4. Challenges and barriers to claims-making

The points we make here are not to suggest that bottom-up claims-making is some kind of panacea. Some communities might be reluctant to advance claims, or be unsure of how to do so, particularly those with long experience of oppression. Other communities might expend considerable energy on making claims that go nowhere. Some claims-making might provoke backlash against a community and change the ways in which similarly situated communities pursue claims in the future. This is a reason why people often engage in 'hidden' forms of resistance rather than pursue open protest (Scott, 1985).

There are also dangers in treating communities as homogenous entities whose claims always genuinely represent the interests of community members. Conventionally, in studies of resettlement, the community is viewed as a relatively discreet spatial unit, with a more or less homogenous social structure and a set of shared norms or understandings (Gibson-Graham, 2005). This considerably simplifies the resettlement process, as communities are viewed as bounded by a single administrative rule and unproblematically represented by local leaders or elites. However, there is also a significant body of work from the development studies literature that argues that this is a misconception: communities are not bounded but exist as networks of people, and thus moving a community can create social disarticulation as those networks are broken (Evrard and Goudineau, 2004). There are

also differences within communities along multiple lines. Failure to recognise these problems can lead to flawed development processes that result in exclusions and the elite capture of voices and resources (Platteau and Gaspart, 2003), as well as fail to address underlying vulnerability (Cannon and Muller-Mahn, 2010). These complications can result in claims-making being uncoordinated and messy, as individuals and groups with different agendas come into competition with one another.

Finally, bottom-up claims-making raises questions about who should take on responsibility for adequate response to climate impacts, as referred to above. In particular, making communities themselves responsible potentially plays into wider controversial discourses around individualisation of risk management (Felli and Castree, 2012).

5. Conclusion

In summary, claims-making is potentially a powerful way for communities anticipating or experiencing climate displacement and resettlement to seek justice in the procedures and outcomes of governance in this area. Although it shares some points in common with other existing literatures, it also has a distinctiveness that those literatures do not capture. Claims-making involves community-based agency but, importantly, is targeted and relational in nature. As an analytical framework, it brings together protest, litigation and political lobbying as strategic options available to communities. In discussing claims-making in a climate change world we have suggested, drawing on Felstiner (1980), that we examine it as a process that can be separated into component parts, namely naming, blaming, claiming and framing. We must gain improved understanding of what does and does not work in bottom-up claims-making processes in order that communities and their NGO advisors are better-placed to move forward with these strategies.

Declaration of interest

The authors have no potential conflict of interest to declare.

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