

MIGRATION AND JUSTICE FOR PEOPLE ON THE MOVE



LIVABILITY AND A FRAMEWORK  
FOR CLIMATE MOBILITIES JUSTICE

BY

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## **Livability and a Framework for Climate Mobilities Justice**

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### **Introduction**

**P**eople have primarily inhabited a restricted range of temperatures and a narrow subset of the planet's available climates for most of human history. However, due to anthropogenic climate change, this "human climate niche" is shrinking and shifting. There is a significant possibility that nearly twenty percent of the planet's

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available land surface will be uninhabitable by 2070.<sup>1</sup> According to a 2020 study, absent climate mitigation and various forms of adaptation, the temperature experienced by an average human is estimated to change more in just a few decades than it has over the past six millennia.<sup>2</sup> A significant expansion in uninhabitable land caused by such an increase could impact thirty percent of the projected human population. Even if some places are not rendered entirely uninhabitable, they will not be able to sustain the current populations who live there without significant deprivations. The increased scope and severity of climate impacts are expected to intensify and change how and whether humans can or will move in response.<sup>3</sup>

Mobility outcomes are a significant part of how human well-being is and will be impacted by a shifting niche. However, the relationship between mobility outcomes and climate change is complex and hard to predict.<sup>4</sup> It involves a series of intersecting

<sup>1</sup> For comparison, currently only about 0.8% of the Earth's land surface is occupied by regions of inhospitable temperature ranges. See Chi Xu et al. 2020.

<sup>2</sup> Cf. Chi Xu et al 2020.

<sup>3</sup> See Cattaneo et al. 2019, 190.

<sup>4</sup> In the six months between the fall of 2020 and the spring of 2021, the International Federation of Red Cross and Red Crescent Societies reported that 10.3 million people were impacted and displaced by climate-induced events. (See IFRC, 2021). Climate-related weather hazards such as intense storms, cyclones, drought, flood, and extreme heat accounted for ninety eight percent of the total number of people displaced in 2020 – close to 30 million people. See IFRC 2020, 12. Estimates regarding the predicted extent of climate-related migration and displacement are wide ranging: from tens of millions to one billion people by 2050. See Gemenne 2011, 41-49. These predictions also don't tend to account for impacts on climate-related immobility or prolonged displacement after an event. Given the complexity of migration decisions, and the conceptual and methodological difficulties in defining climate change-induced migration, some experts have argued against efforts in estimating and quantifying such movement. See Kelman, 2019. A focus on the scale and scope of international

considerations that arise from whether climate impacts are fast-onset events (like hurricanes, floods, and fires) or slow-onset events (such as desertification or drought), as well as the historical, social, demographic, economic, political, and environmental contexts within which people are impacted.<sup>5</sup> Climate-related mobility outcomes are heterogenous and occur along a spectrum. They can include different forms of human movement, such as cross-border and internal migration, but they may also involve instances of immobility. Furthermore, cases of mobility or immobility could range from voluntary, to pre-emptive, to forced.<sup>6</sup>

migration flows has dominated the public discourse as well as much of the normative theorizing about the relationship between climate change and its impacts on human populations. However, such an approach has the potential to work counter to the aims of mobilizing protection by overemphasizing the phenomena as a problem of cross-border movement. In addition to the difficulty in quantifying such movement, framing the challenges in terms of migration overshadows the fact that a significant amount of movement will be internal and gradual. See McAdam 2012b, 5. It also risks framing climate migration primarily as a threat to national and international security. See Jakobeit and Methmann 2012, 301-314. A security narrative has moved away from a focus on human security and tends to centralize the focus on the needs of receiving states and corresponding policies of self-protection instead of on the conditions vulnerable people find themselves in. It also strengthens problematic stereotypical associations between environmental degradation and poverty. See Parekh 2020. Additionally, it may risk promoting unjust policies and militarized responses aimed at “securing” borders in the name of stability and state sovereignty. See Harmann, 2010, 233-246.

<sup>5</sup> For a brief empirical overview of these various factors see Cattaneo et al. 2019.

<sup>6</sup> Caroline Zickgraf argues that we should theorize the entire mobility spectrum in the face of climatic change to account for this heterogeneity. See Zickgraf 2021.

Additionally, vulnerability and risk due to negative climate mobilities<sup>7</sup> is not distributed equally across the planet and its peoples.<sup>8</sup> Given the dynamic relationships between people and the places they occupy, their well-being and livelihoods are not solely determined by the material resources available to them. The extent of the impact on human well-being will depend on societal responses that address the inequalities and injustices stemming from distributions that span *both* time and territorial space. Political, social, and economic decisions about infrastructure, including the social and built environment, rights, public services, health care, housing, governance schemes, and a range of other institutions and elements will play a significant role in determining whether climate impacts will exacerbate current inequalities and increase negative impacts on human well-being.

<sup>7</sup> I use the term “negative climate mobilities” to refer to cases where instances of movement or immobility are detrimental to well-being. I do this to avoid assuming either a mobility or sedentary bias in my normative theorizing. For example, in some cases movement away from someone’s home or location of origin may be characterized as negative and an indication that well-being is compromised. In other words, migration could be viewed as a failure to adapt. (See Wodon et al, 2014). However, in other instances, migration may be a form of adaptation and a means by which well-being is secured. See McNamara et al. 2018, 113.

<sup>8</sup> For example, in the United States, sovereign tribal communities are particularly exposed to sea-level rise, permafrost thaw, and land erosion. In addition to forced relocation, inadequate budgets to support adaptation strategies and inadequate federal governance mechanisms threaten to accelerate negative impacts to health and economic status and further put culture and community identity at risk. In this way, negative climate impacts exacerbate injustices due to colonialism. See Maldonado et al. 2013, 602. According to the Global Climate Risk Index, impacts from extreme weather events hit lower-income countries hardest, while in high-income countries historically marginalized populations are most at risk of experiencing negative climate mobilities. See Eckstein et al. 2019, 24.

In this way, a shifting human climate niche, its relationship to human mobility, and how we respond to its impacts are laden with significant normative questions about whether and to what extent justice-based interventions are required. In short, the shifting human climate niche's relationship to mobility outcomes raises the question of *climate mobilities justice*.<sup>9</sup>

Given the various deprivations and impacts on well-being associated with negative climate mobilities, we are faced with the question of what is owed to those who experience and/or are at risk to negative climate mobilities. When can people justifiably claim protection against the deprivations that displacement, migration, or immobility cause? To what or whom are these claims addressed? Answering these questions requires developing a normative theory of climate mobilities justice.

<sup>9</sup> Scholars focusing on the intersection of climate change and human mobility have used a variety of terms to describe both the phenomena and the individuals who are impacted. Given the complexity of climate change-induced displacement, the mobility bias embedded in the notion of migration, the specific jurisprudential understanding of the term 'refugee,' and the broader controversial nature of the label 'climate refugee,' I use the term "climate mobilities" when addressing the intersection of human mobility and climate change. I follow recent scholarship in adopting this term. The concept of climate mobilities is more comprehensive than the notion of climate displacement and climate migration as the latter two concepts are understood to refer primarily to human *movement*. Climate mobilities, on the other hand, incorporates consideration of the lack of migration or movement in the context of climatic change as well. There is growing body of work that aims to recognize and understand forms of *immobility* and the way in which people may either be privileged or prevented from moving from spaces that a shifting human climate niche threatens to stress or render uninhabitable. For example, see: (i) Baldwin, et al. 2019, 289-297; (ii) Boas et al. 2019; (iii) Zickgraf 2021; and (iv) Schewel 2020, 328-355.

This paper develops a key element of a larger “practice-based approach” to climate mobilities justice.<sup>10</sup> The framework is inclusive of the full mobility spectrum and shifts the normative focus to outcomes rather than focusing on questions of distributive justice of resources. While I acknowledge the importance of goods and resources in our moral judgements, I do not focus on them exclusively. Instead, I argue that an account of climate mobilities justice must address the normatively relevant elements of our embodied relationship to *livable* spaces and securing a way of being in such spaces.

By focusing on *livability* and articulating the normative significance of livable space for human beings within the international state system, I contend that people who are at risk and vulnerable to negative climate mobilities have a claim to a right the international state system ought to protect: *the right to a livable locality*. My central task in this paper is to better account for this right by building out its content. I argue that livability, understood as a functioning, captures the relevantly normative relationship between people and place in a territorial state system. When this way of “being” in the state system is no longer protected, obligations arise for and from the state system to secure the right to a livable locality for all those who are impacted by the organizational structure of the system.

I argue that livability is both instrumentally valuable and of ultimate value for those whose embodied existence and relationships are mediated by the state system. The obligation to acknowledge people’s claim to the right to a livable locality thus includes addressing the instability associated with migration as well as facilitating *in situ* adaptation. Thus, when people experience negative climate mobilities, the right to a livable locality can

<sup>10</sup> For present purposes, I will outline the larger framework, which I defend elsewhere, and assume it for the sake of argument. See Capisani 2020.



demand ameliorative (im)migration practices as well as a requirement to make changes to *spaces* in light of the interests of those who are located within them.

To develop such an account, I first turn to three examples in which negative climate mobility outcomes emerge. The following three cases illustrate the heterogeneity of climate impacts on human mobility and illuminate practical and normative challenges for addressing the problem of negative climate mobilities in a principled way. The first case is often cited as a prime example of external migration, while the second and third case tend to be associated with internal migration or displacement. However, closer examination of these cases reveals further complexities that a justice-based framework for climate mobilities should address. I briefly introduce these cases and then return to them in section three where I illustrate what justice demands of us in such cases.

A significant amount of the public narrative and normative theorizing about climate-related migration and displacement tends to focus on the impacts of sea-level rise on small island developing states (SIDS) such as Tuvalu and Kiribati, and the needs of these communities or whole island nations to relocate as flooding and salination of fresh water sources intensify.<sup>11</sup> However, relocation and migration away from home territories is not always the central or desired strategy. Recent studies have shown that in the face of sea-level change, island abandonment is not necessarily certain. For

<sup>11</sup> In 2000 the Tuvaluan government asked New Zealand and Australia to accept its citizens as refugees given the projected disappearance of the small island nation by 2050. In 2009 Tuvalu's Prime Minister Apisai Ielemia stated a commitment to seeing international migration as only one mechanism for adaptation and that the country was committed to helping citizens remain. See Balesh 2015, 84-87. Kiribati has purchased 6,000 acres of land in Fiji as future refuge. However, given the expense to do so and current development issues in Kiribati, current leadership has shifted priorities away from such strategies. See Jamero et al. 2017, 581.

example, small island communities in the Philippines, despite having access to an established relocation program that would provide permanent housing in the mainland, oppose permanent relocation efforts. In their opposition to planned relocation they cite concerns about livelihoods and the potential loss of fishing-related activities.<sup>12</sup> Studies have shown that involuntary relocation may in fact lead to greater vulnerability due to deprivations associated with identity loss or the loss of social capital and that attachment to place and that associations with community are a powerful factor in migration decisions.<sup>13</sup> Consequently, if relocation is to be employed as a strategy for adaptation, it could be more tenable if it includes such things as climate-resilient livelihood opportunities.<sup>14</sup>

Another example often addressed is the possibility of large scale-displacement and (internal) migration away from vulnerable coastlines in Bangladesh. Due to sea-level change, increased threats to secure places of residence and to the livelihood of coastal populations will be exacerbated. Extreme tidal fluctuations and flooding will contribute to permanent land loss and erosion. Increased salinity will also undermine agricultural productivity in the region.<sup>15</sup> While the dominant narrative is that inundation from sea-level change causes movement away from coastlines, further investigations reveal a plausible case for increased movement toward the coast because of the economic amenities of coastal regions. According to a recent study, vulnerable coastal districts continue to be a top migration destination under a range of

<sup>12</sup> For example, residents of Tubigon, see the permanent relocation program merely as a temporary evacuation scheme during extreme events and have chosen to remain on the islands without any plans to migrate permanently. See Jameró et al. 2017, 583-584.

<sup>13</sup> Adger et al. 2013, 113.

<sup>14</sup> Warner et al. 2009.

<sup>15</sup> See Chen & Mueller, 2018.

emission scenarios- including those associated with the highest level of flood damage due to sea-level change.<sup>16</sup> The results of the study find that changing sea-levels alone don't necessitate migration to the interior and away from coastal communities in Bangladesh. Furthermore, increasing damage from sea-level change on livelihoods may make it harder for people to move away, resulting in cases of immobilization and further increasing the vulnerability of the increasing coastal population.<sup>17</sup>

A third case is that of the Native Village of Kivalina, Alaska which lies close to ten miles north of the Arctic Circle. These twenty-seven acres, six-mile-long barrier reef island has a population of approximately four hundred people, most of whom are Inupiat and who trace their ancestry in the region for thousands of years. The experience of this tribal community exemplifies a community's attempt to adapt to a shifting human climate niche under the constraint of policies and socio-historical processes that impact the adaptive capacity of the community in the face of melting permafrost, seasonal food security, thinning ice, rising sea levels, and increased damage due to storm surge.<sup>18</sup> In 2006 an

<sup>16</sup> Bell et al. 2021, 4.

<sup>17</sup> Increased access to credit may improve overall wealth on average, but it does not increase mobility in general. The authors of the study argue that it is perhaps better to interpret these populations as 'moored' rather than 'trapped' because their increased access to credit and wealth leads to further investment in livelihoods connected to vulnerable geographies. As a result, people remain entrenched by these livelihood choices and connected to places despite negative climate impacts. As Bell et al. 2021 argue from the results of their study, "much like many deltaic regions around the world, these results suggest that continued population growth in coastal Bangladesh is likely to be driven by continued in-migration, despite sea-level change associated damages. Many agents migrating to coastal districts subsequently find themselves or their descendants immobilized by the economic damages caused by sea-level change and the lack of available livelihood alternatives to migrate." See Bell et al. 2021, 6.

<sup>18</sup> See Shearer 2011, 128-148.

Army Corps assessment estimated that Kivalina, as well as Shishmaref and Newtok, would be lost to erosion within fifteen years and that the relocation of these communities could cost up to two hundred million dollars per village.<sup>19</sup> However, as residents of the community attempted relocation efforts, they encountered no designated government bodies to assist in the process. Instead, the community has had to navigate and engage with multiple agencies with different responsibilities and norms. Furthermore, disagreements over relocation sites between government agencies, contractors, and Kivalina residents has stalled relocation efforts.

These cases help to clarify three important tasks for an account of climate mobilities justice. First, we must be attentive to in the way we frame the issue. How we identify a phenomenon- and the moral problems it poses- has consequences for what we recognize as the wrongs needing redress, who has standing, and who bears duties to respond. Second, we need some evaluative criteria with which to compare states of affairs and proposed policy solutions. That is, we need a way to help us evaluate which solutions are better and which should be avoided, as well as a metric to compare the differences of advantage between people or differences of advantage across time within an individual's lived experience. Finally, our solutions to these issues should not be slapdash or *ad hoc* but rather generalizable and widely applicable. At the same time, given the diversity of human experience and the variety of ways in which a shifting human climate niche can impact human mobility, our approach must also be suitably context sensitive.

Normative theorists tend to address climate mobilities justice in terms of migration, and often the primary focus is on the moral challenges associated with external migration. This captures only a part of the entire climate mobilities spectrum, as the cases above

<sup>19</sup> See Maldonado 2013, 604.

illustrate. Consequently, a movement bias in normative reasoning can mask the scope of the moral problem and/or a theory's prescribed solutions. Additionally, normative theorizing which tends to focus solely on the distribution of goods and resources as a metric for justice-based evaluations may fall short of satisfying the desiderata listed above. As I will argue, focusing on outcomes or ends, and the opportunities to achieve them, can better address the complexity between climate impacts and mobilities and can support the development of a principled normative approach that is also context-sensitive.

In the first section of the paper, I develop my practice-based account of climate mobilities justice. In doing so I account for the moral wrong of negative climate mobilities by elaborating a justificatory framework that identifies the territorial state system as a social practice. I argue why securing the right to a livable locality should be understood as a legitimacy constraint on the practice of the state system. In this section I show how “being in a livable space” is both instrumentally valuable and an important end for a practice that distributes authority across territorial space. Next, I draw on normative tools of the capability approach to characterize the relevant conception of livability at the heart of the practice-based framework. I show that conceptualizing livability as a functioning captures the normative significance of the co-constituting relationship of the body to the spaces that are impacted by and constrain one's agency.

I then turn to elaborating what obligations correlate to the demand to protect the right to a livable locality. I do so by further assessing what responses to the challenges posed by the three cases above are required or justified according to the practice-based approach. In this section, I show how an obligation to protect the right to livable spaces entails a more expansive conception of responsibility which is not limited to addressing sheer material

need nor restricted to addressing and facilitating (im)migration. While the obligation to protect the right to a livable locality may include facilitating people's adaptation to different spaces, it can also necessitate making changes to spaces so that spaces can better adapt to the interests of those who occupy them. I then turn to worries that can arise when attaching a functioning to a right and conclude by drawing out the implications of this rights-based framework for climate mobilities policy and mechanisms for addressing current and future injustices related to negative climate mobilities.

## I

### **A practice-based approach to climate mobilities justice**

The “practice-based” approach to climate mobilities justice is a normative framework by which we can assess the underlying moral problem of negative climate mobilities. According to this framework, climate-induced displacement, migration, and immobility do not emerge as some natural phenomenon even though such outcomes are impacted by weather events or deteriorating environmental conditions. Instead, the plight of those impacted or vulnerable to negative climate mobilities is due, in part, by features of the global state system. It can thus be understood as a foreseeable failure of the system, or so I will argue. Those impacted by negative climate mobilities are in conditions of precarity because of the very way the territorial state system is arranged. This becomes apparent when we characterize the global state system as organized, in a fundamental way, by a social practice in which political authority is distributed across the surface of the Earth.<sup>20</sup>

<sup>20</sup> See James 2019, 255.

I follow Aaron James in understanding a social practice to be one that coordinates the actions of different agents according to some presumed set of shared ends or aims by way of commonly recognized social understandings.<sup>21</sup> As a social practice, the state system raises questions of justification in its own right because of the way its organizational structure renders people vulnerable to the impacts of a shifting human climate niche. To understand why this is the case, we must understand relevant structural features of the international state system and its aims.

The structure of the state system, whose origins are often cited as the result of the 1648 Treaties of Westphalia, ushered in this distinct model of power distribution. The move away from feudalistic society and towards a decentralized power structure was justified in light of promised periods of peace and stability though further aims - such as the realization of basic rights – can also be attributed to the practice.<sup>22</sup> States would be understood as sources of protection that enable the provision of resources, security, basic rights etc.<sup>23</sup> A significant feature of the state system is its territorial basis. The territorial map of states is a map of effective and presumed jurisdictional authority over fixed spatial boundaries across land, air, and water areas.<sup>24</sup>

The all-encompassing nature of the state system, along with the presumption of a territorial notion of sovereignty, results in a

<sup>21</sup> As James argues, the state system can be understood as a social practice in contrast with being a mere system of coordination because “the conduct of different agents is more or less effectively coordinated by widely understood social expectations, as rationalized and adjusted by some shared, or at least presumed, purposes” and that most people “understand the basic norms of the state system and assume they are widely accepted and followed.” See James, 2018, 108-111.

<sup>22</sup> See James 2013.

<sup>23</sup> Biggs 1999, 375. Also Branch 2011, 1-36.

<sup>24</sup> See Ruggie, 1993, 151.

system that establishes conditions for the effective or legal exclusion of people from one space or another depending on where they are located. Since humans are embodied beings, we must be in some physical space, usually close to the earth's surface. This means that in a world entirely carved up into states, all people at any given time tend to find themselves physically located within the purview of some sovereign power. When understanding the state system as a social practice, we can evaluate whether this decentralized organizational structure is justified in light of these purported aims.<sup>25</sup>

For this power distribution to remain justifiable by the social practice's own lights, people cannot be excluded by all sovereign jurisdictional authorities. Mechanisms, such as citizenship, exemplify the importance of guaranteeing the opportunity for a relationship between individuals and some state. Citizenship provides a relationship of membership and legal standing in the practice.<sup>26</sup> However what matters isn't birthright citizenship per se, but the guarantee of inclusion it affords. That, ultimately, is what serves the state system's ends of peace, stability, and security of

<sup>25</sup> It is important to note that I do not argue that the state system is the sole or ideal way to structure the global order. Rather, given the presumption of basic moral legitimacy, it is susceptible to deep revision and critique on its own grounds.

<sup>26</sup> I argue elsewhere that birth-right citizenship has traditionally served as the politico-legal solution to the problem of exclusion. Since having nowhere to be is the core challenge behind the problem of exclusion, without its solution, the territorial state system would be illegitimate insofar as it cannot satisfy its basic, constitutive aims. However, if the excluded person has somewhere else to go and to whom they can advance valid claims, a state exercising its right to exclude is not thereby violating any of the constitutive aims of the state practice because at least one state has already taken them under its jurisdiction. A state's right to exclude is conditioned upon the assumption that the norm of citizenship in fact carries out its role in practice, if not perfectly, then effectively enough. See Capisani, 2020, 196.



basic rights. Birthright citizenship may have provided this guarantee in most cases for much of the territorial state system's history, however, in the context of a shifting human climate niche it is not necessarily sufficient.<sup>27</sup> When livable spaces can no longer be guaranteed, one's birthright citizenship can become practically ineffective as a safeguard against exclusion. Such conditions of exclusion are not unlike those of a propertyless person in a libertarian utopia (a world in which all property is privatized). In a world without public spaces, the unhoused or propertyless person's movement from one place to the next would only involve liberating oneself from one trespassing liability to another. As Jeremy Waldron argues, in such cases, "it would not be entirely mischievous to add that since, in order to exist, a person has to be somewhere, such a person would not be permitted to exist."<sup>28</sup>

A person whose mobility is negatively impacted may not effectively advance what would otherwise be their rights by birth. To put it bluntly, one cannot effectively claim certain civil rights or political rights (such as the right to self-determination) if one's home is submerged under water, or one is stranded in an uninhabitable desert. Thus, for any objective one might ascribe to the state system, having a secure right to be somewhere livable is a necessary condition for its attainment. The right to a livable locality is basic in this sense. Its security is indispensable for the full enjoyment of other rights whose protection is an aim of the state practice. According to Henry Shue, a basic right's enjoyment is necessary for the obtainment or exercise of other rights.<sup>29</sup> Shue explains that "nothing will turn out to be necessary [...] for the enjoyment of any right unless it is also necessary for the enjoyment of every right and is, for precisely this reason, qualified to be the

<sup>27</sup> See Capisani, 2020, 194.

<sup>28</sup> Cf. Waldron, 1991, 300.

<sup>29</sup> Cf. Shue, 1996, 19.

substance of a basic right.”<sup>30</sup> Being in a livable space is instrumentally valuable in this way, it establishes conditions that enable opportunities to pursue various activities, participation, and ways of being in the state system that are relevant for one’s well-being.

However, being in a livable locality is not merely instrumentally valuable in the context of this practice-based approach. It is not only an instrument of achieving other objectives or well-being that the state system affords. The notion of livability also captures the embodied, *relational* element of existing as a person within a territorial state system. For embodied subjects that must exist somewhere close to the Earth’s surface, the loss of the right to a livable locality amounts to more than a loss of material resources within the context of a social practice that distributes political authority across territorial space. It compromises one’s ability to exist in a fundamental way within the social practice. We can elaborate further on Waldron’s point about a lack of permission to exist by employing a phenomenological understanding of the body’s relationship to space. Doing so can help clarify why a loss of the right to a livable locality involves losing a way of being in the state system that is valuable apart from the opportunities, activities, and other rights it helps to secure.

A phenomenological understanding of the body’s relationship to the spaces it occupies and moves through captures this sense of “being” in a livable space. For example, Quill Kukla argues that spaces and subjects “mutually condition, constitute, and accommodate one another.”<sup>31</sup> Actions of subjects in spaces accrue and consequently morph spaces in ways that better accommodate the subjects acting within them. However, people also change, adjust, and accommodate themselves to the material spaces they

<sup>30</sup> Cf. *ibid.*, 31.

<sup>31</sup> See Kukla, 2021, 17.

occupy.<sup>32</sup> On such a view, both spaces and subjects are co-constitutive. In this way territories and material space can shape the agency of the subjects within them. According to Kukla, people’s “collection of embodied strategies for coping and coordinating” with the world and other subjects are intertwined with the material spaces from which such strategies are adopted.<sup>33</sup> These strategies, what Kukla refers to as “stances,” are not static but rather dynamic collections of embodied movements, performances, expectations, forms of attention, etc. that can be adopted in order to cope with one’s material environment and to shape it as well.<sup>34</sup>

When the right to a livable locality cannot be effectively claimed because one’s home is uninhabitable, and all states have exercised their right to exclude and refuse assistance, one is left with nowhere to effectively “be” in the system in this relevant embodied, relational way. People lose the capacity to sustain or rely on a relationship to the spaces they occupy in the co-constitutive way that affords them an important sense of agency and stability in the

<sup>32</sup> Kukla calls the frequent actions and transactions of subjects as they move through space micro negotiations, and they demonstrate how such interactions are crucial for how spaces are shaped but also how material spaces enable and generate different micro negotiations between subjects, thus shaping their agency and experiences. See *ibid.*, 18.

<sup>33</sup> Relatedly, Judith Butler argues that the body itself is defined in part by “the relations that make its own actions and life possible.” In examining the case of human mobility Butler accounts for these fundamental relationships and claims, “for the body to move, it must usually have a surface of some kind [...] and it must have at its disposal whatever technical supports allow for movement to take place. So the pavement and the street are already to be understood as requirements of the body as it exercises its rights of mobility. They themselves become part of the action and not only its support.” In this sense, choice making, planning, and actions in a given space constitutively involve the material elements that such spaces are comprised of. See Butler 2015, 128.

<sup>34</sup> Cf. Kukla, 2021, 30.

state system. In such conditions, people have lost access to a capacity to be both contained in a space and to shape it to better support their agency.<sup>35</sup> Instead, the constitutive relationship between body and space becomes one-directional. People's agency and subjectivity becomes primarily determined by the spaces they are in, but their agency to remake spaces can no longer be guaranteed. Kukla makes the important point that "neither spaces nor their dwellers can be properly understood independently of one another."<sup>36</sup> Spaces always condition the actions, opportunities, and agency of the subjects within it. However, when people are limited in their capacity to adapt by having spaces better accommodate their needs, people's own existence can be rendered incomprehensible in this sense.

Consequently, the very stability of one's existence is compromised. Given this phenomenological sense of "being," if one is alive and spatially located, one is not merely existing in some static way within a space that provides opportunities for life. Rather, one is already "living" in that livable space in a relational way, constantly making choices, adapting their own bodies to the spaces they occupy as well as influencing spaces as well.<sup>37</sup> When people experience negative climate mobilities, the disruption of this co-constitutive relationship amounts to a type of alienation or

<sup>35</sup> As Kukla argues, "living in a space that is unaccommodating or inflexible is not really inhabiting it, but just being contained in it." However, inhabiting space as an agent "also involved altering and tinkering with space, reworking it in order to meet our needs." See *ibid.*, 258.

<sup>36</sup> *Ibid.*, 15.

<sup>37</sup> Butler speaks to this interdependent relationship when she points out that "we cannot act without supports, and yet we must struggle for the supports that allow us to act or, indeed, that are essential components of our action [...] the material supports for action are not only part of action, but they are also what is being fought about, especially in those cases when the political struggle is about food, employment, mobility, and access to institutions". Cf. Butler 2015, 72-73.

exclusion that compromises their stability and security. For example, as spaces become increasingly uninhabitable, people can no longer maintain a reasonable expectation or belief in the continued existence of infrastructure, institutions, environmental factors, and social, political, and cultural structures that comprise the spaces they occupy. Such conditions may amount to certain epistemic deprivations. The knowledge that has been gained in the active, co-constitutive relationships to these spaces, and the trust and reliance on the persistence of these relationships, is insufficient in enabling people to make decisions or meaningfully act to adapt spaces to their needs. As a result of these epistemic deprivations, agency – as choice-making and adaptive action - is inhibited.<sup>38</sup> In other words, one’s way of “being” that ought to be secured by the state system is no longer guaranteed.

The claim that “being in livable locality” is a normatively demanding legitimacy condition for the state system is part of a moral argument about what individuals can reasonably expect when they occupy a type of relationship within a social practice. If a basic aim of the state is to provide conditions for stability, the claim to a livable space is not a special pleading. Rather, it’s a demand for fair treatment under common understandings in a shared practice. This principle generates the obligation to protect against negative climate mobilities, gives conclusive requirements

<sup>38</sup> Such epistemic deprivations are best understood when conceptualizing knowledge not as some product, but rather as a way of engaging with relationships. Deborah McGregor distinguishes between these conceptualizations when describing the way in which Aboriginal people understand “traditional ecological knowledge” (TEK). As she explains, such knowledge is “viewed as the process of participating (a verb) fully and responsibility in such relationships, rather than specifically as the knowledge gained from such experiences. For Aboriginal people TEK is not just about understanding relationships, it is the relationship with Creation. TEK is something one does.” See McGregor 2008, 145-146.

for action, and is addressed to the practice given its commonly understood structures and aims. This justice-based obligation that correlates to the right to a livable locality is associative, it applies because of the relationships already ongoing in the territorial state system.<sup>39</sup> Thus, the context that characterizes these relationships is sufficient as a ground for objection.

An internal principle to protect the right to a livable locality can support significant criticism of the territorial state system's current institutional, structural, and organizational instantiation with respect to climate-related impacts to people's mobilities. It can justify changes to the status quo and revisions to the current protection regime. Such a claim requires the state system to develop an adequate protection regime which distributes duties across states and actors to contribute to such protection. Furthermore, it constrains states' claims to sovereignty. (In section four and in the final section of the paper I discuss ways in which this obligation can be discharged.) By making use of rights afforded by the territorial division of authority, a state can be conditioned by the principle to guarantee the effective protection of the right to a livable locality. A state cannot justify arbitrary exclusion or lack of assistance by merely appealing to the exercise of sovereignty in the case of negative climate mobilities, as sovereignty itself is a membership right afforded by the practice.

Thus, the practice-based approach to climate mobilities justice provides a framework for understanding the moral problem of negative climate mobilities. It also serves as a mechanism to evaluate states of affairs according to justice-based considerations.

<sup>39</sup> Ronald Dworkin uses the term 'associative obligations' to refer to the special responsibilities a social practice attaches to its members by way of their membership. For Dworkin, we can regard political obligations as associative given that they rise in light of our occupation of particular social roles, such as our role as citizens. See Dworkin 1986.

As I have argued, according to this practice-based approach, under conditions of a shifting human climate niche, the vulnerability to negative climate mobilities requires remedy because such vulnerability is a foreseeable failure the territorial state system ought to guard against. Given its shared aims, securing the right to a livable locality is both instrumentally valuable and of ultimate value for a social practice that distributes political authority in a territorialized way. But how should we understand the normative demands livability places on the territorial state system? In other words, what is the nature of the obligation to protect the right to a livable locality? Having answers to these questions is necessary if the practice-based approach is to serve as an effective evaluative tool or a means by which we can assess whether solutions, policies, multi-lateral agreements, or institutional arrangements are justifiable with regards to climate mobilities. It is to this task that I now turn.

In the next section I argue that we ought to understand “being in a livable locality” as a type of functioning. I draw from the capability approach to build out the content of the right and its correlative obligation. This conceptualization of livability illuminates that the social practice of the territorial state system establishes an obligation to facilitate people’s adaptation to different spaces *as well as* facilitate changes to spaces to adapt to the interests of those inhabiting such spaces. Livability, understood as a functioning, reveals that ensuring the right to a livable locality requires a more expansive notion of adaptation obligations.

## II

### **Livability as a functioning**

I draw from the conceptual and normative framework the capability approach offers to account for the normative

significance of livability and what it requires. The capability approach<sup>40</sup> provides a normative toolkit for evaluating and assessing various social and institutional arrangements, individual well-being, policy designs, and proposals for societal transformation. While the capability approach is not a specific theory of justice or a theory of disadvantage in its own right, it does provide a dimension by which interpersonal comparisons of advantage can be made or it provides a mechanism by which the quality of life of a person can be compared across time.<sup>41</sup> It can help us with the task of conceptualizing certain values, and it can also illuminate the complex mechanisms that are involved in a given phenomenon.<sup>42</sup>

When considering the quality of a person's life, the capability approach asks whether a person can achieve certain states of being or engage in certain activities. Put simply, the capability approach asks what people can be or what they can do, as well as what states of being or doing they can actually achieve. The opportunities or real freedoms to do or be are called *capabilities*. The realization or achievement of these beings and doings are called *functionings*. For example, the state of being well hydrated or the action of drinking water is a functioning, while having the physical capacity to drink or having the opportunity to buy and collect clean water would be regarded as capabilities.<sup>43</sup> Typically, the difference between functionings and capabilities can be understood as the difference

<sup>40</sup> The capability approach can be understood as a generalization of the framework advanced by the philosopher and economist Amartya Sen with further development by a number of scholars, notably Martha Nussbaum (who has developed a capability theory of human rights).

<sup>41</sup> Robeyns, 2017, 31 and 53.

<sup>42</sup> As Ingrid Robeyns notes, the capabilities approach can offer a partial theory of social justice in that it provides some facets of what justice requires but is not a theory in and of itself. See *ibid.*, 24.

<sup>43</sup> Cf. *ibid.*, 39.



between an action or state that has been achieved (or is effectively achievable) and the real opportunity to choose to act or to be in some valued state.<sup>44</sup> According to the capability approach, the ends of justice or wellbeing or another related value should be understood in terms of people’s functionings or capabilities (or both).<sup>45</sup>

On my view, the practice-based approach to climate mobilities justice provides the theory of justice that utilizes a functioning as a metric for evaluating states of affairs. “Being in a livable locality” can be understood as a type of functioning or outcome that is of ultimate value to human beings participating and impacted by the social practice of the territorial state system.<sup>46</sup> As I argued in the previous section, “being in a livable locality” can be something that people can reasonably expect to achieve as members of this social

<sup>44</sup> Cf. Sen 1993, 30-53.

<sup>45</sup> While human functionings are not inherently positive or negative, some functionings can be unambiguously good and thus may be the beings and doings that one has reason to value and may be regarded vital for human life. See Robeyns 2017, 39. Relatedly, there may be little dispute whether certain functionings – such as being poorly housed – are negative. The capability approach maintains that we should evaluate to what extent people have the opportunities to achieve certain (positive) beings or doings and/or whether a combination of such beings and doings are achieved (or are achievable). Such evaluation would also include whether negative functionings are limited (cf. Robeyns 2017, 44).

<sup>46</sup> As Robeyns explains, when the capability approach refers to the ‘intrinsic value’ of a functioning or capability, it is not endorsing the metaphysical claim that it derives its value solely from some internal properties. See *ibid.*, 54. Henry Richardson has proposed that we can describe the value of functionings (and capabilities) without having to use the loaded language of ‘intrinsic value.’ Instead, we can refer to capabilities and functionings as final ends or that some functionings and capabilities are of ultimate value. See Richardson 2015. What this means is that they are not valuable because of their use for some other additional end. I follow these suggestions when I refer to the functioning of being in a livable space as having ultimate value or being a final end.

practice. This is because “being in a livable space” involves being in a co-constitutive relationship to the places one occupies within the practice. When this relationship is disrupted, the stability and security of people’s existence is compromised. People’s agency – in both a spatial and temporal sense – is limited or lost. They are no longer able to exist in the active, relational way of constantly adapting to, and co-constructing the spaces that constrain their actions.<sup>47</sup> Livability is thus valuable in its own right as well as being instrumentally valuable for being able to pursue other various capabilities afforded by membership and participation in the state system.

A further refinement can be made to the notion of ‘functioning’ I am using to conceptualize livability. While the practice-based approach to climate mobilities justice is primarily concerned with using the (observable) outcome or achievement of “being in a livable place” for justice-based evaluations, it can still be concerned about people’s opportunities or the exercises of choice. The relational notion of livability I argued for above accounts for the way in which “being” in a livable space is dynamic and involves “choice-making” in the constant acting and adaptation within the spaces that afford such choices and actions. Thus, what it means

<sup>47</sup> While livability, as a way of being, may not be the only element of ultimate value for the social practice of the state system, it is at least one of them. There may be other regulative principles that emerge both for and from the social practice of the state system. However, the principle that livability ought to be secured is at least one constraint on the practice. While “being in a livable locality” may qualify as a ‘universal functioning’ – a type of being or doing that is central or constitutive to human life more generally – I argue that it is *at least* a valuable outcome in light of the social structures that condition lived experience within the state system. It is at least a ‘context-dependent functioning,’ or a way of being that is embedded within existing social structures. Cf. Robeyns 2017, 40.

to “be” in a livable space is to have an ongoing relationship between opportunity and the circumstances that afford it.<sup>48</sup>

### III

#### **Expanding adaptation obligations**

If livability, understood as a functioning, is a metric for the practice-based account of climate mobilities justice, then justice-based considerations requires us to assess to what extent is being in a livable space is effectively achievable and to what extent this way of being is at risk.<sup>49</sup> The presence of risk or vulnerability of losing that functioning would indicate conditions where the arrangements of social practice of the territorial state system cannot be justified to those whose lives are impacted by such arrangements. Assessing outcomes in terms of livability can help determine whether solutions adequately safeguard livability. In other words, we may ask whether a solution helps secure this functioning and helps minimize risks to maintaining the achievement of being in a livable space. I argue that the principle to protect the right to a livable locality establishes multi-faceted adaptation obligations. To better explore the implications of the

<sup>48</sup> I have conceptualized livability as a functioning, rather than a capability as the relevant metric for the practice-based approach and maintain that we have good reasons to focus on functionings in the context of climate mobilities justice. But the sense in which I understand livability as a functioning includes or embeds a consideration of the exercise of choice and that opportunities matter. As Marc Fleurbaey argues, one can include the act of choosing in focusing on functions and thus can have access to evaluating whether a person had options to choose from. See Fleurbaey 2006, 304.

<sup>49</sup> Some proponents of the capability approach argue that we should not only be interested in the positive functionings individuals can achieve; we should also consider to what extent there are risks to losing the achievement of said functionings. See Wolff and De-Shalit 2007, 60-70.

livability principle for the state system, I revisit the cases introduced above and utilize the evaluative resources of the capability approach to do so.

The capability approach helps to clarify why the mere provision of material resources may not be sufficient for the achievement of “being in a livable locality.” The capability approach indicates that possession of some resource does not guarantee that people have the same capacity to convert that resource into ends. For example, fresh water may be present and abundant in a particular location, but a person may not have anything to exchange for it, and/or they may lack access to the infrastructure that enables its collection. Consequently, they may be vulnerable to dehydration and their health and life is put at risk regardless of the presence of the resource. The important functioning of “being well-hydrated” or “being healthy” may not be achieved unless other factors that help transform the resource into a valuable state of being. Similarly, in the Bangladesh case, access to credit, income or wealth does not guarantee mobility outcomes which can guard against the impacts of changing sea-levels. In fact, having increased access to credit makes dangerous localities more “sticky,” and thus it increases the likelihood that coastal dwellers will be more subject to the climate-related impacts. In such a case, the achievement of “being in a livable place” has additional requirements than the provision of resources.

These additional elements include *conversion factors*, which influence the degree to which people can turn a material resource or goods into the opportunities to do things they have reason to value or to be the person they want to be.<sup>50</sup> According to the capability approach, there are different types of conversion factors that can play a role in determining opportunities and outcomes.

<sup>50</sup> Cf. Robeyns 2017, 45.

Social conversion factors include the norms, practices, policies, and power relations that emerge from one's society. Personal conversion factors are those elements or conditions internal to an individual such as their physical abilities or skills, and environmental conversion factors include aspects of the natural or built environment one occupies.<sup>51</sup> These can include such things as the presence of natural features, such as oceans or elements of the geographical location one is situated in. It can also include aspects of the built environment, like the durability of buildings and roads or communication infrastructure. To know what people are able to do and be, we need an analysis that includes these conversion factors, along with available resources, and the consideration of what opportunities and outcomes that are available.

The right to a livable locality could thus generate a normative demand to support policies or programs that help protect or restore people's ability to adapt to the new spaces they occupy. This requires restoring the co-constitutive relationship between bodies and the territories they occupy. To do so requires more than the provision of resources. For example, currently, the government of Bangladesh has argued that what is needed is policies aimed at improving people's livelihood and policies addressing labor markets. There has been a stated need to create opportunities for people in displacement hotspots to be recruited in industrial sectors in order to promote "livelihood diversification" and/or to encourage populations in vulnerable geographies to seek jobs in safe locations by facilitating skills training for impacted individuals.<sup>52</sup> Such interventions could provide relevant personal and social conversion factors that convert wealth and income into opportunities to overcome the 'stickiness' of the coast. In the case of the Philippines, this may require more than the provision of

<sup>51</sup> *Ibid.*, 46.

<sup>52</sup> See Siddiqui et al. 2015, 15.

permanent housing. It also requires addressing the potential loss of fishing-related activities that are part of the identity and livelihood of the residents of Tubigon. This could be achieved by ensuring a continued connection and use of the skills utilized in these activities in the territories people relocate to.

Additionally, policies which make social protections portable can help facilitate relationships to spaces without a loss of agency.<sup>53</sup> In Bangladesh, school-aged children displaced by climate impacts cannot be denied access to an education even if their school records have been lost.<sup>54</sup> The provision of such infrastructure can work towards ensuring that movement due to displacement does not perpetuate further instability when people must move into new spaces.

However, in the case of Bangladesh, if people are more likely to remain in vulnerable geographies close to the coast, then mechanisms to facilitate *in situ* adaptation are also required so that livability can be achieved in the absence of movement. *In situ* adaptation measures in Bangladesh would involve supporting a range of interventions contextualized by the conditions impacted populations find themselves in. For example, policy responses could focus on environmental conversion factors and make modifications to the build environment, such as improving the drainage systems in Bangladesh and repairing damaged flood embankments.<sup>55</sup> Such interventions would enable people to persist in their embodied relationships to space and guard against the uni-directional relationship in which the spaces people occupy constrain their actions and choices but are not responsive to adaptive changes people need to make to these spaces.

<sup>53</sup> Cf. Rigaud et al. 2018, 184.

<sup>54</sup> See Siddiqui et al. 2015, 20-21.

<sup>55</sup> See *ibid.*

An additional normatively relevant element - besides resources and conversion factors- which the capability approach illuminates are structural constraints. Different structural constraints, such as those upheld by social norms, policies, and institutions can affect the set of conversion factors a person encounters, which in turn impacts the degree to which resources can be translated into capabilities and functionings.<sup>56</sup> We can interpret some of the deprivations that compromise livability in the case of Kivalina in terms of structural constraints. Communities who are facing the need to relocate, such as Kivalina, have been impacted by a history of colonialism and practices of exploitative resource extraction which are antithetical to traditional subsistence ways. As Christine Shearer has argued, the rights of Alaska Natives were historically ignored due to colonial ideas of racial superiority. Their cultural values were judged to be “uncivilized” and people were compelled to reside in settled locations under threat of arrest.<sup>57</sup> Systems of for-profit resource extraction and accumulation further shaped social and political life and created class and gendered divisions within Alaska Native communities. For example, women make up few of the top corporate positions of extractive industries, and thus they are more dependent on the resources under corporate control.<sup>58</sup> Such dependency limits the opportunities of women in the community as they are not able to access decision making power over such resources. Kivalina residents are particularly impacted by a changing climate given their dependence on natural resources and the impacts of colonialism. This is especially true for women who, due to structural constraints have fewer options for employment.<sup>59</sup>

<sup>56</sup> Cf. Robeyns, 2017, 81.

<sup>57</sup> Cf. Shearer 2012, 69.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*, 72.

Like many Indigenous communities, Kivalina was forced to live in a geography vulnerable to climate change due to colonialism. Furthermore, historic racial, class, and gender inequalities continue to limit the community's political capacity to facilitate and fund relocation efforts. Additionally, there is ongoing lack of federal, state, and local government agencies needed to facilitate relocation efforts. Without a centralized structure, different agencies determine assistance on the basis of their own internal criteria so problems or disagreements can stall relocation efforts.<sup>60</sup>

Correlative livability obligations require the state system to address the structural constraints that result from the intersection of oppressive, exploitative, and unjust practices of colonialism – including forced relocation and corporate resource extraction. Given the important impacts structural constraints have on conversion factors, and the importance of conversion factors in achieving outcomes, understanding the relevant structural constraints are a significant part of a normative analyses that uses the functioning of livability the relevant evaluative metric. One way in which the embodied, relational way of “being” can be achieved for Kivalina's people, for example, is through mechanisms that allow for self-determination and greater deliberative participation in the decision-making process that governs relocation outcomes.<sup>61</sup> This is especially true for women and other marginalized genders. The obligation to facilitate increased practices of self-governance are due to the fact that climate-induced relocation cannot be separated from a legacy of land dispossession and forced relocation

<sup>60</sup> Cf. Maldonado et al. 2013, 603.

<sup>61</sup> As Kyle Whyte (2020) as argued, “there is need for a system of adequate responsibilities among these parties” and that such a systems of responsibility should include mechanisms for the community to exercise self-determination in relocation decisions as well as support for collective knowledge systems.



which has impeded the application of traditional knowledge to adaptation actions and choices.<sup>62</sup>

Given its consideration of capabilities, functionings, resources, conversion factors, and structural constraints, the capability approach helps to explain how the practice-based approach can evaluate whether states of affairs are better or worse in light of the opportunities people have to achieve the valuable functioning of livability.<sup>63</sup> We are prompted to consider that people differ in their ability to convert resources into outcomes (functionings) and the choices and opportunities to adapt to the spaces one occupies.<sup>64</sup>

Importantly, the capability approach directs our attention to a dynamism in the ways we relate to space and thus helps to illuminate the normative significance of such relations within the territorial state system. It draws our attention to the need to focus our normative evaluations beyond resources and include infrastructure, social and cultural institutions, the built and natural environment, as well as norms that help to construct the material contexts that condition our lived experience. It is for these reasons that it is a helpful lens for understanding the normative significance of livability in a climate mobilities justice framework. It elucidates how a livable locality includes the basic resources afforded by a stable climate niche as well as the social structures and institutions

<sup>62</sup> As Kyle Whyte summarizes, “lost too are the lessons Indigenous peoples learned across their histories of resistance and problem-solving having experienced different forms of resettlement before those associated with climate change today.” In addition to the loss of localities inexorably linked with identities and history, and a loss of material land or property, those who are impacted also are put in conditions of epistemic deprivation that may further hinder their adaptive capacities. Those who have experienced such deprivation due to colonial practices of displacement are vulnerable to compounding loss and instability. See Whyte 2020.

<sup>63</sup> Cf. Robeyns 2017, 52.

<sup>64</sup> See Sen 1992, 36-38.

which establish the conditions for pursuing membership and meaningful participation in the territorial state system while protecting against arbitrary exclusion from the system.

Furthermore, the capability approach recognizes human diversity given its focus on the range of conversion factors and on the contexts that affect these factors. It illuminates how these elements may vary across individuals, groups based on social characteristics, and communities. In this way it is explicitly context-sensitive in its normative analysis. This is advantageous for a justice-based framework that must attend to the plurality of ways in which unjust conditions may manifest in a given phenomenon, such as the one in which climate impacts generate negative mobility outcomes. It clarifies why a multi-faceted approach to addressing negative climate mobilities is needed, and why a diverse range of solutions may be necessary but not sufficient to discharge our obligation to those whose right to a livable locality is threatened by negative climate mobilities.

## IV

### **Limits of the right to a livable locality**

Given its consideration of capabilities, functionings, resources, conversion factors, and structural constraints, the capability approach helps to explain how the practice-based approach can evaluate whether states of affairs are better or worse in light of the opportunities people have to achieve the valuable functioning of livability.<sup>65</sup> We are prompted to consider that people differ in their ability to convert resources into outcomes (functionings) and the choices and opportunities to adapt to the spaces one occupies.<sup>66</sup>

<sup>65</sup> Cf. Robeyns 2017, 52.

<sup>66</sup> See Sen 1992, 36-38.

However, concerns may arise in connecting a right to a functioning in the way I have done within the practice-based approach to climate mobilities justice. For example, Margaret Moore formulates this concern in the context of developing an extensive theory of territory that is attentive to the morally significant relationships between people and place.

Moore identifies various types of wrongs involved in taking of land and expelling people from their communities and homes.<sup>67</sup> While she focuses specifically on cases of ethnic cleansing and related forms of expulsion, her discussion of addressing such deprivations could relate to losses experienced by those impacted by climate change. In addressing the wrong of unjust displacement, Moore argues that appeals to well-being may be problematic. In anchoring rights to well-being, Moore argues, such accounts risk being at odds with the lived experiences of people who maintain a sense of loss when their right to return is continuously denied.

According to Moore, such accounts problematically shift responsibility on to displaced people. She argues that considerations of well-being indicate that the inability to achieve a sense of well-being is shifted on to the displaced in the sense that “people are viewed as partially responsible for their failure to get over their loss.”<sup>68</sup> To avoid this entailment, she argues, accounts focusing on well-being would have to adopt a purely subjective account of well-being, in which case rectification of the wrong wouldn’t depend on addressing the nature of the wrong and would instead depend on how a person reacts to the new conditions they found themselves in.

<sup>67</sup> For Moore, the deprivations of such cases amount to deprivations of certain individual rights, group rights, as well as a denial collective self-determination. See Moore 2015, 139-161.

<sup>68</sup> Cf. *ibid.*, 141.

I grant that on my view, the right to a livable locality may be secured even in cases where people are not able to remain or return to places that are important for identity formation, knowledge, and cultural meaning. In this sense, an eradication of a sense of loss brought on by relocation away from a specific place may persist in some cases where the obligation is met. Stated differently, the right to a livable locality does not provide a guarantee to replicate an exact way of life. However, this seems at odds with my claim that part of what people can claim against the social practice of the state system are socio-cultural losses that are involved in the dynamic relationship people have to the spaces they occupy.

On the view I have argued for, a certain expectation of adaptation or change is built *into* the claim to a livable locality given the assumption that people's relationships to spaces do adjust according to relevant resources and conversion factors and as well as people's impacts on the spaces they inhabit. In some cases, people may have a claim to maintain a way of life, but such a claim can be advanced only if it is compatible with discharging their duty to others. Such a claim is incompatible because it relies on harms and violations of other's capacity to be in a livable space, or to have the capacity to sustain a co-constitutive relationship with the spaces they occupy.<sup>69</sup>

What matters, with regards to livability, is that adaptive choices and actions - which characterize the embodied, relational way in which "being" in a livable space - can support one's agency and

<sup>69</sup> Consequently, the right to a livable locality can constrain the claims of NIMBY ("not in my backyard") types whose claim to prevent certain spaces from changing. When such a refusal to change denies housing or other institutional resources to people who are rendered vulnerable to climate impacts, such a claim to a "particular way of life" can interfere with discharging the duty to others. I thank Annie Stilz for articulating the way in which the right to a livable locality may afford a particularized claim.

guard against the conditions of instability that are compromised when such agency is hindered. While certain exact relationships to institutions, resources, and communities may not be replicable, the right to a livable locality accounts for the importance of evaluating whether people have access to specific conversion factors that help to translate certain resources or forms of knowledge in ways relevant for livelihood and meaning formation.

In this sense, the practice-based theory of climate mobilities justice supports a defeasible claim to preventing cultural or identity loss where possible, especially *in toto* for individuals who are vulnerable to negative climate mobilities. And it provides an even stronger claim, where possible, to an environment that supports self-orchestrated evolution and adaptation. This may entail, for example, supporting a previously grouped people or community decent access to each other if they must relocate to a new setting, or ensuring that people’s knowledge and skills can be translated into the relevant sense of agency argued for above. This may happen through the facilitation of skill development, as exemplified in the Bangladesh policy example above, or it could amount to allowing members in a community to engage in interdependent choice-making practices in which cultural meaning has the potential to evolve and adapt. In other words, the right to a livable locality supports the claim so something like an ongoing constructive negotiation, where “continuity” of an individual’s livelihood, or the relationship to and within a community can remain dynamic.

## **An evaluative framework for policy development and governance mechanisms**

The task of institutional assessment and design is beyond the scope of this paper. However, I offer some suggestions regarding the kinds of considerations the obligations to protect the right to a livable locality raises. Regarding cases of movement, the UN community has suggested a soft law framework, akin to the Guiding Principles on Internal Displacement, that could allow the state system to address instances of internal and external migration.<sup>70</sup> Such a framework would draw from existing relevant laws and treaty obligations and would clarify how such mechanisms could apply to climate displacement.<sup>71</sup> The aim would be to create a set of guiding principles that would lead to an incorporation of such principles into domestic laws and policies. It could also lead to the creation of new multilateral tools. The proposal has been met with little support and a proposal for a preliminary ground plan was rejected by UNHCR's Standing Committee on the grounds that such strategies could not answer concerns such as state sovereignty or resource and capacity questions.<sup>72</sup>

The practice-based justificatory framework and conception of livability specifically addresses concerns regarding sovereignty as well as concerns regarding resources. As such, it may help to justify the adoption of such a strategy. According to the practice-based livability framework I have outlined, a state cannot avail itself of appeals to sovereignty for the purposes of justifying its decision

<sup>70</sup> See the Intergovernmental Event at the Ministerial Level of Member States of the United Nations on the Occasion of the 60th Anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness (7-8 December 2011), 'Background Note for the Roundtables', UN Doc HCR/MINCOMMS/2011/08 (18 November 2011).

<sup>71</sup> See Kälin and Schrepfer 2011.

<sup>72</sup> Cf. McAdam 2012b, 5.

not to accept climate-displaced persons if such acceptance is *necessary* for the legitimate exercise of that very right. Such claims are simply illegitimate. They are not reasonable “objections” to being asked to do more on the climate-displacement front. The basic right to a livable space, which climate-displaced persons can claim against the state practice, are simply not subordinate to the interest of members of aid-giving states. Furthermore, appeals to undue burdens are notably weak, especially when advanced by well-off, democratic states. Such states benefit significantly from the organization and structure of the practice of the territorial state system and have disproportionately contributed to anthropogenic climate change.

In helping to fulfill practice-based obligations, these states may and must take on costs. Given their associative relationship, a state’s objection to providing for the basic rights for people vulnerable to negative climate mobilities is hard to justify. As I have demonstrated, adjustment and adaptation costs are high for those who are not longer able to “be” in a livable space. The consequences of failing to adapt amount to threats of exclusion and the ability to exist. Concerns regarding impacts to a host state, for example, could be addressed through assessments of the adjustment benefits and costs of adaptation in light of the relevant resources as well as conversion factors available to those in receiving communities as well as migrants moving to new territories.

In the case of facilitating in situ adaptation, the right to a livable locality may entail an obligation for states, primarily high-emitting states, to facilitate transfers of monetary and related support for the development of relevant conversion factors necessary for adaptation efforts in other countries. The Green Climate fund, a fund managed under the current United Nations Framework on Climate Change, is currently an underutilized tool which could be

a mechanism by which the international state system can distribute the responsibility to discharge the obligations attached to livability.<sup>73</sup> The right to a livable locality can demand that contributions to such funding efforts are not merely voluntary or based in humanitarian considerations. Rather, mandatory contributions are one way in which the state system can address the consequences of exclusion that emerge because of the state system's organizational structure and how it is impacted by conditions of climate instability. In this sense, the state system can work to address the unjust distribution of risk to the unstable consequences of losing the ability to "be" in a livable space.

## VI

### **Considerations for climate justice**

My aim in conceptualizing livability as a functioning has been to explore how the right to a livable locality on the practice-based framework of climate mobilities justice can account for the full spectrum of climate mobility outcomes and be attentive to the complexity involved when embodied human subjects are prevented from being in livable spaces. Livability, conceptualized as a functioning, accounts for the various ways in which negative climate mobilities may be experienced. It does so without necessitating that one specific or homogenous experience ought to characterize how we frame the moral challenge to address the impacts of a shifting human climate niche on human well-being.

<sup>73</sup> As Olufemi O. Taiwo explains, while rich nations have pledged to raise \$100 billion, the Green Climate Fund, there has been a failure to follow through on these commitments. Further, the funding target for the fund is woefully inadequate to address the loss and damages incurred by vulnerable geographies. See Taiwo 2022, 177.



In this paper I have primarily focused on how livability can support our justice-based considerations of how people's mobilities are impacted by climate change. In doing so, I have demonstrated that a practice-based approach to climate mobilities justice can meet the task of providing an evaluative framework and a principled means by which we can respond to the challenges posed by a changing climate niche. Identifying justice-based obligations to address negative climate mobility outcomes requires a normative framework that is generalizable yet comprehensive enough to address the diversity of contexts from which mobility outcomes arise.

What broader considerations about justice for a shifting climate niche does livability and climate mobilities justice engender? For one, it centralizes the need for us to consider how the distribution of climate impacts is not merely environmental. Where and how we are situated and impacted by the shifting and shrinking climate niche is not incidental. This positionality and relationship to the spaces we occupy results from the way we are distributed within a territorially based social practice that is all-encompassing and possibly exclusionary. As we move towards addressing the interlocking injustices and challenges that characterize planetary change, including the daunting task of develop climate mobilities policy, the livability framework prompts us to consider that justice requires multi-faceted approaches that expand how we conceptualize adaptation obligations to better account for the material and dynamic relationship between people and the places they occupy.

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