DEVELOPING ENVIRONMENTAL LAW PRINCIPLES INTO A PROTECTION REGIME FOR CLIMATE REFUGEES

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Addressing the Problem: Approaches

- Expansion of existing body of international refugee law
- Creation of a *sui generis* legal regime
- ‘Piggy-backing’ on an existing legal regime
Advantages of ‘Piggy-Backing’
International Environmental Law

- Legal foundations/principles
- Approach to legal rights
- Financing mechanisms
Applicable Legal Principles of International Environmental Law

- Common but differentiated responsibilities
- Sustainable development
- Responsibility not to cause transboundary harm
- ‘Polluter pays’
Approach to Legal Rights

- Problems of an ‘individualised’ approach to rights
  - Refugee law
  - Human rights

- Collective rights
  - ’Hot spots’
  - State-based rights
Financing Mechanisms

- Neither refugee law nor human rights offers much in the way of financing

- UNFCCC
  - *Green Climate Fund*
  - *Global Environmental Facility*
  - *Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts (WIM)*
Institutional Co-operation

- ‘Cross-governance’
  - *Inter-Agency Standing Committee*
  - *WIM*
    - Task Force on Displacement
  - *Nansen Initiative/Platform for Disaster Displacement*
  - *IOM Migration, Environment and Climate Change Division*

- All roads appear to lead back to the UNFCCC process

- Global Compact on Migration – prospects?