



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?

