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The international legal protection of environmental refugees: a human rights-based, security and state responsibility approach

Vliet, J.M.M. van der

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The International Legal Protection of Environmental Refugees

The International Legal Protection of Environmental Refugees

A human rights-based, security and State
responsibility approach

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Promotor: prof. dr. N.J. Schrijver
prof. dr. ir. J.J.C. Voorhoeve

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prof. dr. E.M.H. Hirsch Ballin (Tilburg University en
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prof. dr. C.J.M. Arts (Erasmus Universiteit Rotterdam)

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The local tribe I lived with while working in Kakuma was hugely affected by the presence of then 70.000 refugees in an area that was already prone to drought. Compared to the refugees, the law seemed to offer much less protection to the local tribe. Here lies the seed of this study. In this book my interest in forced displacement and the protection of vulnerable people against environmental degradation are combined in the search for international legal protection regimes for environmental refugees. During the realization of this work, a growing awareness of climate change and the migration crisis has sparked a surge of academic interest in the topic. It has been an absolute pleasure to join in the journey of many academics exploring this new and important field of research.

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List of abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ACHR	American Convention on Human Rights
ACmHPR	African Commission on Human and Peoples' Rights
Cartagena Declaration	Cartagena Declaration on Refugees
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention for the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
COP	Conferences of Parties
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DEVAW	Declaration on the Elimination of Violence against Women
DFDR	Development-Forced Displacement and Resettlement
DID	Development Induced Displacement
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
ETO	Extraterritorial Obligations
EEZ	Exclusive Economic Zone
ESC	European Social Charter
EU Temporary Protection Directive	Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof
FIDH	International Federation for Human Rights
FPIC	Free, Prior and Informed Consent
Global Compact for Migration	Global Compact for Safe, Orderly and Regular Migration
GHG	Greenhouse Gas
Great Lakes Pact	Pact on Security, Stability and Development in the Great Lakes Region
Guiding Principles	UN Guiding Principles on Internal Displacement

HRC	Human Rights Committee
IACmHR	Inter American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IDP	Internally Displaced Person
IDP Framework	Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons
IDP Protocol	Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons
IDP Protocol	Protocol on the Protection and Assistance to Internally Displaced Persons
IGO	Intergovernmental Organization
ILA-Climate Change Principles	ILA Articles on Legal Principles Relating to Climate Change
ILC-DAPTH	ILC Draft articles on Prevention of Transboundary Harm from Hazardous Activities
ILC-DASR	International Law Commission Draft Articles on the Responsibility of States for Internationally Wrongful Acts
ILC-Draft Articles	International Law Commission Draft Articles on the protection of persons in the event of disasters
ILO	International Labour Organization
IOM	International Organisation for Migration
IPCC	Intergovernmental Panel on Climate Change
ITLOS	International Tribunal for the Law of the Sea
Maastricht Principles	Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights
MDG	Millennium Development Goal
MFHR	Marangopoulos Foundation for Human Rights
MOX	Mixed OXides
NAPAs	National Adaptation Programmes of Action
NGO	Non-governmental Organization
MNE	Multinational Enterprise
NNPC	Nigerian National Petroleum Company
OAS	Organisation of American States
OAU Convention	OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Refugees
Operational Guidelines	Operational Guidelines on Human Rights and Natural Disasters

Paris Agreement (PA)	Agreement of Paris on Climate Change
PCA	Permanent Court of Arbitration
Refugee Convention	Refugee Convention relating to the Status of Refugees
RSDP	Refugee Status Determination Procedure
RTPSD	Right to Promote Sustainable Development
SBT	Southern Bluefin Tuna
SDG	Sustainable Development Goal
SERAP	Socio-Economic Rights and Accountability Project
SIDS	Small Island Developing States
UDHR	Universal Declaration of Human Rights
UN Charter	Charter of the United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCLOS	UN Convention on the Law of the Sea
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDRR	United Nations Office for Disaster Risk Reduction
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	General Assembly of the United Nations
UNHCR	United Nations High Commissioner for Refugees
UNISDR	United Nations International Strategy for Disaster Reduction (currently UNDRR)
WIM	Warsaw International Mechanism for Loss and Damage