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

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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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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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Table of contents

LIST OF ABBREVIATIONS	XIII
1 INTRODUCTION	1
1.1 Objective of the study	2
1.1.1 Overall study objective	2
1.1.2 Basic premises of the study	3
1.1.3 Academic and societal contribution of the study	4
1.1.4 Added value of the study compared with existing research	4
1.2 Structure and research questions	6
1.3 Methodology	7
1.4 Scope and limitations	8
PART I – CONCEPTUALIZING ENVIRONMENTALLY FORCED MIGRATION	9
2 THE CONCEPT OF THE ENVIRONMENTAL REFUGEE	11
2.1 Framing the concept of environmental refugees	12
2.1.1 Early academic research	12
2.1.2 Acceptance of the concept by stakeholders	15
2.1.3 The scope of <i>ratione personae</i> and <i>materiae</i>	20
2.1.4 Working definition	26
2.2 Types of environmental refugees in this research	31
2.2.1 Sudden-onset disasters	33
2.2.2 Slow-onset disaster	35
2.2.3 Armed conflict	41
2.2.4 Environmental contamination	43
2.2.5 Planned resettlement	45
2.3 Approaches to environmental refugees	47
2.3.1 The rights-based approach	47
2.3.2 The security approach	48
2.3.3 The responsibility approach	51
2.4 Conclusion	52
PART II – THE INTERNATIONAL LAW FRAMEWORK	55
3 THE RIGHTS-BASED APPROACH	57
3.1 The human rights framework	57
3.1.1 General limitations of the human rights framework	60
3.1.2 Substantive rights	61

3.1.3	Procedural rights	92
3.1.4	Vulnerable groups	102
3.2	The Internally Displaced Persons framework	120
3.2.1	The Guiding Principles on Internally Displaced Persons	121
3.2.2	Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons	123
3.2.3	Regional regimes on IDP protection	124
4	SPECIFIC PROTECTION POSSIBILITIES FOR DIFFERENT TYPES OF ENVIRONMENTAL REFUGEES WITHIN THE RIGHTS-BASED APPROACH	129
4.1	Sudden-onset disasters	129
4.1.1	The human rights framework	129
4.1.2	The Internally Displaced Persons framework	135
4.1.3	Conclusion on sudden-onset disasters	138
4.2	Slow-onset disasters	139
4.2.1	The human rights framework	140
4.2.2	The Internally Displaced Persons framework	143
4.2.3	Loss of State territory and the legal framework	146
4.2.4	Conclusion on slow-onset disasters	149
4.3	Armed conflict	150
4.4	Environmental pollution	150
4.4.1	The human rights framework	150
4.4.2	The Internally Displaced Persons framework	155
4.5	Planned resettlement	156
4.5.1	Out of harm's way	158
4.5.2	Development displacement	160
4.5.3	Forced evictions	164
4.5.4	Conclusion	165
5	THE SECURITY APPROACH	167
5.1	Cross-border migration	168
5.1.1	The Refugee Convention relating to the Status of Refugees	169
5.1.2	Regional refugee instruments	174
5.2	Complementary forms of protection	176
5.2.1	Non-refoulement	177
5.2.2	Other forms of complementary protection	189
5.2.3	Conclusion on cross-border migration	194
5.3	Internal migration	195
6	SPECIFIC PROTECTION POSSIBILITIES FOR DIFFERENT TYPES OF ENVIRONMENTAL REFUGEES WITHIN THE SECURITY APPROACH	199
6.1	Sudden-onset disasters	199
6.1.1	Refugee protection	199
6.1.2	Non-refoulement	201
6.1.3	Temporary protection	202
6.1.4	Internal migration	203

6.2	Slow-onset disasters	203
6.2.1	Refugee protection	203
6.2.2	Non-refoulement	204
6.2.3	Temporary protection	205
6.2.4	Internal migration	205
6.2.5	Low-lying small island States	206
6.3	Armed conflict	213
6.4	Environmental pollution	214
6.5	Planned resettlement	214
7	THE RESPONSIBILITY APPROACH	217
7.1	Responsibility under the climate regime	218
7.1.1	Human mobility in the climate change negotiations	225
7.2	Responsibility under the UN Convention on the Law of the Sea	230
7.3	Responsibility under international human rights law	234
7.4	Responsibility under general principles of public international law	241
7.4.1	The 'no-harm' principle	242
7.4.2	The precautionary principle	255
7.4.3	The polluter pays principle	258
7.4.4	The principle of common but differentiated responsibilities	260
7.4.5	Transparency, public participation and access to information and remedies	264
7.5	Invoking State responsibility	267
7.5.1	Forum and standing	269
7.5.2	Damaging activity and attribution	274
7.5.3	Causation	275
7.5.4	Allocation of loss	283
7.6	The principle of sustainable development	291
7.6.1	The Sustainable Development Goals	296
8	SPECIFIC PROTECTION POSSIBILITIES FOR DIFFERENT TYPES OF ENVIRONMENTAL REFUGEES WITHIN THE RESPONSIBILITY APPROACH	299
8.1	Sudden-onset disasters	299
8.2	Slow-onset disasters	300
8.3	Armed conflict	301
8.4	Environmental contamination	301
8.5	Planned resettlement	303
9	GENERAL CONCLUSION ON THE LEGAL INTERNATIONAL FRAMEWORK	307
9.1	Conclusion on the rights-based approach	307
9.2	Conclusion on the security approach	308
9.3	Conclusion on the responsibility approach	309

PART III – CREATIVE INTERPRETATION AND EXTRAPOLATION	311
10 THE RIGHTS-BASED APPROACH	313
10.1 Right to a healthy environment	314
10.1.1 A freestanding right to a healthy environment	315
10.1.2 Substantial rights presupposing a healthy environment	316
10.1.3 Rights of nature	318
10.1.4 The environment as a public good within the context of economic and social rights	320
10.2 Procedural rights	321
10.2.1 Right to information	321
10.2.2 Right to public participation	322
10.2.3 Right to remedy	324
10.3 Positive extraterritorial State obligations	324
10.3.1 Transboundary harm	326
10.3.2 Duty of cooperation	331
10.3.3 R2P	337
10.4 Internally displaced persons	341
11 THE SECURITY APPROACH	343
11.1 The refugee framework	343
11.1.1 Broader interpretation of the Refugee framework	343
11.1.2 Extension of the Refugee Convention	348
11.1.3 The Global Compact on Refugees	350
11.2 The complementary protection framework	351
11.2.1 Non-refoulement	351
11.2.2 Temporary protection	356
11.2.3 Subsidiary protection	357
11.3 Voluntary migration	359
11.3.1 The Global Compact for Safe, Orderly and Regular Migration	360
11.4 Development of new instruments	362
11.4.1 Drafting a new convention	364
12 THE RESPONSIBILITY APPROACH	367
12.1 International Environmental law	368
12.2 Human rights	368
12.3 Responsibility	370
12.3.1 Loss and damage	372
12.3.2 Compensation funds	372
12.3.3 Insurance	375

PART IV – COMBINING APPROACHES	377
13 OVERLAPPING APPROACHES	379
13.1 The rights-based and security approach	381
13.2 The rights-based and responsibility approach	384
13.2.1 Justice	389
13.3 The security and responsibility approach	394
14 A CONTEXT-ORIENTED AND DYNAMIC INTERPRETATION FOR DIFFERENT TYPES OF ENVIRONMENTAL REFUGEES	397
14.1 Sudden onset disasters	398
14.2 Slow-onset disasters	400
14.3 Armed conflict	402
14.4 Environmental contamination	403
14.5 Planned resettlement	404
15 GENERAL CONCLUSION	405
SAMENVATTING (Dutch Summary)	417
BIBLIOGRAPHY	425
TABLE OF TREATIES	445
TABLE OF CASES	457
CURRICULUM VITAE	463

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