

Climate Change Migration and Tribunals – From Migration to Litigation: Will Courts Save the Day

Biographies and Abstracts

Thursday 10 June 2021

Summudu Attapatu LLM, PhD (Cambridge), Attorney-at-law (Sri Lanka) is the Director of Research Centers and International Programs at University of Wisconsin Law School. She is affiliated with UW-Madison's Nelson Institute for Environmental Studies, Global Health Institute, the Center for South Asia, and the 4W Initiative, and is the Executive Director of the Human Rights Program. She is also the Lead Counsel for Human Rights at the Center for International Sustainable Development Law; and affiliated faculty at the Raoul Wallenberg Institute for Human Rights, Sweden. She has published widely including several books on climate change and human rights, international environmental law, and environmental justice. Before moving to the USA, she was a senior lecturer at Faculty of Law, University of Colombo, Sri Lanka, and a consultant to the Law & Society Trust, Colombo.

Abstract:

Much ink has been spilled by scholars on displacement associated with climate change, popularly called "climate refugees," recognising the need to address the protection gap relating to them. In early 2020, the UN Human Rights Committee rendered a decision on climate refugees that offered a glimmer of hope to those who have, for many years, pointed to the need to address the 'protection gap.' In recognising that adverse consequences relating to climate change could, in some instances, trigger the application of the principle of non-refoulement, the UNHRC opened the door to possible claims under complementary protection. In this presentation, I look at this decision (*Teitiota v. New Zealand*) and its implications for future claims.

Scott Leckie is an international human rights lawyer and Director and Founder of Displacement Solutions a global not-for-profit NGO dedicated to resolving displacement generated by global warming and climate change. (<http://www.displacementsolutions.org>). He manages the One House, One Family initiative, a project in Bangladesh building homes for climate-displaced families. He has worked in more than 80 countries and regularly advises a number of United Nations agencies on housing, land and property rights issues. He was the driving force behind more than 100 UN and other normative standards, including the Peninsula Principles on Climate Displacement Within States. He has written 25 books and over 250 articles and reports and has taught in various top-100 universities and law schools around the world, including the world's first law school course on climate change and displacement which he now teaches at Monash Law in Melbourne, Australia.

Camilla Schloss is a judge at the administrative court of Berlin where she decides mainly on asylum and immigration cases. Prior to becoming a judge, she led analysis on gender and land regulatory reforms at the World Bank (Project Women, Business and the Law). She holds a Master's degree in International Development from Sciences Po, Paris and an LLM from Georgetown University. Her research focuses on the intersection of displacement, disasters and climate change.

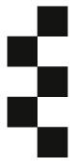
Abstract:

I investigate the type of protection that has been granted by German courts for persons displaced in the context of disasters and climate change. In Germany, neither refugee nor subsidiary protection is currently granted in this context. But my research shows that in several cases German courts have addressed the situation of persons displaced in the context of disasters in a very detailed manner when evaluating a ban on deportation – regulated in the German Residence Act in conjunction with Art. 3 ECHR. While not regarded as a conclusive element on their own, disasters seem to support requests for a ban on deportation. The German cases are examples of how protection might be possible outside the Refugee Convention and the subsidiary protection provisions of the Qualification Directive.

Matthew Scott is head of the People on the Move thematic area at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden. His area of expertise lies in legal and policy responses to internal and cross-border displacement in the context of disasters and climate change. In this space, he has published a monograph with Cambridge University Press entitled *Climate Change, Disasters and the Refugee Convention*, an edited volume with Routledge entitled *Climate Change, Disasters and Internal Displacement in Asia and the Pacific: A Human Rights-Based Approach*, along with a range of book chapters and academic articles on the subject. He is a member of the advisory committee of the Platform on Disaster Displacement, a member of the editorial board of the Yearbook of International Disaster Law, and a founding member of the Nordic Network on Climate Related Displacement and Mobility, and the Gothenburg, Lund, Uppsala Migration Law Network. He holds a PhD in Public International Law from Lund University, and a Masters degree in Social Anthropology of Development from the School of Oriental and African Studies at the University of London.

Avidan Kent is an Associate Professor at the University of East Anglia, a Fellow with the Centre for International Sustainable Development Law, and a Member of the Tyndall Centre for Climate Change Research. He has written/edited books, reports, journal articles and chapters on a varied list of topics, including Climate-Induced Migration, International Environmental Law, Public Participation, International Courts and International Economic Law (mostly Investment Law and WTO Law). Avidan holds an LLM from McGill University, and a PhD from the University of Cambridge.

Simon Behrman joined the Law School from the University of East Anglia. Previously he taught at Birkbeck, University of London, where he completed his LLB, MRes and PhD. He earlier studied for a BA in English and Politics in New York. Simon's doctoral thesis, entitled 'Freedom from Seizure: Asylum and Law', provides a genealogy of asylum from classical times up to the medieval period, a historical traversal of refugee law over the past two centuries, and detailed critical analysis of the US Sanctuary Movement. The research for this project encompassed a wide range of disciplines including ancient and modern history, theology, political theory as well as law.



University of Essex

Simon has published work on refugee law, policing and the use of force, and on the work of Giorgio Agamben. In recent years he has presented his work at academic conferences in the UK, USA, Colombia, Poland, Egypt, Australia, India and Turkey. In 2008-2009 he was an intern at the NGO Rights Watch (UK). There he conducted detailed research into the inquest into the killing of Jean Charles De Menezes, and the history of police killings in Northern Ireland. This work resulted in a research paper for Rights Watch (UK). In 2012 Simon spent five months as a research scholar at the John W. Kluge Center at the Library of Congress, Washington D.C., studying the US Sanctuary Movement and the Sans-Papiers in France.

Simon is currently involved in a joint research project on 'climate refugees' together with Dr Avidan Kent at the University of East Anglia.

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