



Szymon Kucharski

**SOLUTION HIDDEN IN A GLASS OF WATER: ACCOMMODATING FORCED CLIMATE MIGRATIONS
IN INTERNATIONAL LAW**

MPIL Agora

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The phenomenon of climate migrations has been a subject of an extensive research by social sciences. Accordingly, it is safe to admit that, from an ethical and political perspective, the international community has a duty to aid climate migrants, especially those in most precarious conditions. Simultaneously, international legal doctrine steadily maintains that international protection to those persons remains inaccessible. As the case of *Ioane Teitiota v. New Zealand* proved, this statement holds true in the understanding of national and international bodies.

Numerous propositions to fill that void have been presented, but none of them have fully grasped the subtleties of international refugee law, and the needs of climate migrants. The legal construct suggested by this research links together the emerging human right to water and the non-refoulement principle. According to several studies, lowered water security is a common experience for persons affected by the majority of various different effects of global warming. Followingly, access to this substance could be used as a litmus test to assess the foreseeable conditions in the regions of origins of climate migrants. This could be conducted by interpreting the traditional non-refoulement principle in relation to the emerging human right to water. Effectively, international protection systems would be more appropriately suited for the arrival of forced climate migrants.

Nonetheless, more does not equal fully adequate. In the more ambitious take, new instruments could regulate the wide range of mobility scenarios of communities affected by climate change. As this presentation will argue, international treaties concluded by the EU with climate-vulnerable third countries, on the subject of inter alia climate migrations, could most appropriately create a resilient interregional strategy on that matter, built on solidarity, cooperation, and forward-looking responsibility.



About the Speaker

Szymon Kucharski (S.K.J.) is a PhD Candidate at the Jagiellonian University's Doctoral School for Social Sciences (Kraków, Poland), holding degrees from the Jagiellonian University (MA in Law, BA in International Migrations), and from the Rijksuniversiteit Groningen, Netherlands (LLM in International Human Rights Law). He is an Associate of the Jagiellonian University's Centre for Human Rights. The current research project that he conducts has been co-funded by the Strategic Programme Excellence Initiative at Jagiellonian University, and by the Ryoichi Sasakawa Young Leaders Fellowship Fund. His main research interests include migration studies, international refugee law, international human rights law, and international climate law.

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