

Protection of the Rights of Climate Refugees and Pathways to Redress

Jie Deng^{1, *, †}, Yun Jiang^{2, †}, Yuanyuan Li^{3, †}

¹Jilin University, Changchun, China

²109 Park Avenue Apt 227, Raleigh, North Carolina

³East China University of Political Science and Law, Shanghai, China

*Corresponding author: Yli237@ncsu.edu

†These authors contributed equally.

Abstract. Among the many issues brought about by climate change, the issue of climate refugee rights protection is one of the most important focal points. Nevertheless, climate refugees are not included in the definition under international refugee law whose legal status is unclear and whose rights protection faces many challenges. For example, the lack of international legal framework, the lack of clarity on the responsibilities of States, and the limitations of the current protection mechanism of United Nations High Commissioner for Refugee. Therefore, the protection of the rights of climate refugees should be based on existing international law. This should also combine with the protection of international human rights law, establishment of an international convention for the protection of climate refugees, relief fund for climate refugees, and improvement the judicial relief system for climate refugees. Meanwhile, China should also be proactive, actively promote relevant domestic and international legislation, strengthen relevant international special cooperation, and contribute to the protection of the rights of climate refugees.

Keywords: Climate Refugee; International Law; Migration; Adaptation.

1. Introduction

Currently, the increased certainty of global warming has brought many adverse effects to the natural environment. For example, extreme weather is rampant, desertification is increasing as well as frequent droughts and floods, and the climate is becoming increasingly extreme and unpredictable. Consequently, the territories of many countries are no longer habitable for long-term human habitation because of extreme climatic conditions. In particular, they are submerged due to rising sea levels caused by climate warming. As a result, their nationals are forced to migrate out of their home countries, either actively or passively. Migrants can be divided into two categories based on whether they cross national borders: One is International Displacement where a person is forced to move from one region to another within a country [1]. Another is Migrants or Refugees who migrate across borders. The United Nations Institute for Environment and Human Security (UNU-EHS) had conducted an assessment of climate change-induced transnational migration of nationals from small Pacific Island states such as Tuvalu and Nauru. It had been demonstrated that these low-lying atolls, small island states with limited natural resources, were more vulnerable to disasters. The reason for this is that their natural geological properties and the objective reality of being a developing country (lack of financial resources and technology) make such countries more vulnerable [2].

The term "climate refugees" in this essay refers to individuals or groups who are forced to migrate because of climate change. They will face a greater risk of survival during their migration and after arriving in the country of migration, and will need more and higher priority of rights protection. However, climate refugees are not a term used in international law, and the issue of climate refugees is not only a social phenomenon, but also a new challenge to global climate governance in the new era. This has given rise to a series of difficult issues in international law. For example, how do climate refugees differ from traditional refugees and can they be classified under the concept of traditional refugees? Causes of victimization of climate refugees, etc. This essay will attempt to provide preliminary answers to these focal these issues.

2. The climate refugees

2.1 Definition and characteristics of climate refugees

Since the industrial revolution, international society has experienced rapid political and economic development that has significantly improved the higher quality of human life. Along with the economic development, environmental protection cannot be neglected as well. Authoritative climate science evidence has shown that the increasing uncertainty of global warming has brought many adverse effects to the natural environment [3]. Such as melting of glaciers and ice caps, sea level rise, desertification and salinization of soil, and frequent occurrence of other extreme climate disasters such as droughts, floods, and hurricanes. In particular, sea level rise has caused some coastal countries or regions as well as small island countries with lower sea levels to be partially or completely submerged, forcing local residents to migrate to other countries. In 2002, the term "climate refugees" was introduced in the the Intergovernmental Panel on Climate Change (IPCC). The term "climate refugees" came into widespread use in 2005, when Hurricane Katrina forced some Louisiana residents to leave their homes [4].

In summary, this essay defines a climate refugee as a person who is forced to permanently cross-national borders to survive due to irreversible damage to the environment on which he or she depends because of man-made or natural causes of climate change. Specifically, climate refugees have the following characteristics. First, climate change-induced environmental damage is the leading contributor to the creation of climate refugees. Second, refugee migration is forced. Third, migration must cross national borders. It is worth noting that some scholars have pointed out that people who are affected by climate change and migrate within a country are also climate refugees, but this view has a relatively weak international dimension. While this is a factual expansion of the scope of climate refugees, it also increases the uncertainty of climate refugees [5]. Finally, climate refugees must be permanently displaced. The reason for this is the devastating destruction of the original living environment, and the possibility of the people concerned wanting to move to their original place of residence is slim.

2.2 The necessity of international law safeguards for climate refugees

First, international law safeguards for climate refugees can call for the attention of all humanity to the problem of climate deterioration. Authoritative climate science evidence shows that the increased certainty of global warming in climate change has brought many adverse effects to the natural environment. For example, ocean currents have changed; extreme weather is raging around the world and desertification is increasing [5]. Therefore, strengthening international law safeguards for climate refugees will help countries around the world to pay more attention to the global climate deterioration.

Second, international law safeguards for climate refugees help safeguard human rights as well as promote the stability and development of the international order. The essence of climate refugees is the violation and relief of rights. Some coastal countries or regions, as well as some small island states, have been or will be submerged in part or all of their territory, and the ecological environment in which they live have been severely damaged and is no longer suitable for human habitation. This threatens the availability and fulfillment of all basic human rights, including the right to life, health, and property. For example, in 2003, 63 Inuit from the polar regions filed a lawsuit directly with the Inter-American Commission on Human Rights, asking the Commission to recognize that warming caused by U.S. greenhouse gas emissions directly violates many of their fundamental human rights, including the rights to culture, property, life, ect [6]. Although the claim was ultimately dismissed, it drew the attention of the international community to explore the issue of climate change and human rights. In 2017, the UN Human Rights Council organized an in-depth discussion among state and non-state actors on "The Relationship between Human Rights, Climate Change and Cross-Border Migration, Displaced Persons" and concluded that "Climate change affects the enjoyment of a wide range of human rights by millions of people." In 2018, the UN Human Rights Committee first articulated the general relationship between climate change and the right to life under Article 6 of the International

Covenant on Civil and Political Rights in its general comment on the right to life, that "environmental damage, climate change, and non-sustainable development pose the most urgent and serious threats to the human capacity to enjoy the right to life"[7]. It is important to note that climate refugees fleeing their homelands due to climate impacts are not doing so of their own volition, but rather due to an existential crisis that does not even guarantee their most basic right to survive. Therefore, they may be subjected to external hostility from other countries during their migration, have difficulty in obtaining food, water, and other survival materials, and may face a series of threats such as human trafficking, arbitrary detention, and violent attacks at any time. In the face of serious natural disasters or public health incidents, their rights are even more difficult to be guaranteed. Accordingly, it is necessary to speed up the international law guarantee for climate refugees in order to safeguard human rights and promote the stability and development of international order.

3. The current situation and dilemma of climate refugee rights protection

3.1 The current situation of climate refugee rights protection

Climate refugees that caused by extreme climate and the rise of sea level are mostly from African and Asian countries, while climate refugees from Latin America are facing a severe water scarcity and drought risk. The impact of sea-level rise on small islands is significant, yet these regions are less populated than Africa, Asia, and Latin America, and generate relatively small numbers of refugees compared to the total refugee population [8]. Most refugee movements are confined to their own countries and regions, and with increasing climate change, international movements are expected to increase dramatically [9]. Currently, some countries such as New Zealand and Australia have signed treaties with Pacific Island countries that are in danger of sea level rise to provide employment, education, and health care for immigrants from these island countries [10].

The protection of climate refugees is not yet explicitly regulated by international law. The international refugee law was designed to protect the victims of forced migration. Without taking into account the conditions caused by environmental damages, some regional conventions extend protection to refugees fleeing from their living place due to a serious disturbance of public order in their place of residence [11]. For example, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa established by the African Refugee Organization, and the 1984 Cartagena Declaration on Refugees both cover the protection of refugees fleeing due to serious disturbances of public order. Although this initiative was not originally developed for climate refugees, the expanded scope was gradually applied to climate refugee protection as the severity of the problem increased. UNHCR supplemented the Climate change and disaster displacement in the Global Compact on Refugee in March 2019 with a call for guidance and assistance to address protection and humanitarian challenges, specifying specific measures to assist people displaced by climate change [12]. Meanwhile, UNHCR had deployed teams to assist with extreme weather relief efforts in some areas, resettlement of refugee families, and provision of basic livelihoods such as sanitation and drinking water. However, these humanitarian assistance activities are mostly short-term relief. As seeing from these current situations, the protection of the rights of climate refugees is currently only relying on marginal protection in regional conventions and inter-state agreements. The UN action is only at the stage of appeal and short-term relief, and international law also does not clearly define the obligations of states.

3.2 The dilemma of protecting the rights of climate refugees

First, there is an absence of an international legal framework for climate refugee protection. As we mentioned before, climate refugees are not included in the definition under international refugee law whose legal status is unclear. Although there is marginal protection for climate refugees in some regional conventions, there is a lack of a coherent framework for climate refugee relief due to the difficulty of reaching a consensus among countries on climate refugee protection issues. For example, many countries are reluctant to accept climate refugees based on their own interests. This has also led to a frequent stalemate in international negotiations on the establishment of a legal framework for

climate refugee protection [13]. Even if climate refugees enter other countries legally or illegally, their basic rights, such as the right to life and health, are hardly guaranteed. Under these circumstances, climate refugees also face difficulties in obtaining compensation through legal proceedings. The most disadvantageous condition for climate refugees in an action based on climate change liability is the complexity of proving the causal link between the emission of greenhouse gases in one country and the exposure of another country to the effects of climate change.

Second, there is a lack of clarity about the refugee rights protection responsibilities that States should assume. Although the concept of "common but differentiated responsibilities" was introduced by the UNFCCC to address climate change, this principle has been applied mainly to combating pollution and limiting greenhouse gas emissions, and there is no law or convention linking it to the issue of climate refugees. Not only are there academic disagreements among climate ethicists on issues such as a historical responsibility, the Polluter Pay Principle, and relative capacity, but the actual measures and attitudes toward responsibility vary from country to country [14]. Currently, the only binding principle in international law is the principle of "non-refoulement," which prohibits the States from deporting individuals seeking asylum to areas where they may face persecution. However, this principle has been circumvented by some countries by blurring standards [15] and preventing refugees from entering their territory [16].

Third, UNHCR's current protection mechanisms are constrained in various ways. UNHCR, as an international organization rather than a sovereign state, cannot take in refugees on its own initiative and its relief activities relies on the cooperation of other sovereign states. The increase in the number of climate refugees and funding constraints has also resulted in the need for refugee resettlement being much greater than what UNHCR can help with. In addition, in the context of any unexpected disasters and climate change, the guidance provided by UNHCR is only an overview annual report and does not provide tailored guidance based on specific events [17].

4. Pathways to International Law Protection for Climate Refugees

4.1 The International Law Basis for Building a Climate Refugee Mechanism

First, International Human Rights Law. The principle of the universality of human rights is the legal basis for the protection of climate refugees from a human rights perspective. Human rights are fundamental rights that are inherent in life and cannot be arbitrarily denied while the violation of these rights leads climate refugees to seek remedies under international law. After the World War II, international human rights law has been comprehensively developed, and a series of international, regional and special treaties on human rights protection have been formed. The implementation and monitoring mechanisms of international human rights treaties have been gradually established and improved [18]. This provides the minimum standards and requirements for States to meet their human rights obligations, and also serves as the international legal basis for the protection of climate refugees.

The 1945 Charter of the United Nations states that the purpose of the United Nations is "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion." [19]. And in Article 55, "the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." In Article 56, it states that "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55" [19]. Notably, because the UN's obligations to protect human rights are not limited to member states, they have a wide reach in the international community.

What's more, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights provide for the protection of human rights in political, economic, social and cultural aspects in some detail. For example, the right to life, the right to health, the right to freedom of movement, the right to property,

the right to work, the right to seek asylum, etc. These conventions not only defined the concepts of each right, but also clarified the obligation of member states to protect these rights.

Second, International Environmental Law. In 1972, Article 1 of the Declaration of the United Nations Conference on the Human Environment introduced the concept of environmental rights, and pointed out that human beings have this right and bear the responsibility to protect and improve the environment. This reflects both the importance that the international community attaches to environmental issues and the concern of international environmental law for human rights issues under the trend of climate change. It provides a basis in international environmental law for the protection of "climate refugees" who are suffering from climate change.

Besides, the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the agreements of several climate change conferences, in which the international community is widely involved, have made great efforts to combat global climate change. The controlling national greenhouse gas emissions, reduces the rate of global warming and prevent the creation of more "climate refugees". One of the most important contributions of the UNFCCC is the principle of "common but differentiated responsibilities" for environmental protection. The principle emphasizes that all countries have a common and inescapable responsibility for climate change. However, the principle also quantifies the specific protection responsibilities considering the degree of industrial progress and the level of economic advancement of each country. There are obvious differences between countries, especially between developed and developing countries. This differentiation is more objective in describing the adverse effects of industrial development on the global climate in each country and is therefore inherently more in line with the principle of equity. Setting emission reduction targets and other task indicators for each country according to their differences is in line with the actual national conditions and economic development level of each country and is easily accepted and implemented by each country. This "common but differentiated responsibilities" principle should also be applied to climate change which is a damaging consequence resulted from climate change.

Third, Provisions on State responsibility in international law. The principle of state responsibility means that a state should be held the responsibility of continuing performance, cessation of wrongful acts, compensation, and other state responsibilities for its internationally wrongful acts in violation of international law and treaty obligations [20]. The principle of state responsibility embodies the international community's common pursuit of international justice. It is an important guarantee for the functioning of international treaty mechanisms and the peaceful development of the international community, and is a principle that a state must comply with. Although there is no specific international convention for the protection of climate refugees, the provisions on "human rights protection" and "environmental protection" in international law provide the legal basis for the application of the principle of state responsibility in the protection of the rights of climate refugees.

Meanwhile, states are rightly liable for "International environmental liability" and international liability for acts not prohibited by international law. Take, for example, the phenomenon of climate refugees in small island states as a result of sea level rise. Small island countries generally have low levels of industrial development, and sea level rise has caused by excessive reliance on fossil fuels in the production activities of the large industrial countries, which emit excessive amounts of greenhouse gases. Large greenhouse gas emitters clearly bear this "International environmental liability" of the state arising from this particular environmental damage. Greenhouse gas emissions are not explicitly prohibited by international law. However, the accumulation of greenhouse gas can lead to drastic changes in the climate of certain regions to the extent that they result in the emergence of "climate refugees". The major greenhouse gas emitting countries clearly bear international responsibility. Although such responsibility is currently difficult to quantify directly, there is no reasonable reason for countries to stand aside, and they should start to promote the uniform construction quantification standards, to achieve the corresponding responsibility.

4.2 The path of constructing international law protection mechanism for climate refugees

First, give full play to the protection role of existing international human rights law. As a member of the international community, climate refugees are entitled to the basic human rights protected by the International Bill of Human Rights. From the perspective of current international law as a whole, we will analyze the basic rights of climate refugees that have been greatly affected and damaged, so as to propose a more comprehensive and targeted protection mechanism.

(1) Right to life. The International Covenant on Civil and Political Rights clearly stipulates that "Everyone has the inherent right to life. This right shall be protected by law and no one shall be arbitrarily deprived of his life". While the process of climate change is slow, the accompanying hazards are indeed urgent. Small island states have spoken out that "climate change has a clear and direct impact on all human rights enshrined in the international human rights legal system. In particular, the right to life, the right to take part in cultural life, the right to own property, the right to an adequate standard of living, the right to be free from hunger, and the right to the highest attainable standard of physical and mental health "[21]. The extreme weather, natural disasters, diseases, and species extinction brought about by climate change pose a great danger to people's right to life and to the survival of humanity as a whole. The right to life is undoubtedly the most important basic right for the protection of "climate refugees".

(2) Right to health. The Covenant on Economic, Social and Cultural Rights clearly stipulates that "the States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health"[22]. At present, the health problems caused by climate change are already very serious. The World Health Organization has explicitly recognized that "the current health crisis facing humanity is directly related to climate change. For example, the right to health of "climate refugees" is threatened by the increase in deaths, illnesses and injuries caused by extreme weather events. Therefore, the right to health of climate refugees should attract the attention of the international community.

(3) Right to freedom of movement. Due to climate change and environmental destruction, climate refugees are forced to abandon their original places of residence and cross borders in search of new homes. This state of forced migration, displacement, lack of proper resettlement in receiving countries, and even denial of entry is undoubtedly an infringement on people's freedom of movement. According to articles 12 and 13 of the International Covenant on Civil and Political Rights, individuals are guaranteed a series of freedom rights. These include the right to freedom of movement and choice of home in the State, the right to cross borders for the purpose of entering and leaving a State, and the prohibition of arbitrary deportation of foreigners. The right to freedom of movement is thus implicit in the theoretical origins of the principles of temporary asylum and non-refoulement, which are necessary for the implementation of specific protection measures for "climate refugees".

(4) Right to work. The Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights provide for the right to free choice of employment, to just and favorable conditions of work, to equal pay for equal work, and to join trade unions. The shrinking of land due to climate change, the frequent occurrence of natural disasters, and other problems have a huge impact on people's normal production and life. When basic industries such as agriculture and animal husbandry are affected, a chain reaction is triggered in the industrial chain, which in turn affects other manufacturing industries and even the development of services. From the perspective of workers, all these impacts pose a serious threat to their right to work.

Second, establishment of an international convention on climate refugee protection. As mentioned above, a major bottleneck in the protection of the rights of "climate refugees" is the uncertainty of their status in international law. The establishment of a special international convention for the protection of "climate refugees" would therefore help to solve this problem. It is important to establish an international legal system for the protection of climate refugees and to clarify the responsibility for the protection of this group. The provisions of existing refugee conventions are taken into account the characteristics of "climate refugees". The distribution of responsibility for the protection of "climate

refugees" can be analysed both in terms of their home country (i.e., the country of departure) and in terms of the receiving country.

(1) Responsibilities of the receiving country. As a group of "climate refugees" migrating across borders, when they have objectively left their country of residence to seek asylum in another country. The receiving country's approach is more efficient and quicker to affect them according to the principle of proximity. Therefore, clarifying the responsibilities of the receiving country becomes the most important aspect of the protection of the rights of "climate refugees".

The provisions of the 1951 Refugee Convention assign almost all the obligations of refugee relief to the receiving state, including detailed provisions on the content of refugee rights, the standard of treatment in the receiving state equal to that of foreigners or nationals, prohibition of expulsion, and non-return. This essay thinks that the application of these provisions to the new international legal system, it is necessary to take into account the limited resources, population carrying capacity and integration of the receiving country. The aim is to avoid that the social order of the host country is adversely affected by the reception of "climate refugees". In addition, in order to avoid reducing the incentive of States Parties to receive "climate refugees" due to human resources problems. A relief agency and fund for "climate refugees" should be established within the State Party, or countries receiving "climate refugees" should be given the necessary relief from the obligation to pay into the fund.

(2) Responsibility of home countries. The home countries of climate refugees are often unable to protect refugees due to the threat of the natural environment. But even in the face of great difficulties, they should support the relocation of their nationals. Home countries should actively engage in crisis prevention measures for "climate refugee" migration. The Maldives has continued to build and reinforce coastal protection and, in 2008, had proposed the creation of a fund to purchase new homes for low-lying island nations that are in danger of being submerged [23]. The Maldives' actions are costly. But on the one hand it played an important role in preserving the cultural integrity of the country, and on the other hand it raised the wider concern of the entire human community about climate change and environmental protection.

Third, establishing a climate refugee relief fund. As the number of "climate refugees" increases, it is imperative to establish a relief fund for "climate refugees". The two main issues for the establishment of the fund are: source and distribution. There are many ideas about the source of funds, such as applying for World Bank loans and collecting international air travel taxes as part of the fund. However, this essay thinks that the main source of funds must be sovereign countries, in addition to the assistance of international organizations and individual donations also play a significant role. In terms of allocation and use, the Climate Refugee Relief Fund is undoubtedly applied to specific aspects of the reception and resettlement of this group in the receiving country, starting from assistance and relief to refugees. At the same time, a global fund for "climate refugee" protection should reflect the principle of "common but differentiated responsibilities" as the basis for allocating international funding obligations. While each country's ultimate responsibility to provide assistance should be carefully considered and determined, the fund should also periodically reassess the allocation of national funding responsibilities to ensure that such allocation is consistent with changing circumstances and requirements [24].

Last, improving the judicial remedy system for climate refugees. Climate refugees face many difficulties in obtaining compensation and relief through litigation, such as the difficulty of proof for plaintiffs and the weak legal binding force of international human rights mechanisms. The essay thinks that the theory of unjust enrichment and the principle of reversal of the burden of proof can be applied to the construction of the international judicial remedy system.

Specifically, the significance of the doctrine of unjust enrichment in the environmental tort litigation is that it rationalizes the logic that the defendant state should bear the responsibility of the state for its internationally wrongful acts. In a dispute over excessive greenhouse gas emissions, for example, first, the defendant state is oblivious to the consequences of large greenhouse gas emissions. The aim is to pursue economic growth in uncontrolled production and development. Second, the defendant's benefit

is obtained at the expense of the plaintiff's rights. This is manifested by the sinking of the plaintiff country's home due to climate warming and sea level rise, which eventually forced it to relocate. Third, there is a causal relationship between the defendant's acquisition of benefits and the plaintiff's rights damage. Finally, the defendant's acquisition of benefits lacks legal basis. As a result of the defendant's massive greenhouse gas emissions have led to a serious threat to the plaintiff's "climate refugees" right to life, health and other basic human rights.

In terms of burden of proof, tort liability generally adopts the principle of who claims and who proves. But as climate refugees in a vulnerable group, it is difficult to collect corresponding evidence. In addition, climate deterioration is not a quick fix, and it is quite difficult to find evidence from the source. Comparing and learning from China's environmental tort cases and adapting the theory of reversing the burden of proof. Let the defendant country can prove that its behavior does not exist or there is no causal relationship between its behavior and climate deterioration, which will not cause climate deterioration, or prove that the plaintiff is at fault. Thus, to a certain extent, the burden of the plaintiff's climate refugees will be reduced.

4.3 China's Response Measures

First, promoting the improvement of relevant domestic and international legislation. The issue of climate refugees has attracted widespread attention from the international community. Although the number of climate refugees in China is relatively small, the relevant handling measures should not be neglected. In terms of assuming responsibility for climate refugees, China can give priority to accepting climate refugees whose home countries have done their best to assume corresponding responsibility. After accepting climate refugees, China should vigorously promote domestic and international legislation related to climate refugees. Article 2 of China's newly revised Air Pollution Prevention and Control Law incorporates addressing climate change into the law's legislative mandate, emphasizing the synergistic control of air pollutants and greenhouse gases [25]. This legislation undoubtedly elevates the issue of climate refugees to a whole new level, and the issue of legislation on climate refugees has finally made a good start in China. It is worth noting that climate refugees are different from traditional refugees. After moving, climate refugees rarely move again. Addressing the protection of the rights of this particular group is therefore crucial and a legislative challenge that the Chinese government must consider.

Second, strengthening international special cooperation. Climate refugees are an emerging international issue, and one that is at the intersection of politics, economics and culture. Therefore, China can improve the corresponding cooperation mechanism by starting from various aspects such as human rights and environmental agreements represented by the Paris Agreement. China is far away from the vast majority of climate refugees' home countries, and refugees migrating from long distances face even more severe language, cultural and survival barriers. Therefore, China should strengthen international special cooperation with various neighboring countries, take the initiative to prevent the survival problems of climate refugees, and develop effective and feasible measures based on past experiences of various countries. For example, China should provide more employment opportunities for climate refugees, as well as more education and training opportunities, and help climate refugees through a combination of self-help and other assistance.

5. Conclusions

The protection of the rights of climate refugees remains a challenge for the international community due to the absence of an international legal framework, the lack of clarity regarding the responsibilities of States, and the limitations of UNHCR's current protection mechanisms. This essay discusses the basis for establishing a protection mechanism for climate refugees from the perspective of international law and proposes some feasible solutions based on this.

The existing international human rights law should play a role in the protection of climate refugees to ensure that they enjoy and realize their fundamental rights such as the right to life, health, freedom

of movement, and the right to work, as provided for in international human rights law. The problem of unclear legal status of climate refugees and unclear responsibilities to be borne by countries can be solved by establishing an international convention on climate refugee protection, which should clarify the responsibilities of receiving countries and home countries to avoid them shifting responsibilities to each other. In addition, the establishment of a climate refugee relief fund can facilitate the implementation of climate refugee protection at the economic level and provide financial support for relief actions. At the judicial aspect, the doctrine of unjust enrichment and the principle of reversal of the burden of proof can be applied to protect the rights of climate refugees, allowing them to obtain appropriate compensation through litigation. Finally, China can appropriately accept climate refugees and promote relevant domestic and international legislation, call on the international community to pay more attention to the issue of climate refugees. It should also strengthen international special cooperation with neighboring countries to formulate relevant measures in advance for the possible arrival of climate refugees, in order to benefit all parties.

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