

Judicial Trendsetting: European Courts as Pacemakers for Defining, Redefining, and Potentially Expanding Protection for People Fleeing Armed Conflict and Natural Disasters

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Abstract : Migration flows cannot be tackled by single states but need to be addressed as a transnational and international responsibility. However, the current international framework staggers. Widely excluded from legal protection are people that flee from the indiscriminate effects of an armed conflict as well as people fleeing natural disasters. This paper as part of an ongoing PhD Project deals with the current and partly contradicting approaches to the protection of so-called war- and climate refugees in the European Union. The analysis will emphasize and evaluate the role of the European judiciary to define, redefine and potentially expand legal protection. Changing jurisprudential practice of national and regional courts will be assessed, as will be their dialogue to interpret the international obligations of human rights law, migration laws and asylum laws in an interacting world.

Keywords : human rights law, asylum law, migration, refugee protection

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