

# Forced Climate Migrants: Rights and Responsibilities<sup>1</sup>

*"By 2050, between 250 million and one billion people might be forced to move due to climate change."*  
- United Nations High Commissioner for Refugees (UNHCR)

*"Injustice anywhere is a threat to justice everywhere."*  
- Martin Luther King, Jr.

## Leaving the place of birth

Last decade, in 2005, Papua New Guinea officially decided to evacuate 1,000 residents of the Carteret Islands faced storm-related erosion and salt water intrusion. Ten families at a time were being moved to the larger island of Bougainville, 100 kilometres away. About a hundred residents of Lateu, on the island of Tegua on Vanuatu, were relocated farther inland, who were following storm-damage, erosion and salt damage to their ancestral village. A combination of melting permafrost and sea-shore erosion at a rate of up to 3.3 metres a year has forced the inhabitants of Shishmaref village of Sarichef Island (just north of the Bering strait) to relocate their village several kilometres to the south.

In 2006, Lohachara island in the Hooghly river delta of India, once home to 10,000 people, and which had first started flooding 20 years ago, had finally been entirely submerged and left thousands of people homeless. In August 2005, Hurricane Katrina lashed the Gulf Coast of the United States and temporarily displaced over a million people.<sup>2</sup>

At the same time, in 2005, another study conducted by COAST Trust, a non-governmental organization in Bangladesh, read that river currents have devoured half of Bangladesh's biggest island in 40 years, leaving half a million people homeless. The study confirmed that from a size of 6,400 square kilometres in 1965, Bhola Island near the mouth of the Bay of Bengal was only half of its original size at that time. It read, if the erosion continued at the same rate, it would completely disappear over the next four decades.<sup>3</sup> It has been estimated that in Bangladesh under a severe climate change scenario potential 'forced out-migration' will be: 60,000 annually due to coastal and river erosion, 10,000 to 15,000 annually due to increased salinity, 1,00,000 to 1,20,000 once in three to five years due to storm surge and rough sea, and 10,000 annually due to water logging.<sup>4</sup>

Albeit predicting the future scenario regarding displacement is complex, "Professor (Norman) Myers' estimate of 200 million climate migrants by 2050 has become the accepted figure– cited in respected publications from the IPCC to the Stern Review on the Economics of Climate Change." The report prepared for International Organization for Migrants (IOM) concludes that "the simple fact is that nobody really knows with any certainty what climate change will mean for human population distribution. Current estimates range between 250 million and 1 billion people by 2050."<sup>5</sup>

## Who are the climate migrants?

For several years there were debates and discussions on what would be the term to identify people displaced by weather related extreme and slow onset events– climate refugee or climate migrant. IOM has provided a definition of environmental migrants in 2007 which is much broader and contain the climate aspects. It reads: Environmental migrants are persons or groups of persons, who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or chose to do so, either temporarily or permanently, and who move either within their country or abroad. In the mentioned

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<sup>1</sup> This write-up is an edited version of a paper prepared by Ziaul Hoque Mukta <ziaul.mukta@gmail.com> on 12 December 2013 for a side event organized during Warsaw COP of the UNFCCC.

<sup>2</sup> Brown, Oli (2008): Migration and Climate Change; prepared for International Organization for Migration (IOM), Geneva, Switzerland. Page 26 and 12

<sup>3</sup> <http://www.terradaily.com/news/climate-05zzx.html>, accessed 11 November 2013.

<sup>4</sup> Ahmed, Ahsan Uddin and Neelormi, Sharmind (November 2008): Climate Change, Loss of Livelihoods and Forced Displacements in Bangladesh: Whither Facilitated International Migration. Centre for Global Change, Bangladesh. Page 4-5

<sup>5</sup> Brown, Oli (2008): Ibid. Page 11-12

IOM report Oli Brown has used “the term ‘forced climate migrant’ in the knowledge that it is not a universally accepted term but in the hope that it conveys a reasonably accurate impression of the increasing phenomenon of non-voluntary population displacement likely as the impacts of climate change grow and accumulate.”<sup>6</sup>

Albeit scientifically it is difficult to say which extreme and slow onset events are caused by climate change, however, considering the increased intensity and frequency of such events it has been confirmed by the scientific community that climate change is a definite cause contributing to such events. Scientists with the National Oceanic and Atmospheric Administration (NOAA) said in a new report published in the Bulletin of the American Meteorological Society (AMS) that man-made climate change may have contributed to half of the extreme weather events of 2012.<sup>7</sup>

### **The rights**

Generally, people displaced due to climate change shall enjoy the equal rights with a sense of dignity under the domestic and international laws as others do. Specifically, as they are displaced due to weather related extreme and slow onset events, they must have the specific right to rehabilitation including planned relocation and migration.

Their general and specific rights should be ensured before, during and after the displacement, as well as during rehabilitation including planned relocation and migration, where appropriate, at local, national, regional and international levels.

### **Responsibilities**

Primarily the national and local governments will have to protect the rights of the climate migrants. To do so, the national governments of the vulnerable/affected countries will have to play an active role at regional and global level for devising appropriate measures to serve them through bilateral, regional and multilateral initiatives.

Additionally, all polluting countries including the business sectors emitting green house gases will have to be responsible to serve the climate migrants proportionately based on their emission performances.

It is surprising that international community serving the ‘refugees’ are reluctant to accept the idea of ‘climate migrant’ albeit in many cases they are not responsible for the causes that are making people ‘refugee’ and while they are responsible to make people ‘climate migrant’. It is an injustice that while some countries are responsible for accelerating global warming induced anthropogenic climate change, vulnerable countries are bearing the burden of displaced people. Following the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDRRC), agreed under United Nations Framework Convention on Climate Change (UNFCCC), industrialised/developed and major emitting countries must retreat from such a double standard and agree to discuss the issue at UNFCCC negotiations and relevant international forums.

First of all, a national government should devise a National Strategy to deal with the issues relevant to climate migrants. Such National Strategy will guide actions at national level and by national government at bilateral, regional and international levels. This strategy shouldn’t be a part of national climate policy or plan but an independent one as actions would be multidimensional covering human rights, development, trade policies etc. Within the scope of the national strategy the government will have to realign the social protection programme keeping in mind the special needs and priorities of the climate migrants. Government must ensure that UN’s ‘Guiding Principles on Internal Displacement’ is valued by all implementing agencies associated with the movement, resettlement, rehabilitation and reintegration of displaced people/climate migrants.<sup>8</sup>

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<sup>6</sup> Ibid. Page 15

<sup>7</sup> <http://america.aljazeera.com/articles/2013/9/7/scientists-link-2012extremeweathertomanmadeclimatechange.html>, accessed 11 November 2013.

<sup>8</sup> Mukta, Ziaul Hoque (1 December 2011): Making the move for ‘Climate Refugees’. <http://opinion.bdnews24.com/author/ziaul-hoque-mukta/>, accessed 11 November 2013.

Moreover, albeit not sufficient enough at all, it is exciting to observe that sometime both affected/vulnerable and emitting countries are introducing legal measures at respective national level to support the climate migrants. Recently Bangladesh has passed the Disaster Management Act 2012 that includes a definition of climate change (Article 2) and provisions for the rehabilitation of affected people (Article 27).<sup>9</sup>

IOM report reads: it has been widely reported that New Zealand has agreed to accept the inhabitants of Tuvalu if and when climate change leaves their country inhabitable. In practice, New Zealand accepts only 75 Tuvaluans each year through their immigration service's Pacific Access Category without any reference to environmental degradation. Swedish immigration policy mentions about environmental migrants, however, it lacks clarity while the parliamentary text refers nuclear disaster as an example of environmental disaster and natural disasters are not mentioned. There is an example of ad hoc measure as well: "in 2003 the US immigration service extended for two more years the Temporary Protection Status it granted to 80,000 Hondurans who had fled to the United States after the 1998 Hurricane Mitch which devastated large parts of Central America." Switzerland, Canada, Malaysia, Australia and European Union offered some form of soft immigration measures after the Tsunami.<sup>10</sup> Migration (Climate Change) Amendment Bill 2007 was tabled before Australian Senate to create a new visa category to enable a formal mechanism for the Australian government to recognize and accept people displaced by climate change induced environmental disasters;<sup>11</sup> however, it was lapsed at end of Parliament in 2008.<sup>12</sup>

The measures mentioned above have some 'greyness' at the edges of immigration policies of the developed countries that could be studied further and explored for the development of any future actions linking climate migrants and immigration policy.

### **Climate migrants and UNFCCC Negotiations**

The Intergovernmental Panel on Climate Change (IPCC) noted in the 1990 that the single greatest impact of climate change might be on human migration. Since the establishment of the UNFCCC, especially since the initiation of a new round of negotiations in 2007, the issue of climate change related displacement has been discussed within and outside of the negotiating table frequently. The Prime Minister of Bangladesh has brought the issue several times at different international forum including UN General Assembly. Recently she has reiterated, "Since Bangladesh is likely to have huge human displacement due to climate change, we want establishment of an international regime under the UN to tackle the situation."<sup>13</sup>

Despite diverse discussions at various fronts it is really frustrating to see that none of the National Adaptation Programme of Actions (NAPAs) supported by the UNFCCC mentions migration or population relocation as a possible policy option.

However, the Cancun Agreement adopted at the sixteenth Conference of Parties (COP16) of the UNFCCC held in December 2010 brings an opportunity before vulnerable countries to shape national and international programs under 'Adaptation Framework' and negotiate support for the implementation of those programs. Along with 'Adaptation Framework' the Agreement has also established an 'Adaptation Committee' and initiated 'a process to enable least developed country Parties to formulate and implement' National Adaptation Plans (NAPs). The Adaptation Framework (sub-paragraph F of paragraph 14) of the Agreement ensures "measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels."<sup>14</sup>

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<sup>9</sup> [https://docs.google.com/file/d/0B2StZ6Z56ReqUDB3VINQYmZYWUE/edit?usp=drive\\_web&pli=1](https://docs.google.com/file/d/0B2StZ6Z56ReqUDB3VINQYmZYWUE/edit?usp=drive_web&pli=1), accessed on 11 November 2013.

<sup>10</sup> Brown, Oli (2008): Ibid. Page 39-40

<sup>11</sup> Bijoy, Mizanur Rahman (unpublished and undated): Climate Change and Migration: Bangladesh Perspective. Page 4

<sup>12</sup> [www.aph.gov.au](http://www.aph.gov.au), accessed 11 November 2013.

<sup>13</sup> Mukta, Ziaul Hoque (1 December 2011): Ibid.

<sup>14</sup> Ibid.

Unfortunately, since there is no initiative at the UNFCCC ‘to enhance the understanding, coordination and cooperation’– neither the LDCs nor the AOSIS not even the Africa Group among the vulnerable countries followed up with this decision. Vulnerable countries including LDCs-AOSIS-Africa Group need to explore all possible ways including at Adaptation Committee to bring back the issue in line with the agreed COP decision. While developed, NAPs must contain the issues and concerns around displacement, migration and planned relocation.

However, albeit no progress has been made on sub-paragraph F of paragraph 14 of the Adaptation Framework, the Nansen Initiative has been launched by Norway and Switzerland in 2012 involving some other state and non-state actors for generating consensus around ‘disaster-induced cross-boarder displacement’.<sup>15</sup> It could be expected that consultative process of the initiative will enhance the understanding of respective stakeholders and create a momentum for decisions at multilateral level.

There is no doubt that displacement/migration occurs because of the failure of adaptation and therefore it falls under the scope of loss and damage as well. Consequently, COP18 held in Doha on November-December 2012 decided to “establish, at its nineteenth session, institutional arrangements, such as an international mechanism, including functions and modalities, elaborated in accordance with the role of the Convention as defined..., to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change” (Paragraph 9 of Decision3/CP18). The same decision document acknowledges “further work to advance the understanding of and expertise on loss and damage, which includes, inter alia,... enhancing the understanding of.. How impacts of climate change are affecting patterns of migration, displacement and human mobility.”<sup>16</sup>

Accordingly “... the 19<sup>th</sup> Conference of the Parties held in Warsaw in 2013 established the Warsaw International Mechanism, along with an Executive Committee, for loss and damage associated with climate change impacts (Decision 2/CP.19, UNFCCC 2014) and requests the Executive Committee on loss and damage to develop its initial two-year work plan, including the scheduling of meetings, taking into account the issues outlined in paragraph 7 decision 3/CP18, which includes displacement and migration (Para 9, Decision 2/CP.19).<sup>17</sup>

At COP21 of the UNFCCC, version of 4 December 2015 of the draft agreement has a provision on displacement in its Option 1 of Article 5. Sub-article 5 of the Option 1 reads, “The [governing body] [CMP] [CMA] shall, at its first session, establish a climate change displacement coordination facility to help coordinate efforts to address the displacement of people as a result of extreme impacts of climate change.” In the final legally binding agreement this Article must be secured and renamed as ‘Climate Change Induced Displacement, Migration and Planned Relocation Coordination Facility for National, Regional and International Levels’.

## **Conclusion**

Forced climate migrants are the most vulnerable group of people amongst all facing the brutal face of anthropogenic climate change as well as climate negotiations. Resisting the double standards of the developed and major emitting countries the LDCs-AOSIS-Africa Group must work together hard to serve this most vulnerable group of people. The developed and major emitting countries also need to understand what Martin Luther King (Jr.) said: injustice anywhere is a threat to justice everywhere; means– they must not ignore the issues relevant to climate migrants, for the sake of their own peace.

*12 November 2013, Warsaw, Poland and 5 December 2015, Paris, France*

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<sup>15</sup> <https://www.nanseninitiative.org/>

<sup>16</sup> FCCC/CP/2012/8/Add.1, <http://unfccc.int/resource/docs/2012/cop18/eng/08a01.pdf>, accessed 12 November 2013.

<sup>17</sup> Centre for Participatory Research and Development (November 2015): Climate-Induced Displacement and Migration: Policy Gaps and Policy Alternative. Page 8