

## Climate Change Induced Forced Migrants:

**We call global leaders to develop a new legal instrument to ensure social, cultural and economic rights of the climate change induced forced migrants.**

We the undersigned, the NGOs/CSOs (Non Government Organization/ Civil Society Organization) representatives of professional groups, would like to draw kind attention of the global leaders on the rights of the climate change induced forced migrants, who are incorrectly termed as 'climate refugees' or 'environmentally displaced persons (IDPs)'. The UNFCCC, which has near universal membership, provides the common international framework to address the causes and consequences of climate change, without however mentioning 'climate change induced forced migrants'. Given the context, we are calling global leaders to develop a new legal instrument under a Protocol under the UNFCCC to ensure social, cultural and economic rights of the climate change induced forced migrants. Our concerns and demand have been heightened by the following analysis on the future flood of the climate change induced forced migrants:

**1)** Climate change will significantly affect migration in three distinct ways; i) the effects of warming and drying in some regions, ii) increase in extreme weather events, and iii) sea level rise. All these effects will permanently destroy extensive and highly productive low-lying coastal areas that are home to millions of people who will have to be relocated permanently. For instance, sea level rise is an impending threat to the coastal areas in Bangladesh that would force physical dislocation of more than 35 million people. Most of the Maldives would be turned into sandbars, forcing 300,000 people to flee to India or Sri Lanka. Vietnam could lose 500,000 hectares of land in the Red River Delta and another 2 million hectares in the Mekong Delta, displacing roughly 10 million people. In the Mediterranean, Egypt would lose at least 2 million hectares of land in the fertile Nile Delta, displacing 8–10 million people. In Guyana 600,000 people would be displaced – 80 per cent of the population.

**2)** The First Assessment Report of the Intergovernmental Panel on Climate Change (IPCC AR1) in 1990 noted that the greatest single impact of climate change might be on human migration. The report estimated that by 2050, 150 million people could be displaced by climate change. More recent studies estimates even more people to be displaced by the same period; for instance, Stern Review on the Economics of Climate Change in 2006 and a Christian Aid report in 2007 estimates displacement of respectively 200 million and 250 million people by climate change by 2050. Thus, the number of future climate migration shows a ten fold increase on today's entire population of documented refugees and internally displaced persons (IPDs). It would mean that by 2050 one in every 45 people in the world would have been displaced by climate change.

**3)** Although many of scholarly articles warned about future floods of the climate change induced forced migrants but, still, no policy measures have taken; even the terms and concepts of referring climate change induced migrants are found dissimilar throughout the literature. They are termed as ecological and environmental refugees, climate refugees, climate change migrants, environmentally-induced forced migrants etc. In this context, the office of the United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IMO) have advised that the terms like 'Climate Refugees' or Environmental Refugees' have no legal basis in international refugee law and these should be avoided in order not to undermine the international legal regime for the protection of refugees.

**4)** Considering the legal concern on the limitation of term 'refugee', some international organizations are trying to treat climate change induced forced migrants as 'environmentally displaced person' which is in line with the mandates of the UNHCR's Internally Displaced

Persons (IDPs) wherein international communities made less responsible to mitigate the crisis. Climate induced forced migrants and IDPs falling within the same category may undermine notion of justice to the climate change induced migrants and, again, the definition of these two that are not clearly recognizable may not receive appropriate assistance. Questioning appropriateness of the terminology 'environmentally displaced person' or 'Climate Refugee' we urge that –

- Are the environmental factors only driving force of displacement and migration?
- Are the poor countries individually capable to face the crises that have been cumulatively build-up by the rich countries?
- Why to fit 'climate related forced displaced persons' to the 'political refugees' or to the IDPs?
- Why should inhabitants of some atolls in the Maldives and inhabitants of the coastal areas of Bangladesh receive similar treatment as the political refugees, which are narrowly defined under the 1951 Geneva Convention?

**5)** Climate change is a consequence of the cumulative build-up of Green House Gases- GHGs, dating back as far as the Industrial Revolution. Although the industrialized countries, defined as annex I countries under the UNFCCC on climate change, have historically contributed most of the manmade GHGs emissions but the impacts of climate change would be distributed very unevenly and disproportionately. Those who have contributed least to the human-induced climate change should accept all the burden and distress. This unequal distribution of burdens of the effect of climate changes reflected in the article 3 of the convention (referred to as equity article).

The ongoing negotiation on this Equity Principle of UNFCCC is focusing two major strategies to address climate change e.g. mitigation and adaptation. Although the climate change adaptation includes wide range of actions and activities including relocating population from the flood-prone or from the at risk areas but, yet, it has not clearly defined how to address the multi-causality of forced displacement largely caused by climate change. There is a growing demand to recognize climate change- affected populations as a 'new' group in need of protection while existing legal frameworks and conventions are not sufficient to safeguard them.

**6)** Considering the notion of justice to the climate change induced migrants and also taking into consideration the article 13 of the 1948 Declaration of Human Right, the international community and especially the United Nations must ensure protection of the forced migrants. In line with the HR declaration and equity principle of UNFCCC a separate, independent legal and political regime needs to be created under a Protocol to safeguard the 'climate change induced migrants'. This protocol could be drawn on widely agreed principles such as common but differentiated responsibilities of the country Parties; also must consider the 3 basic principles;

- a) The legal debate over the issue of climate migrants must take into account the dignity of the concerned population as their own responsibilities for the past accumulation of GHGs are small. The people forced to be migrated due to climate change should bestow a different status and a different term and they should be given a dignified status 'Universal Natural Person' with social, cultural and economic rights,
- b) The climate refugees must be treated as permanent immigrants to the regions or countries that accept them and,
- c) The climate change migrants should be tailored as entire groups of people, such as populations of a village, cities, provinces, or even entire nation, as in the case of small island states.