

Climate Induced Migrants

A New Issue that Needs a New way to Address

1. Climate migrant “A newly exposed issue in global discourse”

Every year, millions of people are forced to move due to natural hazards many of which relate to extreme weather situations. So, it appears that climate change is making the situation worse by increasing the frequency and intensity of such natural hazards. In the future, we may witness even more treacherous situations as our climate continues to change (Frequent wind speed, super temperature & cold wave etc.) and long-term effects unfold.

The extreme environmental events such as cyclones, hurricanes, tsunamis and tornadoes and gradual environmental changes such as desertification, coastal and soil erosion have been affecting a larger number of people to move forcibly in the short & long term. It is evident that, during the period of 1979 to 2008, 718 million people are affected by storms and 1.6 billion people by droughts and majority of them had to move temporarily and few permanently¹.

Though the movement of people is as a result of changes in the environment, now it's a common phenomenon across the world which is being happened often seasonally even throughout the centuries. But during the last decades the international community has begun to slowly recognize that there have been wider linkages and implications with human mobility that's occurring due to changing climate and environment.

As early as 1990, the Intergovernmental Panel on Climate Change (IPCC, 1990:20) warned that “the greatest single impact of climate change could be on human migration” with millions of people displaced by shoreline erosion, coastal flooding and severe drought. In addition, in 1992 IOM (International Organization for Migration) together with the Refugee Policy Group published a report on “Migration and Environment” which says, “Large number of people are moving as a result of environmental degradation that has been increased dramatically in recent years. The number of such migrants could rise substantially as the larger areas of the earth become uninhabitable as a result of climate change.” (IOM, 1992).

UNEP argues that by 2060 there could be 50 million environmental refugees in Africa alone. Most apocalyptically, Christian Aid have assumed that, a billion of people could be permanently displaced by

2050 where 250 million by climate change-related phenomena such as droughts, floods and hurricanes and 645 million by dams and other development projects (Christian Aid 2007).

On the above context existing, the developed countries cannot keep themselves aside of distress and disaster. In developing countries: already there is sizeable number of environmental refugees who have made their way, usually illegally, into OSCE² countries. Today's stream surely is regarded as a trickle compared

Does Climate Refugee Exist?

Link between climate change and human mobility

Climate change itself doesn't directly displace people or cause them to move but produces environmental effects and deteriorates vulnerabilities that make it difficult for people to survive there, Climate change is expected to make the world hotter, rainfall more intense and result in more extreme weather events such as droughts, storms and floods. These changes, in turn, will likely result in further population movements. According to the UN International Strategy for Disaster Reduction (UNISDR) storms, floods and droughts have increased threefold over the past 30 years.

Extreme environmental events such as cyclones, hurricanes, tsunamis and tornadoes impact suddenly in moving people and capture media widely, but gradual changes in the environment might have a much greater impact on the movement in future. Gradual environmental changes, such as desertification, soil erosion in coastal and riverbank area are less dramatic and therefore attract less attention than natural disasters. However, gradual and slow-onset changes in the environment tend to affect a larger number of people and will continue in the long term.

For example, during the period of 1979 to 2008, 718 million people were affected by storms compared to 1.6 billion people affected by droughts (International Emergencies Disaster Database (EM-DAT), 2009).

The climate change could affect the movement of people in at least four different ways (*Susan Martin*): i. the intensification of natural disasters, ii. Increased warming and drought affect agricultural production and drinking water, iii. Sea level rising makes coastal areas uninhabitable and increase the number of sinking island states. (44% of the world's population live within 150 km of the coast); iv. Competition over natural resources may lead to conflict that results displacement.

Less developed countries are especially vulnerable because a large share of their economies depend on climate-sensitive sectors and their adaptation capacity is low due to low levels of financial, natural and human resources, as well as limited institutional and technological capability (IOM, 2008). Some “climate hotspots” in the different regions or countries already facing environmental migration and population pressures those are expected to worsen in the coming years such as the sinking small island states, like Tuvalu and the Maldives and in delta regions (inter-alia the Mekong, Inner Niger Delta and the Ganges Delta).

Source: IOM 2009: CC, *Environment and Migration, Assessing the Evidence*

to the floods and that will ensue in decades ahead³.

So it's being increasingly evident that serious and relatively rapid alterations to ecosystems induced by climatic and anthropogenic factors will have direct and indirect impacts on societies and economic activities, when other coping mechanisms are overcome or stagnant, will have no other options but being ended up in migration as a permanent or temporary coping strategy. Developing & poor countries, small island states and even developed countries have been facing serious threat to this issue and assuming that the future climate induced displacement would cause a major global conflict and create economic and social crisis. So, there is an urgent need to set aside the issue and the developed countries must focus on climate negotiation process on how this issue could be adjusted under own territories managing respective countries as the climate induced displacement is able to draw a global attention and already have raised the voice in right perspectives.

2. What does the Reality Say other than reflecting the worries?

Despite having lack of precise figures, there is no doubt that the parts of the earth are becoming less inhabitable due to climate change processes such as sea-level rise, increasing salinity of agricultural lands, desertification and growing water scarcity along with the other climate events such as flooding, storms and glacial lake outburst. The number of natural disasters has been more than doubled over the last two decades and more than 20 million people have been displaced by sudden-onset climate-related natural disasters in 2008 (OCHA-IDMC, 2009). Further climate change, with global temperatures expected to rise between 2 and 5 degrees centigrade by the end of this century, could have a major impact on the movement of people.

The International Federation of Red Cross and Red Crescent Societies (IFRC) estimated in 2001 that for the first time the number of environmental refugees exceeded that of displaced by war. UNHCR (2002:12) also estimated there are approximately 24 million people around the world who have been displaced because of floods, famine and other environmental factors⁴.

Hurricane Katrina which struck the Gulf Coast of the United States in August 2005 temporarily displaced over a million people which is presented (quite rightly) as a preview of the kind of more intense and frequent extreme weather events and anticipated result from climate change irrespective of the wealth and status of the countries⁵.

In the same way, super cyclone "SIDR" caused displacement of 4.40 million people in the coastal areas in Bangladesh in 2007. Many of them couldn't

be able to return to their home permanently due to severely damaged habitats including drinking water, infrastructure & communication and also their economy and income opportunities⁶.

According to the IDMC report, in 2011, 13.8 million people were displaced globally due to extreme weather events. Though it does not encompass displacement related to permanent loss of habitat or food and livelihood insecurity caused by slow-onset disasters or more gradual processes of environmental degradation including drought and desertification, but displacement are treated as a result of climatic problem that was happened and the people suffered.

Floods and landslides caused the largest displacements reported in 2011 in the IDMC report. Unusual heavy and prolonged rains in China and Thailand displaced more than 360,000 people where heavy seasonal rains causing to back-to-back floods across the North-Central and Eastern provinces in Sri Lanka displaced around 325,000 people, with 18,000 homesteads destroyed in both regions. Many of those displaced were conflict IDPs whose semi-permanent homes were destroyed.

The Philippines experienced repeated displacements caused by ten typhoons and tropical storms between May and December 2011. Typhoon Washi (Sendong), the worst one, struck Northern Mindanao in mid-December and displaced more than 441,000 people. Two months later 214,000 people remained displaced including 14,000 in evacuation centers. The largest displacement outside Asia was in Mexico where Tropical Storm Arlene left 280,000 people homeless in Veracruz State in late June 2011⁷.

The millions of people were left reeling in the aftermath of monster storm "Sandy" in October 2012 in the USA and Caribbean which crashed ashore with hurricane-force winds in New Jersey overnight as the biggest storm to hit the country in generations. Swamped parts of New York in United States struggled with epic flooding and with massive livelihood stagnant. Sandy had killed at least 67 people as it swept through the Caribbean over few days, meaning the overall toll from the storm stands at 99 with at least eight million people homeless⁸.

The drought is not only the cause of insecurity but also the main reason now for new displacement in Somalia. The UN Office for the Coordination of Humanitarian Affairs (OCHA Somalia) said in the March Update that, "More than 52,000 people have been displaced due to drought since 1 December 2010. Many of them are moving to urban areas in search of assistance. In particular, the capital, Mogadishu had experienced an increased influx of drought-affected pastoralists, said OCHA⁹.

Though the force of the storm and its damages could be lessen by taking appropriate disaster planning and systematic protective measures, but It has been being evident that the label is already made as 'climate change effects' by simplifying its causes and effects.

3. Debate between Refugee or Migrant and Migrant or Refugee: A question of control over decision

Labeling or branding is important for any targeted objective to achieve. One immediately contentious issue is whether people displaced by climate change should be defined as 'climate refugees' or as 'climate migrants'. This is not just semantic which definition becomes generally accepted as it will have very real implications for the obligations of the international community under international law.

Campaigners have been using the phrase

'environmental refugee' or 'climate refugee' to convey added urgency to the issue. They argue that, in the most literal sense of the words, such people need to seek 'refuge' as they are affected by the climate change. Any other terminology, they maintain, would downplay the seriousness of these peoples' situation. The word 'refugee' resonates with the general public who can be sympathized with the implied sense of duress. It also carries lesser negative connotations than 'migrant' which tends to imply a voluntary move towards a more attractive lifestyle¹⁰.

But problem is the using of the term 'refugee'. Strictly speaking, categorization as a 'refugee' is reliant on crossing an internationally recognized border: someone displaced within their own country is an 'internally displaced person' (IDP). Given that on current predictions the majority of people displaced by climate change will stay within their own borders, restricting the definition to those who cross international borders may seriously understate the extent of the problem.

Second, the concept of a 'refugee' tends to imply a right of return once the persecution that triggered the original flight has been ceased. This is, of course, impossible in the case of sea level rise and so again the term distorts the nature of the problem. Third, and perhaps most importantly, there is concern that expanding the definition of a refugee from political persecution to encompass environmental stressors would dilute the available international mechanisms and goodwill to cater for existing refugees.

The question of definition makes a hotly contested debate amongst international human rights lawyers. However, in practice there is considerable resistance among the international community to any expansion of the definition of a 'refugee'. Developed countries fear that accepting the term refugee would compel them to offer the same protections as political refugees; a precedent that no country has yet been willing to set. Meanwhile, the international institutions currently charged with providing for refugees, principally the office of the United Nations High

Commissioner for Refugees (UNHCR), are already overstretched and are unable to cope with their current 'stock' of refugees. The UNHCR itself is taking on an expanded role in the provision of care to IDPs and so is highly resistant to any further expansion of its mandate.

Though the term 'climate refugee' is problematic it is used, partly, for lacking of a good alternative. The term 'Climate evacuee' implies temporary movement within national borders (as was the case with Hurricane Katrina). 'Climate migrant' implies the 'pull' of the destination more than the 'push' of the source country and carries negative connotations which reduce the implied responsibility of the international community for their welfare.

It also being observed that, lacking of an adequate definition under international law, environmental migrants are almost invisible in the international system: no institution is responsible for collecting data on their numbers, let alone

providing them with basic services. Unable to prove political persecution in their country of origin, that's why they fall through the cracks in asylum law.

Is migration linked with climate crisis? Case of cyclone *Aila* in Bangladesh

The cyclone *Aila*, which struck on 25 May 2009, caused enormous loss of properties, infrastructure, social and economic disruption, environmental degradation, etc in the coastal areas of Bangladesh. A total of 190 people were killed and estimated 4.82 million people were affected in total 11 coastal districts.

The precarious situation created by cyclone *Aila* has resulted in increased migration to the cities or other areas. More than 400,000 people have been reportedly displaced by the cyclone in the coastal areas of Bangladesh (Wapedia 2010). According to the ECHO (European Commission's Humanitarian Aid Office) partners' assessment, about 40,000 people migrated due to Cyclone *Aila* from the *Koyra upazila* (sub-district) of Khulna District in Bangladesh (ECHO 2009). The figure is around 30,000 in *Paikgacha*, 18,000 in *Dacope* and 12,000 in *Batiaghata upazila*.

More than 10000 families have displaced in *Dacope* and *Koyra upazila* over the last months. International Organization for Migration has estimated that a number of 11,118 families in *Dacope upazila* and 5,533 families in *Koyra upazila* were displaced in November 2009 (IOM 2010). Along with the internal displacement, some people of the coastal areas are reported to migrate to the neighboring countries like India (Gain 2010).

Even after one year of cyclone *Aila* (as of August, 2010), most of the Internally Displaced Persons (IDPs) have been living on damaged embankments and other high strips of land. Poor has become extremely poor and many non-poor have been thrown into poverty and food insecurity by the destruction of *Aila* (Mallick 2009). As the drinking water sources and sanitary latrines have been damaged, people are living in unhealthy and unhygienic condition without adequate food, pure drinking water and proper sanitary facilities (Dhaka Mirror 2010). The cyclone *Aila* caused huge damages of ponds, where community people used to store sweet water between September and November each year and use that water for the rest of the year. The internally displaced people also faced the problems of physical insecurity, stress due to traumatic experiences, lack of livelihood opportunities, loss of documentation, etc (CRG 2006). In addition, educational activities of the affected areas have been affected greatly.

4. Is global response enough in climate migrant's deal?

Addressing the climate migrants issue and protecting their livelihood from climate change impact there has a little output observed in global climate negotiation process especially in the Cops. After a long debate, all country parties adopt the "Cancun Adaptation Framework" in the CoP-16 and agreed to undertake

action aimed to reduce vulnerability and building resilience of developing country parties taking into account their urgent and immediate needs. This adaptation framework has included one agenda related climate migrants management and to be implemented under the working definition of IDP (Internal Displaced Person), which means respective country parties will have to manage the IDPs through their own effort within the territory.

But in principal, the Cancun Adaptation Framework has emphasized to take into the account of CBDR (Common But Different Responsibilities) principle by all country parties especially developed country parties for enhancing their action thorough enhancing understanding, coordination and cooperation with regard to climate induced displacement, migration and planned relocation where appropriate at national regional and international level (Cancun Agreement: Article 14.f). The exercise of CBDR principle is absent in the latest global negotiations, rather the Cancun Adaptation Framework had focus and prescribes a wide range of adaptation activities for country parties may undertake. These activities include: adaptation planning, prioritizing and implementation activities; impact and vulnerability assessments; institutional capacity strengthening; building of socio-economic and ecological systems; disaster risk reduction strategies and public awareness. That's why climate migrant issues in both internal and cross border movement seen as ignored in global negotiation process.

Thus the Cancun Adaptation Framework didn't able to show or going to fail creating a significant output in case of climate migrant issue as the major responsibilities lies to the developed country parties due to make vulnerable climate, emitting excessive GHG. Even, the Cancun agreement had proposed to establish an international adaptation committee, that was a fundamental requirement for enhancing the deal of global adaptation policies, process and supporting mechanism, but not established yet.

5. Need to develop rights-based legal instruments for protection and support of climate migrants

Though the climate induced forced migrants issues now discuss as and strategy of internal management mechanism, but would be able to manage by the developing and poor country parties as they are seriously incapable in terms of geophysical and financial capacity. For example; Bangladesh is a very limited geographic area, where living people at 1100 per sq. km and this is predicted to inundation of 17% coastal land with 30-40 million people displacement. Apart from this river erosion and other droughty phenomenon now increasingly observed and by which people being displaced. These displaced people might not be accommodated for Bangladesh

within the limited areas. So considering the above, there must need a global and even legal framework to support and cooperation from international communities to addressing the issues effectively in future.

The 1948 Universal Declaration of Human Rights provided a comprehensive framework to promote and protect human and civil rights. But, since that time, intergovernmental organizations and national governments have found it increasingly necessary to extend and reinforce this framework for specific groups or categories of people. Thus the protection of climate induced displaced people, particularly where migration appears to be forced rather than voluntary, need to enact through norms and legal instruments in domestic and international law¹¹.

Numerous international human rights instruments and norms conventions and covenants deal with forced displacement due to persecution, conflict and disasters notably the 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol and, more recently and may be latest, the 1998 Guiding Principles on Internal displacement. The Guiding Principles extended, through non-binding norms, similar provisions for the protection of internally displaced people to those existing for the much smaller number of refugees covered by the refugee Convention and Protocol. Though the guideline principle able to give protection for internal displacement in same way but has a significant gap for protection of cross border migrants related climate change as it didn't cover this issue.

The provisions of the 1951 Convention/1967 Protocol and the 1998 Guiding Principles are elaborated in regional and, especially, national instruments where the main protection responsibilities principally lie. But rights protection for refugees, climate migrants and IDPs is becoming increasingly disputed and fragile. For these reasons, the responsibility to protect agenda is a newly emerging phase of the protection policy discourse.

So there has needed to develop international legal instrument that could force the country parties in addressing real protection for both IDPs and cross border climate migration. In this respect, it is surprisingly observe that the UNFCCC has not yet, given significant attention (except guideline principle for IDP) to the protection needs of those who will migrate cross border because of environment-related changes to their livelihoods and surroundings¹².

So in the above backdrop, the call for all states, and the international community, to articulate and address the protection of peoples' rights, in relation to environmentally induced displacement, which has become a pressing issue. Though the key issues include the global scale of environmental change and thus the scale of potential impacts that migration might produce,

6. Differentiate adaptive capacity the source or root cause of create climate migrant

Different regions, countries and communities have very different adaptive capacities. For example pastoralist groups in the Sahel, are socially, culturally and technically equipped to deal with a different range of natural hazards than, say, mountain dwellers in the Himalayas¹³. Strengthening adaptive capacity, national and individual wealth is one of the clear determinants of vulnerability

and enabling better disaster risk reduction, disaster education and speedier responses. In the decade from 1994 to 2003, it's observed that the natural disasters in countries of high human development killed an average of 44 people per event, while disasters in countries of low human development killed an average of 300 people each¹⁴.

On a national scale, Bangladesh has very different adaptive capacities and disaster resilience to the United States. For example, in April 1991 Tropical Cyclone Gorky hit the Chittagong district of south-eastern Bangladesh. Winds of up to 260 kilometers per hour and a six-meter high storm surge battered much of the country killing at least 138,000 people and leaving as many as 10 million people homeless those were 4% of total population in Bangladesh. The following year in August 1992, a stronger storm, the category five Hurricane Andrew, hit Florida and Louisiana with wind speed of 280 kilometers per hour and a 5.2-metre storm surge. But, while it left US\$ 43 billion in damages in its wake, it caused only 65 deaths¹⁵.

7. What we should do for climate forced migrants

Emerging global trends on natural hazards are compelling us to look at the broad picture of migration that's happening and even in future. Climate change is the big amplifier: Natural disasters are becoming more disastrous. Livelihoods are eroding faster. Larger numbers of people are being forced to move and also to move is a powerful reminder that urgent action is needed to reduce the process of climate change¹⁶.

So, the international community should take action to halt climate change, radically improve its prevention, preparedness and response capacity, support humanitarian financing, legislative measures that is more responsive on a larger scale and strengthen protection for the displaced, in their own country and across borders. There should also be a better understanding of the protection, which needs in natural disaster situations.

A fundamental concern is that while refugees from war and persecution are protected by international conventions, it is unclear what laws and policies protect people displaced across international borders by extreme weather events. This is a problem that the international community has to address urgently¹⁷.

Though, managing climate change induced displacement will be a complex task for policy makers and practitioners. But It is therefore fundamental that prevention of displacement and management of climate risk are on top of the political agenda and that we start acting now¹⁸.

a. Expanding the definition of refugee: Is "Climate Forced Migrant" as alternative?

There are some problems in broadening the existing definition of "refugee" through including those people displaced for environmental reasons or need to write a new convention that specifically protects such people¹⁹. The lack of an accepted definition of an environmental refugee means that, unless they're relocated by extreme weather events, their displacement does not trigger any access to financial grants, food aid, tools, shelter, schools or clinics and health services.

Lack of accepted definition made weaker the structural capacity of international system to provide necessary support for environmental migrants. Climate migrants are not recognized as a problem in any binding international treaty nor are there an international body in charge of providing support to climate migrants, or even counting them, instead the default response of OECD donor countries to extreme weather events is to give only humanitarian aid and invest in early warning systems.

In 2005 the Director of the UN University Institute for Environment and Human Security, Janos Bogardi, argued, "there are well-founded fears that the number of people fleeing untenable environmental conditions may grow exponentially as the world experiences the effects of climate change and other phenomena. This new category of "refugee" needs to find a place in international agreements. We need to better anticipate support requirements, similar to those of people fleeing other unviable situations"²⁰.

So considering the above context, how should we categorize these people those could get really protection or support by national and international system? One proposed definition from Jeff Crisp of the UNHCR is, "People who are displaced from or who feel obliged to leave their usual place of residence, because their lives, livelihoods and welfare have been placed at serious risk as a result of adverse environmental, ecological or climatic processes and events" might called as "Climate Forced Migrant". This definition will make no reference to movement whether it happens within the territory or to cross-border. This movement might be temporary or permanent but does describe an element of compulsion with varying degrees of threat (to people's welfare, livelihoods or lives).

Jeff Crisp has used the term 'climate forced 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.

b. Country policies are not encouraging for facilitation of climate migrants

With only a few exceptions, most of the island countries have been exposed to risks caused by sea-level rise and in their relocation strategies, the developed countries assume that the people will move internally in those vulnerable spots mainly in search of safer alternatives. As Rural-urban migration is the principal focus of the relocation plan, which prescribes by the developed countries. International migration of environmentally

induced migrants has received considerably less attention. So, it is unlikely that they (developed countries) would come up with the required solution to the problem of the individuals seriously affected by climate change.

Yet, the protection of humanitarian law in the context of climatic events is obscure in many state's policies. Refugee law is limited in large part, because the legal definition of an international refugee under the 1951 Convention, relating to the Status of Refugees does not include persons fleeing cross border due to environmental harm. Governments or state parties are therefore not generally required/obliged to protect or provide special legal status to the victims those entering their territory from outside from climate events²¹.

The immigration policies of most destination countries for climate migrants are not conducive to receiving large numbers of environmental migrants, unless they qualified through already existing admission categories in respective countries²².

Typically, destination countries admit persons to fill job openings or to reunite with family members. Employment-based admissions are usually based upon the labour market needs of the receiving country, not consider the situation of the home country. That's why it being observed that the humanitarian admissions are generally limited those who fit the definition in the UN Convention Relating to the Status of Refugees (UNHCR, 1951)²³. In that case, most environmental migrants will be unlikely to meet the legal definition of a refugee, as they will be forced to flee because of loss of livelihood or habitat and not because of persecutory policies.

So all country parties especially developed countries those are very much liable for climate catastrophe has prime responsibility to facilitate the climate forced migrants through revising their emigration and refugee facilitation policy as they have recognized the climate impact and also committed to act accordingly to facilitate a conducive or enabling environment for climate migrants.

c. Need to address the legal gap for cross-border climate migrants

The existing human rights and humanitarian principle and standards are fully developed to protection of the internally displaced than those displaced across borders or who migrate as a coping mechanism in response to different sudden and slow-onset environmental and climate impacts. These standards lack specificity or clarity as to the applicability to climate change events, leading potentially to their ineffective or inconsistent application to climate victims. Moreover, many standards are voluntary and lack monitoring or accountability mechanisms, leaving migrants subject

to potential abuse and the vagaries of politics at a given moment.

Humanitarian laws, such as the 2005 Hyogo Framework for Action, and the human rights principles adopted for disaster victims, such as the IDP principles, may be viewed as "soft law" principles. These receive government support via their declarations or resolutions, but remain legally nonbinding. Without their codification in a treaty it may be suggested that the principles can be disregarded lawfully.

Even if states agree to follow international guidelines, the lack of monitoring or accountability mechanisms allows states to violate the standards with impunity. There are no procedures by which victims can complain of abuse within the IDP guidelines, nor specifically for environment-related movements. There are regional and international bodies, courts and complaints procedures for general human rights violations, but these are not specifically tailored to the needs of disaster victims and in any case are likely to be beyond the effective access of such victims or international migrants without substantial legal assistance²⁴.

A number of researchers suggest that as climate disaster worsen, the need for greater clarity of government obligations and best practices is becoming more critical. So there suggested are made by policymakers, humanitarian agencies and advocacy groups to address the above issue where a few are identified here:

- UNHCR has suggested that states establish alternative forms of protection for those persons who do not qualify are refugees but whose return is neither feasible nor reasonable due to circumstances in their country of origin, and to otherwise identify and fill existing legal and operational gaps in protecting people vulnerable to climate displacement²⁵. The Special Representative of the UN Secretary General on IDPs has similarly suggested that states should provide greater protection for international migrants affected by disaster who are not able to return, possibly through their national migration management systems²⁶.
- The Special Representative has also called for national legislation to incorporate the IDP Guiding Principles to expand implementation and increase accountability, and for governments to use the Principles as a "checklist" during a disaster to ensure proper response and protection²⁷. The IOM has also recommended that governments address the normative gaps in protection of migrants, and facilitate a holistic approach to research and policy development²⁸. None of the humanitarian agencies would recommend amending the 1951 Refugee Convention or perhaps even establishing a new treaty containing legal commitments²⁹.

d. International Framework needed to deal with adaptation and climate migrant issue

This was a question in previous climate talk and negotiation process whether there is a need to establish new institutional arrangements at the international level or just utilize existing ones. The developing country parties argued that the issues relating to the scale and sources of financing, institutional arrangements, and specific modalities will better off under new institutional arrangement to tackle in financial support, strengthening international cooperation and avoid duplication.

Apart from this, many developing country parties saw the need for an Adaptation Committee to ensure that a vital link to the financial mechanism of the convention to support adaptation activities. Parties also considered the need for strengthening and establishing designated national-level institutional arrangements to enhance adaptation work from planning to implementation. But the bottleneck on this issue is on whether support for doing so should be in the hands of developed country-parties or all country-parties (ENB 2010a).

¹ (International Emergencies Disaster Database, EM-DAT, 2009 and cited from the report "Migration Environment and Climate Change: Assessing the Evidence")

² The Organization for Security and Co-operation in Europe (OSCE) is the world's largest security-oriented intergovernmental organization. Its mandate includes issues such as arms control and the promotion of human rights, freedom of the press and fair elections.

³ Professor Norman Myers, Green College, University of Oxford,

⁴ Forced migration policy briefing paper-1. Environmentally displaced people Understanding the linkage between environmental change, livelihood and forced migration.

⁵ Hsu, S.S., 2006, "2 million displaced by storms", Washington Post, 16 January 2006, <http://www.washingtonpost.com/wp-content/article/2006/01/12/AR2006011201912.html>, accessed 3 April 2007.

⁶ <http://www.unocha.org/what-we-do/advocacy/thematic-campaigns/internal-displacement/overview>

⁷ Global estimates 2011 "People displaced by natural hazard-induced disasters", Internal Displacement Monitoring Center (NRC).

⁸ (<http://www.thedailystar.net/newDesign/news-details.php?nid=255589>)

⁹ <http://www.irinnews.org/Report/92323/SOMALIA-Drought-displaced-in-tens-of-thousands>

¹⁰ Climate change and forced migration: Observations, projections and implications, UNDP Report 2007/2008.

¹¹ Migration Environment and Climate Change: Assessing the Evidence, Sub Section: The role of legal and normative frameworks for the protection of environmentally displaced people, IDMC.

¹² Professor Roger Zetter, Director Refugee Study Center, Oxford University)

¹³ (Hesse, C., and L. Cotula, 2006, "Climate change and pastoralists: investing in people to respond to adversity", Sustainable Development Opinion, IIED, London.)

¹⁴ Natural disasters here include both hydro-meteorological disasters and geo-physical ones. However the former outnumber the latter nine to one in frequency. IFRC (2004), "World disasters report 2004: Focus on community resilience", chapter 8 <http://www.ifrc.org/publicat/wdr2004/chapter8.asp>, accessed 20 April 2007.

¹⁵ National Oceanic and Atmospheric Administration, "NOAA's top global weather, water and climate events of the 20th Century",

<http://www.noaa.gov/stories/images/global.pdf>, accessed 20 April 2007

¹⁶ Erik Solheim Minister of the Environment and International Development, Norway

¹⁷ Elisabeth Rasmusson Secretary General, Norwegian Refugee Council

¹⁸ Pal Presterud, Director, Center for International Climate and Environmental Research-Oslo. (Cited Nansen conference Paper).

¹⁹ Friends of the Earth, Australia, 2005 "A citizen's guide to climate refugees", FOE, Melbourne.

²⁰ (United Nations University, 2005, "As ranks of 'environmental refugees' swell world wide calls grow for better definition, recognition, support", UN Day for Disaster Reduction, 12 October 2005.)

²¹ [UNHCR, "Climate change, natural disasters and human displacement: a UNHCR perspective" at p. 8 (2009)]

²² (Susan F. Martin, Associate professor of International migration, School of foreign service, Georgetown university)

²³ (Persons with a well founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group or political opinion.)

²⁴ [The Human Rights Committee and Committee on Elimination of Racial Discrimination have also commented on the key issues of concern related to a government's discriminatory treatment of those displaced. See, e.g., Concluding Observations of these bodies relating to treatment of displaced persons after Hurricane Katrina in relation to the right of return, housing and other assistance by the United States (para 26, CCPR/C/USA/CO/3/Rev.1, Concluding Observations on United States, 2006) and Convention on Elimination of Racial Discrimination (para 31, CERD/C/USA/CO/6, Concluding Observations on United States, 2008)]*

²⁵ (OHCR, Forced Displacement in the Context of Climate Change, supra note 15)

²⁶ (Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced persons, Walter Kalin, Addendum: Protection of Internally Displaced Persons in Situations of Natural Disasters at 6, A/HRC/10/13/Add.1 (2009).)

²⁷ (Report of the Representative of the Secretary General on Human Rights of Internally Displaced Persons, Walter Kalin, Addendum: High-Level Conference, at 4-5, supra note 8.)

²⁸ (International Organization for Migration, Migration, Climate Change and the Environment, IOM Policy Brief (IOM, Geneva, May 2009); see also discussion and publications at: <http://www.iom.int/jahia/Jahia/activities/by-theme/migration-climate-change-environmental-degradation>.)

²⁹ Climate Change and Migration: Key Issues for Legal Protection of Migrants and Displaced Persons. By Michelle Leighton, the Director of the Human Rights Programs, University of San Francisco School of Law, Center for Law and Global Justice.



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