

Climate Change and migration:

forced displacement, 'climate refugees' and the need for a new legal instrument



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“As a citizen of [Bangladesh], I feel very sad about it that our children will not be drawing the map as I have drawn it, as I have loved it”.

Rizwana Hasan, Executive Director of the Bangladesh Environmental Lawyers Association (BELA)

There is unequivocal evidence that rainfall patterns are changing, surface air temperatures are rising, and extreme weather events are becoming more intense. Larger areas are being affected by more frequent and longer-lasting droughts and desertification. Crucial freshwater sources are being contaminated by saltwater intrusion, and soils are being rendered infertile by salinization. Our oceans are becoming warmer, more acidic and sea levels are rising.

These environmental changes can be attributed to the greenhouse gases released by human activities. The release of which has upset the dynamic balance of the Earth's climate system. Compounded by the effects of rapid population growth and the mismanagement of natural resources, climate change is a very serious threat to the planet.

The impact of climate change is being felt most acutely in low-lying and marginal areas in developing countries and small island developing states (SIDS). The very countries that have typically had the lowest per capita and overall greenhouse gas emissions are paying a high price for climate change.

It is in these countries where the impacts of climate change are most profound and climate-related environmental hazards place people's lives and livelihoods in jeopardy. Where they are given no respite and opportunity to recover from each environmental 'shock', people may have no choice but to flee their

homes and land, seeking refuge wherever they can. Those who are forcibly displaced in this way have not just lost the 'bricks and mortar' of their homes, but in many cases they have also lost their possessions, their source of income and employment, and can be left isolated from traditional, cultural and familial ties. In effect, they have become 'climate refugees'.

Migration has always been an adaptation strategy to environmental change, but the impacts of climate change could see migration on a scale and of a nature never seen before.

Migration and the environment

Almost two decades ago, the IPCC suggested that the gravest effects of climate change may be those on migration¹ and today most institutions have recognized this. The public, politicians and the press can no longer ignore the overwhelming evidence that links environmental change with population displacement.

Recent disasters show how dramatic environmentally-driven displacement can be: 1.5 million homes destroyed in Bangladesh by Cyclone Sidr in 2007; 800,000 homes damaged or destroyed in Myanmar by Cyclone Nargis in 2008; and 20,000 people homeless due to floods and mudslides in south-east Brazil in the first month of



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2011^{2,3,4}. No country, no matter how developed, is isolated from the impacts of our changing climate. In the wake of Hurricane Katrina, 800,000 were evacuated from New Orleans in the USA. Such was the desperate plight of those affected that official offers of assistance came even from the most unlikely sources – including Cuba, Venezuela and Afghanistan.

Analysis by the Norwegian Refugee Council (NRC) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) revealed that by 2008 the number of people displaced by sudden-onset, climate-related natural hazards was greater than the number of refugees of concern to the UN Refugee Agency (UNHCR)^{6,7}.

Projected future environmental trends suggest that surface air temperatures will rise beyond 2°C, that extreme weather events will continue to increase in intensity (if not frequency), that sea levels will rise globally and locally and that rainfall patterns will become increasingly variable. Accounting for this, and using past events as an indicator, academics and specialists have attempted to predict the scale of future environmental displacement. Perhaps the most commonly cited is Professor Norman Myers of Oxford University, who estimated that 150 million people could be displaced by climate change by 2050.

Destinations for environmentally-displaced persons

Research into current migratory flows and past disasters reaches the conclusion that the vast majority of people displaced by climate change-related, environmental factors will migrate locally or internally. Very few environmentally-displaced persons move internationally.

Bangladesh is a ‘frontline’ country, where displacement could surpass the total number of internally displaced persons (IDPs) that the UNHCR assisted in 2009^{8,9}. This is a country whose extremely high population density, limited natural resources, frequent natural hazards and turbulent political history have been huge barriers to its progress on development. Climate change poses an additional burden.

An investigation by EJF in southwest Bangladesh during 2010 (report to be released 2011) revealed that there was a strong link between declining environmental conditions and migration. It became apparent that the most significant influences on decision-making around

relocation were familial connections and prior knowledge of an area as well as its proximity to the area from which they were displaced. Of 40 interviews in rural and urban locations with men and women from a range of backgrounds, only two spoke of family members that had migrated internationally. In all other cases, responses to the destruction of their homes by river erosion, cyclones and flooding have involved the rebuilding of a new home in the same village (often on higher ground) or the relocation of their immediate family to large urban settlements (e.g. Khulna, Mongla).

Interviewees did not recognize the term ‘climate change’ in English or Bangla, yet each freely recounted their experience of changes in their surrounding environment. These changes mostly included less predictable seasons and rainfall, hotter summers and increasing salinity in soil and freshwater stores. Storms and flooding were repeatedly described as the worst in living memory.



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Haowa Begum lives in Taltola slum in Khulna with her husband and son. They moved here two weeks before we interviewed them. Haowa likes her new home. Her previous one was flooded and muddy, this one is dry and has a concrete floor. Her husband has a job now, working in a flour mill, and if he can keep getting work there they will stay in Khulna.

“We are here simply because of the flood... There was heavy rainfall. Hens, ducks, doors, furniture - everything got smashed. We were starving. We had no choice but to move... No, I do not consider myself lucky. I may have escaped the floods but the others are left behind, I feel bad and think of them.”

Human rights implications

Climate change is undermining human rights, such as the right to life, health, food, water, housing and self-determination. These are rights which are considered universal, and that the international community is bound to defend. The UN Human Rights Council (HRC) has recognized this critical relationship through two of its resolutions – 7/23 and 10/4. In 2009 during its tenth session, the Council adopted the second resolution ‘Human rights and climate change’, recognizing that *“climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights ...”* and affirming that *“human rights obligations and commitments have the potential to inform and strengthen international and national policy-making in the area of climate change”*¹⁰.

- According to the World Health Organization, global climate change was responsible for more than 140,000 deaths in 2004 (3% of diarrhoea, 3% of malaria and 3.8% of dengue fever deaths worldwide)¹¹.
- By 2080, climate change could result in an additional 35 million to 170 million undernourished people in developing countries¹².
- In Africa alone, by 2020, 75-250 million people will be exposed to increased water stress due to climate change¹³.
- Forty-six countries – home to 2.7 billion people – are considered to be at high risk of violent conflict due to the combined effects of climate change and ongoing socio-economic and political problems¹⁴.

Lack of protection

The current refugee support system is ill-equipped to deal with the scale and nature of this new refugee crisis. The 1951 Geneva Convention Relating to the Status of Refugees is the principal international legal instrument benefitting refugees. It emerged out of a very specific historical context



Almost one fifth of the world's population live in areas where the water is already physically scarce¹⁵

– the Second World War. Therefore, even with its 1967 Protocol, the Convention has a very narrow mandate; the protection of people forcibly displaced across international boundaries each year due to well-founded fear of persecution and violence. It is an important mandate, and there is unilateral agreement that it must be safeguarded and not revisited or amended, but as such it is incapable of responding to the threats that we face today as a result of climate change.

Meanwhile, the UNHCR explicitly states that it only intervenes in environmentally-driven situations under “exceptional circumstances”¹⁶. The agency has neither the mandate nor resources to intervene on the behalf of ‘climate refugees’.

Current legal provisions at regional and national levels are not enough. Within Europe, only two countries have made provisions within their national asylum and immigration policies. Both Sweden and Finland’s Alien Acts recognize people fleeing natural/environmental disasters as in need of protection. Although this recognition is progressive, there has been a failure to employ them in practice. Similarly, one of the most targeted measures introduced at a regional level (the African Union’s Kampala Convention) has failed to be ratified by the necessary countries in order to make it law.

People forcibly displaced by climate change are not conferred equivalent protection to political refugees under the 1951 Geneva Convention



Moving forward: ensuring protection and assistance for people displaced by climate change

We must help build resilience and assist those communities for whom conditions have deteriorated to such an extent that they have no choice but to move; communities which have been forced from their homes and land and left divided and scattered with nowhere to go and no means to survive. A planned and rational strategy to assist vulnerable groups will prevent worst-case scenarios of migration being realized and will go a long way to addressing some of the adverse consequences of rapid rural-to-urban migration typical of many countries, helping to promote and maintain social and political stability.

EJF is working with our partners to secure a legally-binding, international protocol that can fill the existing gaps in legislation and ensure that the refugee support system evolves within the context of our changing world. This new legal instrument would recognize people displaced by deteriorating environmental conditions associated with climate change as a vulnerable social group, and confer them equivalent but legally distinct protection to that conferred to refugees fleeing persecution under the 1951 Geneva Convention.

Recommendations for action within the EU

(1) Set climate change and migration as an issue of priority in the UN General Assembly

The relationship between climate change and migration must be raised at the UN General Assembly as part of the 65th session, particularly in reference to discussions of promoting human rights, effective coordination of humanitarian assistance efforts, and the protection of global climate for present and future generations.

(2) Codify the right to a safe and stable environment in the European Convention for Human Rights (ECHR)

Although the European Court has constructed a way to deal with the most severe environmental violations, mainly under Article 8 (private and family life) of the Convention, the criteria developed by the Court have proved too narrow to be applicable to many cases.

(3) Ensure 'joined-up' policy

In recognition that climate change is a major threat to human rights, development and security, the EU must seek to systemically link its aid and development, environment and migration policies and decision-making. This will make development aid and humanitarian relief more effective.

(4) Facilitate 'positive' migration

Planned and managed migration can be beneficial to both donor and recipient areas. Successful examples that could be used as a model to respond to climate change, include New Zealand's quotas for people from Tuvalu under the Pacific Access Category (PAC), and the flow of migrants between Colombia and Spain as temporary and circular labour migration (TCLM).

Preliminary results indicate that most environmentally-induced migration is local and internal, not international. 'Fortress Europe' is not an appropriate response to this humanitarian crisis and potentially gives weight to xenophobic arguments, effectively closing the debate on climate change and migration.

(6) Take stronger commitments to mitigating climate change

The EU should take a lead globally to encourage progressive and effective action to combat climate change. This should include more ambitious emissions cuts.

EU member governments should

Examine their own asylum and immigration policies and assess whether they include an appropriate response to environmentally-induced migration. Provisions for migrants fleeing environmental disasters are made in both the Finnish and Swedish Aliens Act and governments should consider whether these could serve as model or starting point for their own policies.

Take Action today

Sign EJF's call to action seeking a new legally-binding, international instrument for the recognition and protection of 'climate refugees'.

For more information, or to view EJF's films and reports, please go to www.ejfoundation.org or email Steve Trent, steve.trent@ejfoundation.org



Protecting People and Planet

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