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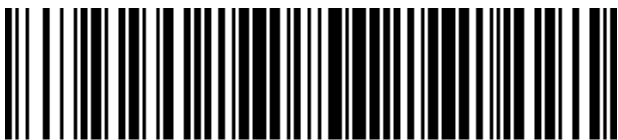
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Environmental Migration and Refugees

Shreyashi Srivastava

Assume yourself in a situation where you wake up to the sound of the wind in the middle of the night and all you can see is water spouting in your house, you are so much quivered by this and all you can do is to grab your children, your belongings and run as far as you can.

This has happened with Rafael Domingo, where Cyclone Idai left more than 73,000 people homeless in 2019.¹

A large part of the population is affected by the same situations around the world every year. People are impelled to leave their homes due to some natural calamity be it a drought, flood, soil erosion, etc with no certainty of coming back, they have left behind their loving beings, belongings, and most importantly their basic rights - this is what migration is and the worst part is environment change is not considered as a standard to define a refugee.

WHAT IS ENVIRONMENTAL MIGRATION

Environmental migration can be defined as that group of persons who are induced to leave their natural habitat either temporarily or permanently because of the unanticipated change in the environment such as Drought, earthquakes, cyclones, hurricanes, soil erosion, and other natural calamities, which in turn has unpropitious effects on their lives. The process of allocating people within the country is often termed as “internally displaced persons” whereas “Environmental Refugees” is the term given to the people who move across the borders as a result of the unfavorable circumstances because of climate change and Natural Disasters(though this definition is not accepted by any international treaty.)

International Organization for Migration for the first time in (**Atlas on Environmental Migration**) had published about the connection between the Environmental Change and Migration which was presented very precisely by radical maps, case studies, and very influential statistics². In **1990 Intergovernmental Panel on Climate Change (IPCC)** was opined of the view that the greatest impact of Climate Change would be on Human Migration and all over these years it has been proved to be correct. The World Migration Report, 2020 has mentioned that many people are displaced by natural disasters over the years in contrast with the people who are displaced due to political conflict or violence.

¹ IOM Migration, Environmental, and Climate Change(MECC) Division,
<https://www.un.org/sustainabledevelopment/blog/2019/06/lets-talk-about-climate-migrants-not-climate-refugees/>.

² Migration Data Portal, Environmental Migration, 10 Jun, 2020
https://migrationdataportal.org/themes/environmental_migration.

The practice of migration dates back to the period of **Indus Valley Civilization** according to the recent indagation done by the researchers of the Indian Institute of Technology, Kharagpur based on prompting evidence found from the study of two unknown Iron age sites in the western part of the Great Rann of Kutch and lower fringes of the Thar desert³. Climate change is not a new phenomenon and is not limited to the major countries, the **Small Island Developing States (SIDS)** have been severely affected by it. Though the pretext behind the enigmatic stories of disappearing islands could be different, migration is said to be the foremost cause of it.

PRESENT SCENARIO

According to the **World Migration Report 2020**, it has been found that there were **272 million** International Migrants globally in 2019, which contributes to almost **3.5%** of the total World's population. It was also observed that in the year of 2020 that people belonging less than 18 years of age in the Global refugee population were about 52%. India is said to be the origin of around **17.5 million** migrants living abroad, followed by Mexico and China⁴.

In the past years, the condition of the environment has deteriorated in such a manner that it had become a challenge for the livestock as well as flora and fauna to survive, especially in the past few months Climate change has become one of the major intimidating issues all over the world. The ultimate disaster transpired this year is in the form of deadly floods parallel with the barbarous pandemic (Covid19), which has added fuel to the fire and has exacerbated the economic condition of the country and has intensified the ongoing crisis. **Bihar and Assam flood in India has been proved to be mortal for several numbers of people and has crushed the lives of many, escorted by the Cyclone Amphan in India and Bangladesh, devastating floods in Indonesia, the Australian bushfire.**

³ Richard Mahapatra and Akshit Sangomla, Migration out of Climate Change, Down to Earth, 2020, <https://www.downtoearth.org.in/news/climate-change/migration-out-of-climate-change-71291>.

⁴ World Migration Report 2020, Part I:Data and Information on Migration and Migrants, Pg 3, https://publications.iom.int/system/files/pdf/wmr_2020.pdf.

Millions of lives have been affected and a large number of populations have been induced to migrate for saving their lives. The sarcastic part in the process of migration is that the most vulnerable sect of people who have no or minimum role in the climate change has to reap what has been sown by the people who are actually responsible for causing it and they bear its minor consequences.

It would be correct to say that there has been spreading political and social awareness for the climate refugees however, apart from the agreements such as **Paris Climate Change Agreement, the Sendai Framework for Disaster Risk Reduction, and the Global Compact for Migration**, the least has been done to deal with this enigma.⁵

CAUSES OF ENVIRONMENTAL MIGRATION

Climate change is often believed to be the sole cause of migration as they seem to be linked with each other; however, there are other factors such as **social, demographic, political, and economic** with the **environmental one** which effects migration. Environment change being the direct one affects every other factor which ultimately results in migration. Difficulty in differentiating between the migration caused by the environmental and economic factors cannot be ignored as the reason for migration. The basic factors of migration have been discussed further-

Occupational Injury- Safety at work is a most important condition in every kind of employment and the absence of it may result in tragic consequences like what has happened in the **Bhopal Gas Tragedy case (almost 3000 people lost their lives and almost 2,00,000 people) were displaced from their natural habitat, same has been followed in the recent case of Vishakhapatnam Gas leak case, Delhi Gas leak case and, GAIL Pipeline Blast** too are added in the list, however reading about the **Chernobyl incident** would add chills to the spine which has caused the death of the countless number of people and thousands of people were being displaced, the radiations even caused diseases like thyroid, leukemia, heart diseases in numerously.

Armed Hostilities- Warfare among the nations sometimes results in the degradation of the environment or environmental degradation is often used as equipment of war intentionally taking the

⁵Climate Refugees, Friends of the Earth, 20 June 2017, <https://friendsoftheearth.uk/climate-change/climate-refugees>.

lives of innocents. Covid- 19 can be said as the most suitable example of this which is often believed as a biological weapon created by China based on shreds of evidence found which claim that the virus has been created in the lab (Wuhan Lab of China) which has resulted as the spookiest pandemic in the history.

Natural Disasters- It should be noted that almost 2000 disasters coerced almost 24.9 million people to migrate across 140 countries in the year 2019⁶. Calamities such as earthquakes, floods, cyclones, hurricanes, desertification, Tsunami are the most frequently occurring natural disasters. Recently, The devastating floods of Indonesia (January 2020) were horrifying, which took the lives of many, and over 4Lakh people were forced to flee from their homes. Similarly, the volcano eruption that happened in the Philippines cannot be overlooked, such type of disaster happened after 43 years which caused acute depredation after the rupturing of the Taal volcano which caused the shifting of about 300,000 people⁷. **According to the World Bank report of 2018, it has been found that by 2050 there would be over 140 million people living in Africa, Latin America, and South Asia would be displaced** because of climate degradation like poor agriculture, droughts, floods, poor quality of crops, etc. however by swaying the condition of global warming the figures could be reduced to approximately 40 Million.⁸ Non- availability of the basic sources of life is another essential factor resulting in the migration of the people from one place to another.

Natural disasters and Climate change of course is an obvious reason for the migration but more emphasis should be laid on what causes it. Although the process of climate change is a natural phenomenon the Involvement of human beings behind it cannot be ignored. The ravaging and fancy lifestyle of people and the attitude to not settle for less has demolished our earth in such a way that it is becoming difficult every day to reinstitute that loss. Global warming, eminent burning of fossil fuels, deforestation, emission of Greenhouse gases are some of the foremost causes and the list is

⁶ Migration Data Portal, Environmental Migration, 10 Jun 2020, https://migrationdataportal.org/themes/environmental_migration.

⁷ Natasha Monterio, Natural Disasters that have happened in 2020, Curlytales, May 27, 2020, <https://curlytales.com/9-natural-disasters-that-have-already-happened-in-just-5-months-of-2020/>.

⁸ Rigaud, Kanta Kumari, Alex; Bryan, Ober, Clement Amelia, Susana, Adomo, Midgley; Groundswell: Preparing for Internal Climate Migration, World Bank, Washington, DC, 2018, <https://www.worldbank.org/en/news/press-release/2018/03/19/climate-change-could-force-over-140-million-to-migrate-within-countries-by-2050-world-bank-report>.

interminable. These factors affect adversely climate change and are basic reasons for rising the earth's temperature which in turn upshots in calamities like drought, flood, melting of glaciers, soil erosion which ultimately induces a large amount of population to migrate. Sea level rise, changes in storm or cyclone frequency, changes in rainfall patterns, forest fires, ocean acidification, etc. are the reasons which may yield horrible results and tear down the livelihoods.

ENVIRONMENTAL REFUGEES AND THE LEGAL LANDSCAPE

The legal definition of a refugee can be defined as a person who is forced to flee from his country to some another place because of the fear of persecution for the reasons of race, religion, nationality, or membership or on the grounds of war or violence to provide them legal protection under the international law and also to uplift them by providing proper aid and assistance.⁹

In the 1970s the term '**Ecological Refugees**' was disseminated by the famous author **Lester Brown**. Apart from this many terms like 'Environmental Refugees', 'Environmentally displaced persons', 'Climate Migrants', 'Event Induced Migrants' were familiarized for the people who were forcefully induced to leave their traditional habitat¹⁰.

There have always been conflicts between the terms Migrants and Refugees. **El- Hinnawi in 1985 has made us known to a term of Environmental Refugees and further Jacobson's report has popularized the term in 1988 in the field of refugees.**¹¹ It is important to note that climate change despite being the most important reason for the people to migrate over the borders, there is no international legal status been given to them in the category of refugees.

There has always been an ignorant behavior towards the refugees whose cause of migration is environmental change. They are not given the legal status and protection unlike other refugees and

⁹ Manasi Gore, Climate Refugees/Migrants in India, Research Gate, July 2019, https://www.researchgate.net/publication/334459027_Climate_refugeesmigrants_in_India_A_need_for_policy.

¹⁰ K.C. Sunanai, Environment Change, and Migration: Policy Analysis in India, International Journal of Legal Developments and Applied Sources, Volume 3 Issue 1.

¹¹ Bates, D. C. (2002). Environmental refugees? Classifying human migrations caused by environmental change. *Population and Environment*, 23(5), 465-477.

are only accepted as migrants and it is considered that they have been migrated voluntarily even when it is a question of survival.

However, in the past few years a lot of attention has been given towards the issue of environmental migration but in contrary very little has been done.

There are certain steps taken in a way forward to the rights of migrants such as **Peninsula Principles on Climate Displacement** which wraps both sudden and slow-onset changes but they are narrower in sense and only include internally displaced persons. **An advisory group on Climate Change and Human Mobility** has also been established by the UNHCR to keep a check on the issues related to migration. But, the main issue which revolves around is the legal acceptance of the term of Environment Refugees and to consider environment change as a serious factor for migration as the political and other factors are done under international law to protect the human as well as the fundamental rights of individuals.¹²

WHY THERE IS A NEED FOR AN ACTION PLAN BY THE INTERNATIONAL COMMUNITY

The recent report of the **Institute for Economics and Development** says that almost a billion people would be displaced by the year 2050 due to the climate crisis and thriving population, which would likely affect both the developing and the countries.

It has also been predicted that countries like India and China would be likely to have a threat of water scarcity and countries like Pakistan, Ethiopia and Iran would be having a huge threat of mass migration. The climate migrants and refugees have always been dreaded about the double endangerment they have been facing, the first thing being the ignorant behavior on their status, the terms like “Climate refugee” or climate Migrants are still not accepted by the international communities. International law has mentioned certain conditions for a person to be considered as a refugee and the people who are being migrated due to the environmental causes hold no place there. Hence, there is a dire need to extend the scope of the definition of refugees under the **1951 Geneva Convention on refugees, as it provides for the fundamental freedoms under various**

¹² Sumudhu Atapattu, Climate Refugees and the Role of International Law, Oxford Research Group, Sep.13,2018, <https://www.oxfordresearchgroup.org.uk/blog/climate-refugees-and-the-role-of-international-law>.

international conventions such as the **Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights** and many more.

Though **UN Guiding principles and Kampala convention** directs some rights regarding the internally displaced persons and categorizes natural disasters and man-made causes as one of the causes of migration in a broader perspective but again there is no mention on the rights of “environmental refugees “and it stands merely as a fancy term under the **United Nations High Commissioner on Refugees (UNHCR)**.

RECENT DEVELOPMENTS AND SUGGESTIONS

Though it is a firm fact to accept that till now there is no international legally binding treaty and convention to look after the rights of climate refugees, but it cannot be denied that there are some initiatives been taken to provide some relief to them, such as-

- **NANSEN Initiative-** It is the most commendable step based on the outcome of the **Nansen Conference on Climate Change and Displacement in Oslo**, which aims at building the coordination among the states on the basic principles to safeguard the people which are affected by the natural disasters and the climate change across the borders.
- Recently major emphasis has been given in acknowledging the **climate displacement in the official documents related to climate issues at Cop21**, assertions, and ways to steer the situation has also been addressed in it.
- **The Principle of Non- refoulement** which restricts a country to return a person to a place where he could face torture or be threatened because of his race, nationality, membership. In the case of *Ioane Teitiota v. New Zealand*, it has been held that sending a person forcefully to a place where there would be a risk to his life because of some natural calamities would be considered as violative of the Right to Life under **Article 6 of International Covenant on**

Civil and Political Rights, the case is much celebrated on the account of effort given to the people who bear loss due to natural disasters.¹³

- At the National level, the 8 national missions were launched on **National Action Plan on Climate Change (NAPCC)** by the Prime Minister's Council which focuses on the new technologies and policies in dealing with climate change shall be promoted and executed properly so that effective changes could be made to curb the effect of climate change, which in turn could reduce the risk of natural disasters and migration.

However, with some initiatives that have been taken the lacunae in the international legal system in providing legal protection and safeguarding the rights of the migrants cannot be overlooked. States must be beholden to prove their commitment towards providing the hale and health conditions to the vulnerable sect of society and protecting their Human Rights.

- The Principle of **Common but Differentiated Responsibility (CBDR)** suggests that it is the common responsibility of every state to protect our environment, taking into account the germaneness, quality, and nature and the use associated with it.
- **Polluter Pay Principle** shall also be followed in this regard so that the person who is causing the pollution shall pay and the fund collected from it could be used in aid of the migrants or the needy people.

¹³ Urshila Pandit, An Analysis of *Ioane Teitiota v. New Zealand*, NUALS Law Journal, May 1, 2020, <https://nualslawjournal.com/2020/05/01/an-analysis-of-ioane-teitiota-v-new-zealand-paving-the-way-for-climate-refugees-and-non-refoulement-obligations-of-states-under-article-6-of-the-iccpr/>.

CONCLUSION

People migrating due to the environment change are greatly scorned by international law. Before striding towards the issue of the environmental migrants, firstly we need to discern and grain the threat posed by climate change to livelihoods and human safety, we need to realize that under what menace they hold on to each day. History is proof that nothing could be procured until the collective steps of every single individual are taken.

India being the vulnerable country sees the migration pattern where there could be a lot of migration from Bangladesh to India and hence India needs to ameliorate on its natural resources and requisite steps have to be taken regarding agriculture, developing megacities on much stronger perspective, and making cities less vulnerable. **Environmental Migration is a process which couldn't be stopped, as it happens because of the change in the climatic conditions which cannot be foreseen, hence the disaster preparedness is very necessary**, the system should be designed in such a way that there must be quick responses and rehabilitation on the onset of disaster including the improvement in the flood defense system, quick relocation of families and so on.

More steps like the **NANSEN initiative** should be assembled, whereas more focus shall be given on the goals mentioned under the **PARIS Agreement** to have a sway on the venture of Climate Change. The '**money apps**' prepared on the onset of any disaster for the people who are affected by it and for providing relief to the victims is an example of the technological advancement and should be appreciated. Every small contribution to these types of tragedies counts and could be done by people.

Moreover, more focus has to be given on the new legal instrument, either a protocol should be designed under **UNFCCC** or a stand-alone convention has to be worked out. More emphasis should be given in the establishment of the **Climate Displacement Coordination Facility to relocate migrants** and rehabilitate them in the safer regions. Apart from that **developing resilient infrastructure and boosting health care services** would be of great help. However **permanent solution requires an international treaty framework that considers "environmental refugees" as a category for refugees and the responsibilities of the nation-states in boarding them within their territories.**