

Safeguarding the Climate Induced Migrants in Bangladesh

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Prelude:

“Migrants and Refugees are not pawns on the chessboard of humanity.”¹ A wise saying that advocates for protecting migrants and refugees. The word ‘migrants’ includes ‘climate induced migrants’ too. Refugees, migrants and displaced persons are being protected by the UN Refugee Convention 1951 and Protocol 1967. But, when the word ‘Climate’ soars before the word migrants, there subsist immense hollow of legal frameworks and policies. Further, there are contentions regarding the definition of the climate induced migrants; whether they shall be termed as ‘Climate Refugees’ or ‘Environmental Refugees’.² The situation gets intensified when we see and foresee the drastic change of climate across the globe. Icebergs are melting in the South Pole, sea-level is rising, and cyclones-floods are visiting the vicinities very often. Frequent Tsunamis, tornadoes, hurricanes, excessive-rainfall, low-rainfall etc. are the offshoots of climate change. These are natural disasters that seem less minacious to hear but furious in consequences.

The Relation between Climate Change and Migration:

The direct link between environmental factors and migration is not very easy to identify, as many of the citizens not only migrate only for the results of climate induced disasters but also to find a better live and livelihood in a new place in the excuses of natural disasters. Then again, scarcity of plausible information as well as the division of opinion among the experts leads to confusions regarding the existence of climate induced refugees. Also ‘Environmental Degradation’ only forms one of the causes closely interrelated with other factors such as poverty, social and economic exclusion, unequal distribution of resources, land issues, institutional constraints etc. As a result, Environmental Migration includes all movements that are driven by other Environmental factors and menaces of climate change.³ Vulnerability to climate change is the degree to which geo-physical, socio-economic and biological systems are more prone to break-down and incapable to step up with the adverse impact of climate change. Whereas extreme weather events, slow-onset hazards, sea level rise cause many of the rapid onset hazards and mobility in the migration process. The occurrences of migration thus depends on the ways in which population is affected by adverse environmental changes as a whole.⁴ In Bangladesh river erosion is the direct reason for mobility of thousands of people during monsoon. They lose their homes during floods and cyclones and get themselves migrated into a new city in search of livelihood and homes. The biggest examples are the 1998’s flood and cyclone SIDR of 2007.⁵ During both of these disasters thousands were dead, thousands lost their agricultural and living lands, livestock and thousands had migrated to Dhaka and other nearest areas. In spite of the concerns mentioned above there is no doubt that, Climate Change induced disasters cause migration in a great number across Bangladesh and the globe.

¹ Pope Francis Quote, available at: <<https://www.ncronline.org/blogs/francis-chronicles/pope-says-immigrants-not-pawns-global-chessboard>>

² Alex Randall, See at: <https://www.theguardian.com/vital-signs/2014/sep/18/refugee-camps-climate-change-victims-migration-pacific-islands>, last accessed, 28th February 2019

³ Environmental Migration Portal, See at: <https://environmentalmigration.iom.int/environmental-migration>, last accessed 27th February, 2019

⁴ Jacob Park, Environmental Migrants: More than Numbers, <https://ourworld.unu.edu/en/environmental-migrants-more-than-numbers>, last visited 1st March, 2019

⁵George Pararas-Carayannis, Cyclone Sidr – A History, see at: <<http://m.theindependentbd.com/magazine/details/123031/Cyclone-Sidr---A-History>> last visited, 2nd March 2019

Status Quo of the Migration Crisis and Outcomes of Climate Change:

According to the report of Norwegian Refugee Council 31 million people have been displaced due to climate induced rapid-onset (Tsunami, Tornadoes etc.) hazards or slow-onset (Floods, Drought, etc.) hazards till 2017.⁶ By 2050 it may increase up to 200 Million if remains unbridled according to the report of Institute for Environment and Human Security of the United Nations University.⁷ This is the scenario of the whole world where Bangladesh is not an exception. Bangladesh being a country in the basin of Bay of Bengal is very much keen to natural disasters. Cyclones visit the country almost every second month of a year. As well as, 80 percent of its lands is floodplain, whereas 18 percent land of the country is flooded during monsoon killing a good number of people at average, destroying homes, agricultural lands, firms and livestock.⁸ Eleven districts namely Kurigram, Gaibandha, Bogra, Sirajganj, Tangail, Manikganj, Rajbari, Rajshahi, Faridpur, Shariatpur, Madaripur are the areas that are prone to floods or often visited by floods during monsoon.⁹ Also about 5 percent of the plain lands of Bangladesh is affected by river erosion grasping habitats of thousands.¹⁰ It is estimated by Centre for Environmental and Geographic Information Services that Bangladesh is about to lose 2270 hectares of its land this year at an annual loss of 8700 hectares as a result of river erosion.¹¹ In the case of cyclones and landslides the consequences are more intimidating. The statistics demonstrated above is an egregious concern for Bangladesh. Consequentially, Internal Displacement Monitoring Center-Bangladesh's Annual Report-2017 shows that, the country is currently impregnated with 9,46,000 'Internally Displaced People' due to climate induced disasters.¹² The number is in the process of aggregation, where 50000 people at an average becoming homeless due to natural disasters every year. Apart from that, German Watch Global Climate Index Report says that, Bangladesh is among the 10 vulnerable nations affected (will be severely affected) by climate change.¹³ Within 2050 Bangladesh will lose 17.5% of its lands, which includes 30% of food production lands according to the prediction of International Panel Climate Change (IPCC).¹⁴ Whereas International Union for Conservation of Nature (IUCN) warns that, the amount of climate-induced displaced persons in Bangladesh may mount to 15 million by 2050.¹⁵ From the perspective of employment, agricultural resources, economy, employment, food, national harmony and livestock, the predictions or facts are undoubtedly minatory.

⁶NRC and IDMC, More than 31 million people displaced within their own country in 2017; See at: www.nrc.no/more-than-31-million-people-displaced-within-their-own-country-in-2017 last accessed, 3rd March 2019

⁷ Climate Migrants Might Reach One Billion by 2050, see at: <https://unu.edu/media-relations/media-coverage/climate-migrants-might-reach-one-billion-by-2050.html> last visited, 21st February, 2019

⁸ Geography, Climate and Population, FAO Aquastat Survey, see at: http://www.fao.org/nr/water/aquastat/countries_regions/bgd/BGD-CP_eng.pdf last visited, 21st February 2018

⁹Tribune Desk, Bangladesh listed as one of 7 climate change hotspots, See at: <https://www.dhakatribune.com/climate-change/2017/06/24/bangladesh-listed-one-7-climate-change-hotspots/> last accessed 20th February, 2018

¹⁰ Ibid

¹¹ Ibid

¹²Global Report on Internal Displacement 2018, see at: <http://www.internal-displacement.org/global-report/grid2018/> last accessed, 20th February 2018]

¹³Abu Siddiq, Bangladesh out of top 10 in Global Climate Risk Index, see at: <https://www.dhakatribune.com/uncategorized/2017/11/10/bangladesh-top-10-global-climate-risk-index> last visited 23rd February 2019

¹⁴Shakeel Mahmood, Impact of Climate Change in Bangladesh: The Role of Public Administration and Government's Integrity, see at: https://www.researchgate.net/publication/311744604_Impact_of_Climate_Change_in_Bangladesh_The_Role_of_Public_Administration_and_Government's_Integrity last visited 24th February 2019

¹⁵Abulkalam Md. Iqbal Faruk, Climate Change Induced Migration in Bangladesh, see at: <https://www.iucn.org/content/climate-change-induced-migration-bangladesh> last accessed 24th February 2019

Lack of International and National Legislations:

At present 1 million citizens of Bangladesh and 21.5 million climate induced migrants at an aggregate across the world are unprotected from the perspective of International Organizations and government, as there is no recognized term to define those displaced people.¹⁶ As a result, no legislation in Bangladesh recognizes or protects them. Bangladesh is not the only responsible stakeholder in this chasm of protection. International law itself is yet incapable to define those people. Article 1 of The United Nations Convention for the Refugees 1951 does not include the definition of ‘Climate Induced Migrants; nor does any other convention of international law. International Organization of Migrants has suggested to fix the term as ‘Environmental Refugees’, but there are propositions and counter propositions, whether they shall be termed environmental refugees or climate refugees.¹⁷ In that case, the word refugee requires persecution under article 1 of the said Convention. Even the mother of Human Rights conventions ‘Universal Declaration of Human Rights 1948’ has failed to safeguard the climate induced migrants under article 14(2) as the tripping point of persecution is undeterminable in the case of climate induced migration.¹⁸ As well as, ‘The Guiding Principle on Internal Displacement-1998’ has not spent a single letter for the protection of Climate Induced Migrants. Though United Nations Framework Convention on Climate Change (UNFCCC) has been arranging ‘Conference of Parties’ from the very beginning it also has produced to fail any concrete and sustainable policy and definition to safeguard the ‘climate induced migrants’ except initiatives named ‘Nansen Initiative’ and National Adaptation Programme of Action (NAPA).¹⁹ In between all the odds, Paris Agreement 2015 could have been a light of hope for the world, but it too is less concerned about ‘Climate Induced Migrants’. But Cartagena Declaration +30 has broadened the definition of refugees that includes every kind of displaced persons whether because of persecution or natural disasters shall be protected and given refuge among the American countries.²⁰ Cartagena Declaration +30 can be a forerunner in the run of protecting climate induced migrants opening the scope of regional protection of climate induced migrant through regional cooperation. Though Bangladesh is not a party to the UN Refugee Convention 1951, UN Refugee Protocol-1967 and The Internal Displacement Guiding Principles-1997, it can still contribute in the periphery. Also, it is unjustified that in absence of international law’s recognition and protection, Bangladesh shall keep huge number of its citizens unregulated and unprotected violating ‘Right to life’ ensured under Article 32 of the constitution. Also, Disaster Management Act-2012 could have been the excelsior, but the Act is also less concerned about securing the affected people and more about managing a disaster.²¹ Environment Conservation Act 1995 does not include any provision for the protection of climate induced migrants in Bangladesh as well.²² But Bangladesh shall be praised for the efforts it made by adopting National Adaptation Programme of Action (NAPA) by UNFCCC. As well as Ministry of Environment and Forests has heralded Bangladesh Climate Change Strategy and Action Plan (BCCSAP) under NAPA with 44 programs on Short-term and Long-term basis to safeguard ‘Climate Induced Migrants’.²³ Not surprisingly these policies were failures as a result of less concentration and ineffective

¹⁶ Ibid (9)

¹⁷ Ibid (2)

¹⁸ Sakhawat Sajjat Sejan, ‘Protecting Climate Induced Migrants in Bangladesh, see at: <https://www.thedailystar.net/law-our-rights/rights-advocacy/news/protecting-climate-induced-migrants-bangladesh-1665574> last accessed, 20th February 2019

¹⁹ Bangladesh: National adaptation programme of action – NAPA, see at:

<https://www.preventionweb.net/english/professional/policies/v.php?id=8133> last visited, 20th February 2019

²⁰ UNHCR, Cartagena Declaration on Refugees, see at: <https://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html>, last accessed 20th February, 2019

²¹ Niger DilNahar, Implement Disaster Management Act, see at: <https://www.thedailystar.net/news/implement-disaster-management-act>, last visited 26th February, 2019

²² Environment Conservation Act-1995, (Act I of 1995), see at: http://bdlaws.minlaw.gov.bd/bangla_pdf_part.php?act_name=&vol=&id=791, last accessed 27th February, 2019

²³ Ibid (19)

implementation process. Nevertheless, still the government may adopt some regulations and policies to protect the displaced people and invigilate the aftermath of migration.

Mechanisms to increase responsiveness and protect ‘Climate Induced Refugees:

For responding the foreseeable crises due to climate change International Organizations for global perspective and Bangladesh government for her may take some calculative approaches through the vices of laws and policies. International Human Rights law, Environmental law and Refugee law can contribute towards the protection of Climate Induced Migrants if enacted accordingly. The state parties shall also respond to the calls for the security of their citizens from any climate induced disasters.

Role of International Laws:

1. The definition of refugees as given in article 1 of the UN Refugee Convention-1951 with the consensus of state parties may be amended and it may include the climate induced migrants within the definition.²⁴
2. Article 14(2) of Universal Declaration of Human Rights 1948 talks of about ‘Right to Asylum’. The article may also extend its jurisdiction to include climate induced migrants to provide them their right to asylum. A protocol may be adopted under United Framework Convention on Climate Change for preventing environmental change and disasters.
3. Internal Displacement Guiding Principles-1998 and Paris Agreement 2015 may be made more concerned about protecting the climate induced migrants and climate change as well.
4. Or the International Organizations may create soft laws through good and constant practice among them that will lead to a hard law approach regarding the protection of Climate Induced Migrants and Climate Change.

Role of Statutory laws:

1. Disaster Management Act (DMA)-2012 may be the forerunner to safeguard the climate induced migrants by extending the definition, more focusing on migrated people and compact fully adopting ‘National Adaptation Programme of Action’ within the Act.
2. Ministry of Disaster Management and Reliefs may initiate policies in cooperation National Disaster Management Committees following the directions of Section 19 of DMA -2012 to provide food, shelter, education, primary health care and hygiene water etc. for the displaced people immediately after the displacement.
3. ‘Temporary Protection Directive’ may be adopted in Bangladesh Climate Change Strategy and Action Plan (BCCSAP) for immediate protection by Directorates of Disaster Management under section 9 of DMA -2012, which may be led up to ‘Permanent Protection Directive’ by efficient implementation of the process.
4. Environment Conservation Act-1995 may include the effective directions to safeguard the disaster prone areas and warn the inhabitants in such areas to prepare themselves for foreseeable disasters following the provision like ‘Ecologically Critical Area’ portraying the directions of Section 5 of the said Act.
5. A council named Climate Migration Council comprising an “Emergency Response Cell” may be formed under the Disaster Management Act 2012 to monitor the movement and needs of these citizens. In this process, Government may utilize the Employment Generation Program for the Poorest (EGPP) that focuses on giving temporary employment on community

²⁴ Kara K Moberg, Extending Refugee Definitions to Cover Environmentally Displaced Persons Displaces Necessary Protection, see at: https://www.researchgate.net/publication/265248154_Extending_Refugee_Definitions_to_Cover_Environmentally_Displaced_Persons_Displaces_Necessary_Protection, last visited 27th February 2019

- subprojects to enable households for strongly coping up with vulnerability to ensure employment for the migrants.
6. The government may also enact a new law for the protection of climate induced migrants of Bangladesh that may include the provisions regarding their employment, resettlement and other necessary things to reduce climate induced risk or foreseeing climate change.
 7. Following the directions of Environment Conservation Act 1995 and National Adaptation Programme of Action (NAPA), the government may work more for protecting climate by controlling carbon emission and other jeopardizing substance. In that case government may vehemently monitor different mills and factories for delimiting the emission of carbon.
 8. Nonetheless, Bangladesh being one of the most vulnerable countries due to climate change may become more vocal in International agencies for safeguarding 'Climate Induced Migrants' all over the world.

Introduction of New Policies:

1. Social safety net may be introduced with the help of Directorate of Disaster Management to protect the migration during migration process.
2. The government may resettle the citizens migrated in the Khas Land under the strict supervision of government and settle their homes.
3. The government may continue the primary education scheme in the areas of resettled climate induced migrants.
4. One-stop service center may be introduced during the disaster for the protection of vulnerable number of migrants including old, children and pregnant women.
5. During the resettlement process Government shall maintain the Prohibition regarding the resettlement in Ecologically Critical Area for preserving eco-system.
6. Alongside, Bangladesh government may also relocate the people living in disaster-prone areas to better and safer living places prior to any natural disaster.
7. Comprehensive Disaster Management (CDM strategy) shall be adopted by Directorate of Disaster Management for reducing risk and safeguarding the people of disaster prone areas.
8. The Government and NGOs may give micro finance to the migrants for creating livelihood for themselves without sureties by creating funds.
9. The Climate Migration Council may monitor the whole process with the help of Directorate of Disaster Management.

Conclusion:

Independent of what means are adopted to address and solve this widespread crisis, the primary and fundamental challenge will be regarding the implementation process and access to protection in the current scenario. Thus, even if there would be necessary legislations or appropriate instruments adopted to address the concern, the needy people would not have received the protection given whether internationally or nationally if the efficient implementation mechanism is not taken. So, Permanent and Sustainable protection directives shall be adopted for reducing climate induced risks. And the very significant step would be to solve the issue through constant public communication, raising awareness regarding the increased number of climate induced risks and migration, reducing the identified legal gaps, and finally redacting the policies or laws so adopted.