



Addressing The Unseen Crisis Of The Climate-Induced Migration

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Abstract

In the contemporary world, the climate change dilemma has deeply affected many individuals' lives. It has evolved as a global menace. Often the terms Climate Change, Climate Crisis, Climate Breakdown, or Global Warming are used interchangeably. According to the United Nations, climate change refers to long-term shifts in temperatures and weather patterns. It is the continuing rise in the global average temperature. Climate change exerts different effects on different regions, including geographical and territorial formation. Climate Change is massively demolishing the lives and societies, leaving behind the loads of destruction that is unavoidable. Fertile grasslands that once accommodated millions of population are transforming into wastelands

The torment of climate change has substantially deteriorated the present environment leading to the expansion of deserts, rise in sea levels, ocean acidification, melting of glaciers, etc. These implications of Climate change have largely disrupted the ecological balance causing natural disasters such as droughts, floods, earthquakes, hurricanes, and other extreme weather conditions. The outcomes of Climate Change are not only ecological but are largely socio-economic as they pose drastic Human Rights Challenges. One of the profound instances of such challenges is Climate-Induced Migration. This paper is a generous attempt to highlight the misery of climate-induced migration and its associated human rights violations

INTRODUCTION

Climate-Induced Migration is another facet that dwindles in the realm of Climate Change and Human Rights. Several expressions such as environmental migrant, environmental displaced, Climate Refugee, or Climate Migrant have been deduced to elucidate the victims of these climate disasters. Climate-induced migration and displacement were primarily specified in the documents of the 2008 UN Framework Convention on Climate Change (UNFCCC) at the 14th Conference of Parties (CoP) for the first time. However, it was in 2016, The UN

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Summit for Refugees and Migrants was billed as a watershed moment for the governance of international migration with all 193 member states signing the pre-negotiated New York Declaration for Refugees and Migrants added more to its significance²

According to the International Organisation for Migration, Climate migration refers to “the movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence or choose to do so, either temporarily or permanently, within a State or across an international border”³

Climate Migration covers under its ambit risk which is Intensive as well as Extensive. Intensive risks imbibe events of high severity and low frequency. It includes cyclones, floods, storms, or floods which often result in the displacement of a large population suddenly. Extensive Risk includes events of low severity and high frequency such as rise in sea levels, droughts, and increase in temperature.

There are serious Human Rights Violations that are associated with climate-induced displacement. People are devoid of their Fundamental Rights of Human Dignity, livelihood, access to education, Health Care, and other important social and cultural Rights. Moreover, Climate Displacement also triggers the culpability of heinous crimes of Rape, Human Trafficking or Kidnapping in society. As the repercussions of Climate Change have increased its severity, the incidences of climate migration are becoming more profound in South Asia. Especially India, due to its distinct geographical characterization, is prone to notable environmental challenges evident for displacing the population.

POSITION OF ENVIRONMENTAL REFUGEES

The 1951 Refugee Convention provides a globally authenticated definition of the term "refugee". Article 1 of the 1951 Convention defines a refugee as someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing

to such fear, is unwilling to return to it."⁴The 1951 Convention was then additionally complemented with The protocol relating to the status of refugees of 1967 which broadened the significance of the convention. However, these instruments fail to recognize within its ambit the refugees whose displacement is motivated by environmental changes.

² ¹ Human Development Report. UNDP (2016).

³ Available at : <https://environmentalmigration.iom.int/environmental-migration>, (last visited on dec 29th,2024)

⁴ Available at : <https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention>, (last visited on dec 30th,2024)

The term 'environmental refugee' was first conceived in the 1970s by Lester Brown of the World Watch Institute.⁵The term Environmental Refugees was initially defined in 1985 by El Hinnawi who recognized them as a class of persons who have been compelled to leave their conventional habitat, whether temporarily or permanently, due to serious environmental disruptions. These environmental disruptions have gravely affected the quality of life of many individuals. They have a critical tendency to jeopardize the existence of such a class of persons. However, in the present world, the idea of Environmental Refugees is regarded as a recent occurrence. Environmental Refugees are primarily those individuals who are deprived of their livelihood due to environmental contingencies such as deforestation, drought, floods, soil erosion desertification and other problems associated with the environment. With the increased incidences of rapid technological advancements, there has been a widespread hike in the environmental hazards posing challenges to the present administrative system. The lack of protection for Environmental Refugees under existing legal frameworks necessitates legislation for their preservation.

HUMAN RIGHTS IMPLICATIONS OF CLIMATE-INDUCED MIGRATION

Climate Migration raises serious depredations regarding the Human Rights Violations which are associated with the breach of many political, civic, social, and cultural Rights. Certain essential rights which are affected are: -

1. Right to Life, Liberty, and Security of the Person

According to the Universal Declaration of Human Rights, "Everyone has the right to life, liberty, and security of person." Environmental Refugees are often deprived of these fundamental rights as they are susceptible to human trafficking, sexual assault, abduction, or extortion. Climate Change poses a threat not only to the environment Refugees but also to their future generations. The stigmas of social discrimination and exclusion further add salt to the wound. They are victimized by the conventional inhabitants and are seen as a bane of destruction.

2. Right to Food, Shelter, and Water

The Environmental Refugees often struggle to fulfill their necessities of life including food, clean drinking water, and housing. Environmental threats towards the loss of harvests affect the Right to Food for the entire community. River Erosion, groundwater contamination, and inland salinity intrusion are also regarded as important concerns that violate the rights of the climate migrants to clean drinking water. Drought and Floods are the two prominent causes that render the territories inhabitable. This necessitates the need for housing for those refugees who are subjected to loss of land and abject poverty. Even the displacement of climate refugees becomes an issue of strife between the displaced and already settled population. Environmental Refugees are deemed to put pressure on limited resources available to the earlier population. This can potentially lead to tensions and conflicts. Moreover, the migrants are forced to live in backward areas with poor infrastructure and

⁵ James Morrissey, "Rethinking the Debate on Environmental Refugees"

increased vulnerability to environmental hazards.

3. Right to Health

The hazards of climate change have a severe impact on both the physical and mental health of the migrants. The right to Health is advocated in the Universal Declaration of Human Rights. Article 25 of the Declaration states that Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.⁶ Migrants surviving under poor living conditions have increased rates of malnutrition and have low resilience to diseases and chronic health issues. Poor Health and sanitation facilities in their temporary settlements further aggravate the risk of health issues. This can further contribute to other physical and mental health challenges.

4. Right to Education and Occupation

The Environmental Refugees face extreme economic instability and financial constraints due to lack of employment and adequate job facilities. This often leads to situations of disguised unemployment or underemployment. Also, the Children of displaced refugees lose their access to education due to financial constraints and language barriers. This further intensifies the issues of unemployment, poverty, bonded labor, or Child labor.

ENVIRONMENTAL ATROCITIES IN INDIA

The incidences of environmental hazards have been significantly rising, with more than 100 million population in India being displaced by natural calamities such as floods or droughts, leaving the nation primarily with a huge number of displacements in the South Asian hub. A large number of the population is now essentially affected by cyclones and storms which are leading to be the root cause of many casualties.

The Changing patterns in monsoon has also resulted in depletion of rainfall in many regions indicating the problems of desertification and drought. However, heavy rains for a shorter duration can also lead to rising levels of sea, floods, and waterlogging.

In 2022, rainfall in India was 9 percent above average as a result of the interplay of dry and wet spells. The National Disaster Management Authority laid down that more than 1 million people have been affected in Bihar due to the Kosi River flood and in the parts of Assam inundated by the Brahmaputra River and the breach of untended barrages and embankments, all induced by heavy rain in May and June 2022.

The cyclones Amphan and Yaas along with heavy rainfall have drastically disrupted the lives of many people

⁶ Available at :<https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (last visited on jan 2th,2025)

living in the Ganga Delta forcing their displacement from one region to another. The Sunderban Delta, known for its unique biodiversity, is susceptible to Environmental threats. For the past few years, several villages in Sunderban regions have been engulfed in floods forcing the population to migrate. The December 2020 report by Climate Action Network, South Asia had notified that 45 million people could be displaced in India by 2050 due to slow-onset impacts such as the ones mentioned above if climate pledges and targets are not met⁷.

The UN Intergovernmental Panel on Climate Change's 2022 assessment report states that India is among the countries that are fundamentally susceptible to Climate Change. Coastal Zones in the country like Odisha, West Bengal, and Gujarat have induced displacement due to floods while states like Maharashtra, Tamil Nadu, or Rajasthan are prone to droughts or desertification. The loss caused by such furies of nature demands a holistic policy for the survivors who are on the brink of destruction both physically as well as mentally.

LEGAL FRAMEWORK FOR ENVIRONMENTAL MIGRATION IN INDIA

Despite the multiplication of environmental problems, the Indian legal framework is incapable of addressing this void. The Indian law does not lay down any remedial resort for the sufferers of the environmental crisis. There is a serious need for adequate legal provisions to address the challenges faced by environmental migrants. India has had ample experience of refugee influx in different stages since the beginning of its independence. India primarily has resorted to a humanitarian approach while dealing with refugees or asylum seekers. However, it is still not a signatory to the Refugee Convention of 1951 or the Protocol of 1967. There is a dearth of specific legislation which is specific to the case of Environmental migrants. Legislations such as the Foreigners Act, of 1946 or the Citizenship Act, of 1955 are inadequate to deal with the above issues of environmental migration or displacement. Moreover, the current law is inappropriate to differentiate between refugees, migrants, economic migrants, and environmental refugees. The perilous violations of the basic human rights of the climate migrants stress the need for an adequate policy framework. The policy must adhere to the economic, social, and political aspects associated with such migration. The policy should ultimately aim at mitigating the crisis by providing suitable living conditions to the displaced persons.

CONCLUSION

Climate Change has evolved as a major factor inducing migration in different parts of the world. The detrimental effect of climate change has raised serious human rights concerns uprooting the people from their livelihoods. Climate Change has posed a disastrous challenge that has to be dealt with effective solutions including a relevant legal framework. The legal recognition and protection of the rights of the climate migrants are necessary facets for the remedial plan seeking justice for them. India in the time of disasters has invoked various strategies and plans to alleviate the threats of climate change. Many precautionary steps are also taken into purview to

⁷ Available at:

<https://www.indiaspend.com/climate-change/14-indians-migrated-due-to-weather-related-disasters-survey-shows-912530#:~:text=Further%2C%2045%20million%20people%20could,Network%2C%20South%20Asia%20had%20stat>

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build resilience towards climate change. However, the present era demands an appropriate policy that is specifically concerned with the redressal of climate migrants.

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