

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 5 | Issue 6

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2022

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# Climate Change & Forced Migration

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KOMAL PRIYA<sup>1</sup>

## ABSTRACT

*Forced migration due to environmental or climate change is going to be one of our greatest challenges going forward in the 21st century. Through this paper we make an attempt to probe into some nuances of forced climate migration and try to suggest an approach that can act as a guiding principle to the legal framework to be adopted to deal with the problem. Through this article we first try to define forced international migration due to climate change or environmental change. Through analysis of various extant definitions, we realise that a comprehensive definition to forced international migration can be arrived at by the definitions offered by International organisation on Migration and scholars like Myers and Kent. We then look at some historical as well as contemporary examples of forced climate migration to underscore the gravity and the magnitude of the problem. We realise through these examples that even though the proportion of climate refugees among all refugees is not the highest as of now, it has the potential to snowball into one of our greatest challenges. We then analyse the problem through a gender perspective. Consequences of International migration do not reflect equally on the genders, we see that an overwhelming number of international migrants as of now are male but the negative consequences impact the marginalised gender disproportionately. The final section of the paper deals with the examination of the existing legal framework with regards to International Migration arising out of Climate Change. On perusal of existing policies and framework documents we conclude that even though international bodies like the United Nations (UN) and International Organisation on Migration (IOM) have a clear-cut approach to migration in general their approach to Climate migration in particular is still deficient.*

**Keywords:** Climate Change, Migration, Environmental Refugees, UNHCR, IOM.

## I. INTRODUCTION

Human migration is one of the most important responses to climate change across the globe. The Intergovernmental Panel on Climate Change (“IPCC”), a United Nation (“UN”) body in 1990 stated that climate change will impact human migration by displacing millions of people because of coastal flooding, erosion, agricultural disruption, etc.<sup>2</sup>

Natural disasters since historical times have been considered as the reason for displacement of

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<sup>1</sup> Author is a student at Jindal Global Law School, O.P. Jindal Global University, India.

<sup>2</sup> Oli Brown, ‘Migration and Climate Change’ 64

population. Researchers at Indian Institute of Technology Kharagpur (“IIT KGP”) have published their research in Elsevier journal establishing that during the Indus Valley Civilization a similar migration took place as people started moving towards east to Ghaggar-Hakra valley as rivers started drying up because of decreased monsoon, making agriculture very difficult.<sup>3</sup>

There has been no recognised definition for International Migration caused because of Climate Change. However, International Organisation on Migration (IOM) has offered a definition for Environmental Migrant as “persons or groups of persons who, for compelling reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.”<sup>4</sup>

Robert McLeman has divided forced migration into 2 groups: Climate Drivers & Non-Climate Drivers. Further Climate drivers are of two types- Climate process which is a slow change such as rise in sea level, melting of glacier desertification, food insecurity, depletion of groundwater, etc & Climate events such as monsoon floods, droughts, hurricanes, glacial lake outburst floods, etc.

## II. ENVIRONMENTAL REFUGEES: EXAMPLES OF EXISTING PATTERN

The term ‘Environmental Refugees’ has been defined by Myers & Kent as “persons who no longer gain a secure livelihood in their traditional homelands because of what are primarily environmental factors of unusual scope.”<sup>5</sup> Myers has estimated that the number of environmental refugees will be 25 million which will be higher than the political refugees of current concern of the UNHCR.<sup>6</sup>

Migration is not the first response; it is used as the last resort when all other alternatives have been exhausted. It can be either planned or spontaneous, it can be internal, people travelling to places within the country e.g., during Hurricanes Rita & Katrina people found temporary refuge within the country or it can be international (moving to a different country).

Migration can be temporary where the migrants are expected to come back home when

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<sup>3</sup> Richard Mahaptra, Akshit Sangomla ‘*Migration out of Climate Change*’ (*Down To Earth*, 22 May 2020) <<https://www.downtoearth.org.in/news/climate-change/migration-out-of-climate-change-71291>> accessed 15 October 2022.

<sup>4</sup> Susan Martin, ‘*Climate Change, Migration, and Governance*’ (2010) 16 *Global Governance* 397 <<https://www.jstor.org/stable/29764954>> accessed 17 October 2022.

<sup>5</sup> United Nations High Commissioner for Refugees, ‘*Environmental Refugees: Myth or Reality?*’ Richard Black’ (*UNHCR*)<<https://www.unhcr.org/en-in/research/working/3ae6a0d00/environmental-refugees-myth-reality-richard-black.html>> accessed 16 October 2022.

<sup>6</sup> Ibid.

condition permits or can be permanent. Example: studies have shown that one of the responses to the drought in Sudan is sending one of the working male members of the family to Khartoum for paid labour. This temporary migration can help in the income of the family through remittances.<sup>7</sup>

Most migration pertaining to environmental issues will be internal however, there will be international migration too. Since there has been a rise in sea level this will affect the small island nations & the whole island will have to be evacuated. This may lead to the issue of 'Statelessness'.

After the 2004 Asian Tsunami more than two lacs people were killed & twice as many were displaced. The burden of displacement is on the local region to which migrants are closed both geographically & ethically.<sup>8</sup>

According to the world bank more than eight million people have moved towards Europe, North America & the Middle East as rainfall & drought have made agriculture very difficult. There has been forced migration from Guatemala to the north towards the USA because of agricultural disruption. An increase in the frequency of occurrence of El Nino because of warming of the planet will make the situation worse in the region.<sup>9</sup>

Agricultural disruption because of failure of land will make the situation worse & millions of people from Central America to Mekong delta to Sudan, etc will be forced to migrate.<sup>10</sup>

Research has shown that the migration away from hot climatic areas will amount to remapping of the world's populations.<sup>11</sup>

The future of forced migration is dependent on the impact of climate change & on the effectiveness of the adaptive measures at the national & international level.

The disastrous impact of Climate Change is also visible on States that have contributed scarcely to its cause.<sup>12</sup> Consider for example, Pakistan which was heavily flooded recently in 2022. A study conducted by 26 scientists in affiliation with the World Weather Attribution initiative states that while there are wild variations in the rainfall pattern of Pakistan, the situation this year was made worse because of climate change. An estimated 10 million displaced people are

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<sup>7</sup> Brown (n 1).

<sup>8</sup> Ibid.

<sup>9</sup> Abrahm Lustgarten, 'The Great Climate Migration Has Begun' (*The New York Times*, 23 July 2020) <<https://www.nytimes.com/interactive/2020/07/23/magazine/climate-migration.html>> accessed 15 October 2022.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ap, 'Warming, Other Factors Worsened Pakistan Floods, Study Finds' *The Hindu* (16 September 2022) <<https://www.thehindu.com/sci-tech/energy-and-environment/warming-other-factors-worsened-pakistan-floods-study-finds/article65898055.ece>> accessed 17 October 2022.

being supported by the International Organisation for Migration (IOM) by providing humanitarian assistance.<sup>13</sup> These examples show that developing & least developed countries will be most affected by the effects of climate change, & thus bearing the implications of forced migration, even though they are least responsible for the emission of greenhouse gases.

### **III. GENDER APPROACH TO CLIMATE MIGRATION**

Climate Change will affect & have been affecting people of all caste, class & gender. Different genders have different needs & Climate change will have a burden on women differently as they have different access to information, resources & employment opportunities.

Use of migration to cope with climate change will have gendered impacts as there is “strong relationship between poverty and vulnerability to environmental change, and the stark fact that women, as a group, are poorer and less powerful than men”.<sup>14</sup> Example when a family has to respond to the impact of climate change on agriculture, they send their male members to adjacent areas to earn an income. However, the consequence of the same on women dynamics may be different as they might get autonomy in decision-making, or the remittances sent by the male members may improve their standards of living. On the other hand, women are left behind alone to look after the family & because of depletion of natural resources they face many problems such as food security, etc.

Cultural norms & gender roles play important roles in adaptation to climate change. Eg. Upper Indus Basin is considered to be one of the hot spots of climate change as the area is very sensitive to shifts in Indian monsoon & melting of glaciers, increasing the risk of flood in summers & droughts in winters which affects the agricultural community. Labour migration is one of the measures adopted by the local community, which has been proved to be a gendered phenomenon due to cultural norms as men migrate leaving behind women.<sup>15</sup>

There is a need to effectively integrate gender concerns by promoting awareness about gender roles & inequality, developing gender specific policies, etc.<sup>16</sup>

### **IV. EFFECTIVENESS OF EXISTING LEGAL FRAMEWORK**

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<sup>13</sup> ‘Nearly 10 Million People Displaced in Pakistan: IOM Urges Sustained Humanitarian Assistance as Pace of Shelter Distribution Increases’ (*International Organization for Migration*) <<https://www.iom.int/news/nearly-10-million-people-displaced-pakistan-iom-urges-sustained-humanitarian-assistance-pace-shelter-distribution-increases>> accessed 17 October 2022.

<sup>14</sup> Nelson et al., “Uncertain predictions, invisible impacts, and the need to mainstream gender in climate change adaptations”, in Rachel Masika, (Ed.), *Gender, Development and Climate Change*, Oxfam Publishing, United Kingdom, 2002, 51.

<sup>15</sup> ‘*Gender-Approach-to-Environmental-Migration*’ <<https://www.iom.int/sites/g/files/tmzbd1486/files/about-iom/gender/Gender-Approach-to-Environmental-Migration.pdf>> accessed 17 October 2022.

<sup>16</sup> Ibid.

The recent worldwide consequences of disasters caused because of climate change has raised questions about the protection of human rights both at the international & domestic level.<sup>17</sup>

Migration may either be adapted as a measure or people may be displaced or forced due to impacts of environmentally induced disasters. This multifariousness of climate migration poses a serious problem on the existing legal framework which has not been designed to cope with these issues.

Migration due to effects of climate change has been debated on the international platform & consequently measures have been taken. IOM has continuously worked in the area of climate change & migration. In order to address the nexus between climate change & migration a Migration, Environment & Climate Change (MECC) division of IOM was established in 2015. This division has been working in creating international & regional efforts to address the problem. The vision of IOM on migration, environment and climate change is that “contemporary migration governance, policy and practice must reflect the significance of environmental, disaster and climate change factors on human mobility”.<sup>18</sup> The objective of the IOM with respect to climate change & migration is to take measures in preventing migration taking place due to effects of climate change & in giving assistance & protection to the people affected.

The Environmental Change & Forced Migration Project (EACH-FOR) funded by the European Commission Is an attempt to support European policy with forced migration, analysing effects of direct & indirect environmental effects on livelihood & to measure flow of environmental refugees.<sup>19</sup>

The Nansen Initiative which works on the principles of the Cancun Agreement of 2010 was established to address the gap in the protection of people displaced across borders due to effects of climate change.<sup>20</sup>

UNHCR has been supporting the nations in framing a legal framework for the protection of displaced communities as a consequence of climate change.

Recently in 2019 the UN Secretary General created a High-level Panel on Internal Displacement

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<sup>17</sup> Erika Pires Ramos, ‘Climate Change, Disasters and Migration: Current Challenges to International Law’ in Oliver C Ruppel, Christian Roschmann and Katharina Ruppel-Schlichting (eds), *Climate Change: International Law and Global Governance* (1st edn, Nomos Verlagsgesellschaft mbH 2013) <<https://www.jstor.org/stable/j.ctv941vsk.31>> accessed 17 October 2022.

<sup>18</sup> ‘Migration, Environment and Climate Change’ (International Organisation for Migration) <<https://www.iom.int/migration-environment-and-climate-change>> accessed 18 October 2022.

<sup>19</sup> Brown (n 1).

<sup>20</sup> Albert Kraler, ‘Climate Change and Migration. Legal and Policy Challenges and Responses to Environmentally Induced Migration’ 114.

to work in finding solutions to the problems of internal displacement of people due to effects of climate change.<sup>21</sup>

The United Nations Human Rights office of the High Commissioner recently provided with the report on the “impact of climate change & the protection of human rights of migrants to the Human Rights Council in pursuance of Resolution 43/6.”<sup>22</sup>

These initiatives show that there has been an increase in the momentum in which the policy makers & stakeholders think about the problem. However, these measures come into action after the consequences. There is a need for a comprehensive legal framework which is fair & equitable. Global commitment with the shared responsibilities between both the developed & developing countries with respect to ‘Environmental Refugees’ should be established. An adequate protection to people forced to migrate depends on legally recognising the status of these people & providing them with structured legal protection.

One of the worst consequences of climate change is the rise in the sea level, affecting the coastal community. There are many tribes such as Sentinelese tribes of Andaman & Nicobar Islands who are isolated from the outside world will be most affected & their mobility may lead to their extinction. Thus, there is a need to recognise these problems & accordingly frame rules & laws on the international level.

There have been adoption mitigation & adaptation policies by the international community, these strategies need to be adopted at the national level to reduce emission. However, migration as a consequence of climate change will require cooperation among nations as there will be an increase in cross border migration.

There is a need to broaden the definition of refugee as recognised by the UNHCR to include climate refugees or there is a need to establish a new commission or convention especially dedicated for this purpose. One of the most affected communities is agricultural farmers, thus there is a need to adopt measures & policies to improve their condition. If agriculture of a country is hampered, there will be shortage of food, leading to famine & food insecurity. Thus, a legal framework should be formulated keeping them in mind.

For the effectiveness of existing & future legal framework, adaptation & mitigation strategies of climate change which have been adopted by the countries on the international forum need to

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<sup>21</sup> Ibid.

<sup>22</sup> ‘OHCHR | Report on the Impact of Climate Change and the Protection of the Human Rights of Migrants’ (OHCHR)<<https://www.ohchr.org/en/calls-for-input/2022/report-impact-climate-change-and-protection-human-rights-migrants>> accessed 18 October 2022.

be balanced & there should be intention for the commitment to reduce emission of greenhouse gases.

## V. CONCLUSION

The discussion on the policy framework regarding climate migration is at a nascent stage. As the consequences of such migration are understood, the government at the national & international level will be able to interlink the action against climate change & migration due to that. Currently the focus is mostly on the internal migration in context of adaptation strategies. However, there is less focus on conflict that may be induced due to climate change which will increase cross-border migration. These people have very little recourse of protection against violation of their human rights. The permanent migration by people across borders due to climate change needs to be addressed. Research needs to be done at the international & national level about how to solve the problem of forced migration. There is a need to connect the environmental law with the human rights law & humanitarian & refugee laws to overcome the shortcomings in the existing framework. International cooperation & participation of all the stakeholder is essential, along with the involvement of most vulnerable countries & communities.<sup>23</sup>

The guiding principles of the future legal framework must focus on the early warning & emergency response capacities keeping in mind most vulnerable areas & communities. Investment must be made in the resilience policy & participation of citizens must be ensured.<sup>24</sup> there also need to develop skilled labour in developing countries as unskilled labour will be most affected & will be first to migrate in need of better living.<sup>25</sup>

There is a need in the harmonious balance of policies in the adoption of strategies to improve problems of environmental refugees & in combating climate change.

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<sup>23</sup> *'Migration, Environment and Climate Change'* (International Organisation for Migration) <<https://www.iom.int/migration-environment-and-climate-change>> accessed 18 October 2022.

<sup>24</sup> *'Migration and Global Environmental Change'* 234.

<sup>25</sup> Brown (n 1).