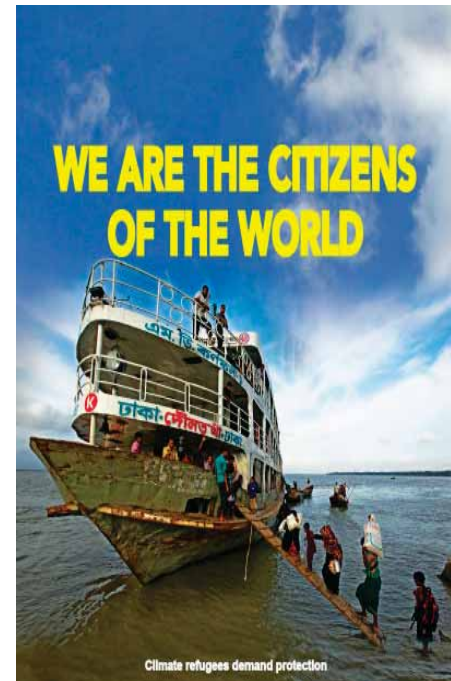


1. Issue of climate Induced displacement

Several scientific reports including report from IPCC mentioned that there will be increasing nature of climate-induced displacement all over the world, especially in Most Vulnerable Countries (MVC). It will be happened mostly because of sea water rise, glacier melting, submerge of low lying areas especially of coastal islands, due to salinity intrusion, increased nature of cyclone and other slow and rapid onset nature of disasters, water crisis and drought situation etc. According to the Platform on Disaster Displacement (PDD), one person in every second is displaced by natural disasters related to climate change. In an average at least 21.5 million people already are being displaced each year by the impact and threat of sudden onset climate-related hazards. Today disasters displaced people are more than people displaced due to conflict and war worldwide. As climate change continues, it will likely lead to more frequent and severe natural hazards. The impact will be heavy. Displacement related to climate change is among the greatest challenges of the 21st century. Scientists warn that climate change is projected to increasingly affect displacement in the future, both internally and across border. In most of the vulnerable countries like Bangladesh and Philippines, the problem is vivid. Huge populations are already migrating to their cities, and the cities crammed with these populations, are creating new sort of problems for the governments of these countries.

2. The issue from the lenses of Human Right and Justice

It is already recognized and accepted that it is not the least developed and MVC countries are responsible for all these climate-induced problems, as these countries' contribution in respect of carbon emission is negligible. While developed countries have the biggest contribution or they are the biggest emitters in this regard, they have accepted the notion as annex 1 parties in Kyoto Protocol (KP). In view of the human rights and justice framework which are originated from different UN charter including UDHR (Universal Declaration of Human Right), this is an injustice and there some responsibilities should be fixed up and those displaced people should be given due protections.



3. Climate displacement in global discourse for expected solution

This is in fact the lack of appropriate international policy framework; the climate induced migrants issue is being undermined in getting proper global recognition so far. The present United Nations and international policies for protecting internally displaced persons are insufficient (NRC 2009). As per the normative frameworks under the 1998 UN Guiding Principles on Internal Displacement, the respective states have the primary responsibility to help internally displaced persons. However, there are challenges on the ground to ensure the protection of internally displaced persons. This is because the affected countries are sometimes unable to protect the displaced people, where Bangladesh is the example. In some cases many countries especially developed countries deny the entry of migrated people and their international protection referring to the principle of national sovereignty and so called non-interference.

THE NANSEN INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT

A. Nansen Initiatives: A non-binding approach globally

The Nansen Initiative took up the issue; they have had a bottom up discussion with the support of a group of states including Switzerland and Norway during the period of 2013 to 2015, and finally they have had a conference of 109 high level state officials and Ministers in Geneva and produced a nonbinding state led declaration in October 2015. Later on as follow up of the initiatives they have launched PDD (Platform on Disaster Displacement) as a state lead initiative, led by Germany as the Chair, while Bangladesh as the Vice Chair, with the membership of several other countries including EU, France, Mexico and Canada.

Apart from this, the issue has come in the Sendai Framework for Disaster Risk Reduction (Japan 2015) and summit called by UNSG (United Nation Secretary General) in September 2016 on large scale migration and refugees. Finally the summit adopted a resolution that the UN will start a discussion so that by the year of 2018 there will be a framework on "Global Compact of Orderly, Regular and Safe Migration". The proposal has been initiated by Bangladesh.

B. Paris Agreement has failed to keep consequence of Cancun promise

Since the beginning, the issue of displacement and migration has been brought in the UNFCCC discourse (CoPs). In 2010 (CoP-13), the Cancun Adaptation Framework has adopted and emphasized to take into the account of CBDR (Common But Different Responsibilities) principle by all country parties especially by developed country parties for enhancing their action through enhancing understanding, coordination and cooperation with regard to climate induced displacement, migration and planned relocation where appropriate at national regional and international

level. (Cancun Agreement: Article 14.f).

The commitment of the CBDR principle is found absent in the latest global negotiations. Rather they have been able to push back the issue creating so called WIM (Warsaw Implementation Mechanism). The working approach of WIM will serve the interest of developed countries especially to keep the displacement issue out of UNFCCC process and to divert to the interest of insurance mechanism. The latest discourse of Paris Agreement in CoP-22 has made a proposal to establish a Task force on displacement under WIM. This task force may start its work after COP-22 and deliver by COP-24, which is planned to be covered as an action area in 5 years work plan for the WIM (2017-21). It will indeed not serve the displaced people.

4. Our way forward to climate induced displacement and migrant issue

Long-Term solution needed: Long-term solutions should include sustainable economic development, an adherence to principles in the Nansen Initiative to protect migrants from climate change and natural disasters, and efforts at conflict resolution and safe and voluntary repatriation practices. Some non-binding approaches have been developed on this issue, but the current protection gap is assumed as lack of legally binding action in global level which is fundamental to protect climate displaced and migrants in cross border movement that need to be addressed. So, considering the above, following recommendations are made as our way forward.

A. New protocol expanding the UN Definition of Refugee focusing climate induced factors

The present definition of refugee under international law adopted in 1951 Refugee Convention (which reflects its post-World War II context) and 1967 Protocol relating to the status of refugees do not allow climate migrants as refugee. It defines refugees as people who are outside their country of origin, with a well-founded fear of persecution on account of their race, religion, nationality, political opinion or membership of a particular social group. The Convention mandates protection for those whose civil and political rights are violated. However, it does not protect persons whose socio-economic rights are at risk, thus the UNHCR has no mandate or role over those displaced by climate change at present.

Observing the above context, the demand of inclusion of a new protocol of the Geneva Convention or its expansion was already raised during a meeting with representatives of governments, environmental and humanitarian organizations, and United Nations agencies organized by the government of the Maldives in 2006





(Protecting Climate Refugees: The Case for a Global Protocol', Nov-Dec. 2008).

Jessie Cooper, an American lawyer, proposed the extension of the definition of a refugee and an amendment of Art. 1A of the Geneva Convention by adding degraded environmental conditions that endanger life, health, livelihoods and the use of resources. She justified her analysis giving a reference to Art. 25(1) of the Universal Declaration of Human Rights-UDHR ("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).

IOM has proposed a working definition of 'environmental migrants' as "persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect 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."

We think that the one of the above two definition could be accepted through global recognition that will support to proper and rights based facilitation of climate migrants.

B. Implementation of UN SDGs to protect climate displaced and migrants

The UN Sustainable Development Goals (SDGs) and its related targets and indicators have clearly referred the actions for countries that facilitate climate displaced and migration issues. There are some relevant references in the UN 2030 Agenda related to development solutions for forced migration, including by conflict, disaster and climate change;

- Build the resilience of the poor and those in vulnerable situations and reduce their exposure to climate related extreme events and other economic, social and environmental shocks & disasters" (Target 1.5)
- "Facilitate orderly, safe, regular, and responsible migration and the mobility of people, including through the implementation of planned and well-managed migration policies" (Target 10.7).
- To promote "sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for al" (Target 08).
- Promote the rule of law at the national and international level and ensure equal justice for all (Target 16.3).

We think that the both developed and developing countries have signed this global agreement and shown their commitment through ratifying in their own constitutional process. So implementing of these commitments will be supportive to protect the rights and dignity of our climate displaced and migrant's people.

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