



A study on human displacement due to climate change in developing countries

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Abstract: *Displacement due to climate change is an overlooked yet widely occurring phenomenon today in many parts of the world and is predicted to increase manifold times in the near future. However, there is no comprehensive avenue in international law or in international environmental law in particular to deal with this problem sufficiently. In particular, the existing avenues such as Refugee Law, litigation, temporary measures are also not very promising. The objective of this research is to find the need for focussing on the problem of displacement due to climate change. And to estimate the existing avenues that address the issue of displacement due to climate change. It is found that that largely there was an acknowledgement of the issue of displacement due to climate change at the international level. International avenues pertaining to refugees, migrants, statelessness were found to have no or only far-fetched and highly conditional application to the present issue.*

Keywords: *Climate change, Displacement, Migration, etc.*

1. Introduction:

Displacement of human has always been a share of the world history in few of the other ways. All over the world lots of people have migrated because of wars, colonialism expeditions, prolonged violent conflicts, religion persecution, political or financial crisis and environmental disasters So why human displacements related to change in climate should be paid special attention? Because the earlier cases of human displacement allow the immigrants to come back to home, to their original residence. However, new scenario has been imposed due to climatic change, the one of uninhabitable places compelling individuals to move with no chances of coming back (Sassen, 2014a)¹.

According to few of the report published on global change in climate, by 2050, approximately 150 million persons could be compelled from their houses/homes due to the changes in climatic conditions (Environmental Justice Foundation, EJF, 2012)². One of the main biophysical consequence of climatic change is understanding the global warming. The effects are slow- onset in climatic change like drought, salinization of ground water and soil , desertification, rise in the level of sea – are becoming more powerful links to human displacement. In few

¹ SASSEN, S. 2014a. *Expulsões: Brutalidade e complexidade na economia global*. Rio de Janeiro e São Paulo: Paz e Terra.

² ENVIRONMENTAL JUSTICE FOUNDATION. 2012. *Securing Recognition, Protection and Assistance For Climate Refugees*.
<https://ejfoundation.org/archive?film-filter=&reportfilter=climate&>



cases, moving out from their households is the only option available for some people to adapt changes in climate. This situation thus makes human displacement as one of the utmost regular and unavoidable replies of some societies to cope up with climatic change (Kolmannskog, ed., 2008; IPCC, 1990³, 2014)⁴. Also, due to its possibility of conflict between persons who are displaced and hosts, changes in climate is considered as one of the key fears to security of national and international borders recently (Paulo Artaxo for Alves, 2017).

One of the key drivers of patterns of migration around the world are differences in level of income. If an individual expects that his income or standard of living would increase by moving to different place or country, then he has motivations to do so (e.g. Borjas, 2014). Hence, in few cases where climatic change affects present or future income or standards of living, it may touch the choice to migrate.

The fourth assessment report published by **Intergovernmental Panel on Climate Change (IPCC)** specified the “potential for population migration” due to surge in the number of zones affected by droughts and an surge in the strong tropical hurricanes activities (IPCC 2007: 18). Even the famous **Stern Review** has projected that noteworthy numbers of persons will be migrated, temporarily or permanently, from their households due to changes in climate and global warming (Stern 2006). These theoretical estimations are supported by the experimental proofs from different reports published worldwide.

2. An Adaptive Approach:

IPCC, the pioneer in terms of collating evidence-based research on climate change has defined mitigation and adaptation. Mitigation refers to interventions that seek to reduce

³ IPCC. 1990. Policymakers' summary of the potential impacts of climate change (Report from Working Group II to IPCC) IPCC - Secretariat, Geneva. http://www.ipcc.ch/publications_and_data/publications_ipcc_first_assessment_1990_wg2.s.html (accessado em 23/05/2017)

⁴ KOLMANNSKOG, V. (editor). 2008, Future floods of refugees: A comment on climate change, conflict and forced migration. Norwegian Refugee Council. Oslo, Norway.



the emission of the greenhouse gases or remove them through sinks.⁵ Adaptation is a process of adjustment to actual or expected climate and its effects, which can ameliorate or avoid harm or exploit beneficial opportunities.⁶ Mitigation and adaptation are basically two broad approaches to act on climate change. Mitigation can be understood to be more of a ‘preventive’ approach whereas adaptation can be understood to be more of a ‘curative approach.’ The preventive approach pertains to taking measures before a particular, often undesired consequence arises so that the consequence does not arise ideally. The curative approach is the one which kicks into place once the undesirable consequence has occurred and the same has to be remedied somehow, albeit complete restitution to the original desirable state may not be possible. Mitigation is a strategy to ‘restrict’ further climate change in the first place whereas adaptation is a strategy to ‘manage’ the effects of climate change that have started occurring.

To understand more simply, consider an example of a flood-prone area. In order to mitigate the floods, ideally, preventive or mitigative measures such as the building of embankments and dams, growing suitable crops, rainwater harvesting, conservation of surrounding floodplains and wet lands, etc. should be adopted and implemented. These are also sustainable in the long run. However, in the absence or limited/poor implementation of such measures, floods will most likely occur and wreak havoc. This havoc may cause loss of life and property, submergence of land and habitations and as a consequence displacement of persons, vegetation, and other non-human living species. In this post-flood or ongoing flood scenario, adaptation measures need to be implemented, such as rehabilitation and relocation of the displaced persons (causing further or secondary or ‘double’ displacement), re-building of property and implementation of other standard disaster management strategies. It may seem as of now that mitigation is better than adaptation (an interpretation of the saying “Prevention is better than cure”).

⁵ Mach, K.J., S. Planton, and C. von Stechow (eds), ‘IPCC, 2014: Annex II: Glossary’ (2014) IPCC 118.

⁶ Ibid 125.



3. Objectives of the research:

The objectives of this research are:

- a. To estimate the need for focussing on the problem of displacement due to climate change.
- b. To critically estimate the existing avenues that address the issues of displacement due to climate change.

4. Rationale behind the study:

Displacement due to climate change is an overlooked yet widely occurring phenomenon today in many parts of the world and is predicted to increase manifold times in the near future. However, there is no comprehensive avenue in international law or in international environmental law in particular to deal with this problem sufficiently. In particular, the existing avenues such as Refugee Law, litigation, temporary measures are also not very promising. Governments and their policies have hitherto focussed on ‘disaster management’ and even ‘disaster displacement’ and displacement due to climate change is currently seen as a ‘subset’ within this broad area. Moreover, there is a severe planning, rights and funding gap to deal with this problem and currently, the problem is being addressed by countries in ad-hoc ways or on humanitarian grounds and not from a rights-based approach. The prevailing North-South divide is another problem that ultimately affects the political will of nations to address important issues, including this one. Further, an added dilemma is whether global problems always call for global solutions or whether certain problems call for regional responses.

5.1 Research Design: The present study is descriptive in nature as it describes the problems and issues faced by displaced persons due the changes in climatic conditions.

5.2 Data Collection: The primary sources of data include mainly international legal documents such as treaties and conventions; international, regional, and domestic case laws; national laws and other policy documents. Secondary sources such as books, articles, news reports, working papers, and websites/blogs have been relied upon.

6.1 Problems:

In the context of displacement due to climate change, while the right to move and right to return after moving can be said to be applicable rights, it is the right not to move



that is problematic. Stavropoulou in her seminal paper 'The Right not to be Displaced' argues for the right not to be displaced, unless in exceptional circumstances, the exceptions not implying the lack of such a right. She identifies the violation of this right as a human rights violation. For instance, a person is legally termed as a 'refugee' when she has been persecuted in the first place, i.e., violation of human rights led to the consequence of becoming a 'refugee.' Similarly, forceful deportation and expulsion are violations by nations or people of a country in the first place that lead to displacement. Development-induced forced relocation is another ground, traceable to the state as a violator.

During movement and even after having moved to another place due to such violations, there may be further violations of human rights along the way and post-relocation. While this is true, the problem in case of displacement due to climate change is that a climatic event cannot be said to be a 'persecutor' or a 'violation' of human rights in itself. These human rights violations include for instance violation of the right to health, right to life, liberty & security, right to an adequate standard of living, right to work, right to pursue freely one's own economic, social and cultural development, right to participate in cultural life, right of self-determination, etc. In case of displacement due to climate change, it is not plausible to pin-point a nation or a person or any other legal entity as a violator with certainty. Unless the environmental degradation is a consequence of a faulty development project or an armed conflict, or there is a mixture of environmental and political causes, so that the resulting displacement is covered by the various [existing] norms, this type of displacement is not regulated in any coherent manner and the persons affected are not protected under an international protection regime.

6.2 Solution to the problem:

Since climate change is a phenomenon, new and fundamentally different from existing phenomena such as persecution whereby nations and humans can be held responsible, it is still assumed in the course of this thesis and in this framework, that there exists a right to not be displaced (due to any reason) and displacement due to climate change is an exception to the same. This is because none of the countries in the region relevant for the framework have been held to be historically liable for carbon emissions, thus attributing persecution or responsibility to nations in the specified region for causing climate-change displacement is incorrect. Also, completely dismissing the right to not be displaced in the context of climate change is not right because it is only for the time being that there is no technology or consensus that can estimate the extent of damage by an entity. There may be such technology



and assessment techniques in the future. In fact, such claims are being experimented with already.⁷ The solution to this problem is to draft the exceptions in such a manner so as to limit their abuse rather than to say that the right not to be displaced does not exist.

The second part of the solution lies in laying out the basis for according a rights-based approach to displacement due to climate change. It is proposed that this basis be coercion or compulsion to move.

7. Conclusion:

Climate change being caused due to anthropogenic global warming has now reached a stage of committed (or compulsory) warming. A detailed analysis of the existing avenues was undertaken and it was found that largely there was an acknowledgement of the issue of displacement due to climate change at the international level. International avenues pertaining to refugees, migrants, statelessness were found to have no or only far-fetched and highly conditional application to the present issue. Litigation was also found to be a problematic avenue at international, regional, and domestic levels either due to attribution issues or due to enforcement issues. At the regional level, non-binding agreements exist with some exceptions that address the issue of displacement due to climate change indirectly.

Thor once said that "The fate of your planet rests not in the hands of gods. It rests in the hands of mortals"⁸. Truly, the responsibility to reduce anthropogenic global warming and limiting its consequences lies in the hands of us humans now.

⁷ See Uclia Wang, 'Climate Accountability Probe Brings Philippines Human Rights Hearing to NYC' (Climate Liability News, 20 September 2018) <www.climateliabilitynews.org/2018/09/20/philippines-human-rights-climate-hearing/> accessed 22 March 2019.

⁸ Thor is a fictional character, a superhero appearing in Marvel comics. See Paul Jenkins, Thor: Heaven on Earth, Vol 2 (Marvel Comics 2011).



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