
LEGAL FRAMEWORK FOR PROTECTING CLIMATE CHANGE INDUCED POPULATION DISPLACEMENT AT THE NATIONAL AND INTERNATIONAL LEVEL

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Abstract: In recent decades, changes in climate have caused impacts on natural and human systems on all continents. According to the 4th Assessment Report of IPCC there is definite increase in the global average temperatures, this is further expected to aggravate the already grave situation and will lead to increased frequency and intensity of current extreme weather events and give rise to new vulnerability with differential socio-economic impacts on communities. This would lead to displacement of large number people with-in the national as well as world-wide.

Though there is no universally agreed definition of climate induced human mobility but broadly, it refers to movement of people driven by sudden or progressive changes in the weather or climate. This can include temporary and permanent, seasonal and singular, as well as voluntary and forced movement.

Climate change is likely to expose hundreds of millions of people to increasing environmental risks displacing a large number of people and forcing them to migrate. There is an emerging view that these people should be recognized as climate refugees by international laws and proper institutional arrangements should be made to address their problems. There is no consensus on the definition and the status of climate refugees owing to the distinct meaning the term refugees carry under international law. There are still gaps in understanding how climate change will work as the root cause of migration. Even if there is recognition of climate refugees, who is going to take the responsibility to provide protection and assistance? More emphasis has been given to international migration due to climate change. But the people may also move to other places within the countries. There is a need to recognize the displacement of people within the countries so that proper action can be taken to address their problems.

Keywords: Climate Change, Induced Population, International Law, National Law, Sustainable Development.

Introduction: Climate change is not a national issue it's of global issue. Global thinking and leadership is required in order to meet this emerging issue. One of the real incident which took place in News land, that 5 climate induced displaced people from outside the nation requested the Newsland government for refugees status in Newsland was rejected. As long as United Nations is not ready to recognize climate change as reason to become a refugee, these people cannot claim any protection under any legal system. The love and affection of the people over the land creating real trouble for them to get recover from these problems and if other national governments are not ready to take up any positive steps towards accepting and protecting them, definitely greater loss of human population and destruction many nations would take place in the near future.

Rising global temperature, these consequences result recent World Bank study titled groundswell preparing for internal climate migration tries to quantify and assess the extent of migration that the climate change will cause. Since 2008, an average of 24 million people have been displaced by catastrophic weather disasters each year. As climate change worsens storms and droughts, climate scientists and migration experts expect that number to rise.^{xxviii}

Meanwhile, climate impacts that unravel over time, like desert expansion and sea level rise, are also forcing people from their homes: A World Bank report in March projects that within three of the most vulnerable regions — sub-Saharan Africa, South Asia and Latin America — 143 million people could be displaced by these impacts by 2050.

Environmentally, socially and culturally it affects these people and places. Losses land, food, livelihood. It is clear that this is a greatest issue would be facing soon.

Kiribati in Pacific Ocean became inhabitable place, this being one of the problem but many are on the rise. These effects will combine with individual vulnerabilities and socio-economic, demographic, and political contexts to affect the ability of people to respond to stressors and enjoy human rights. This leads some people to move internally or across borders, and renders others unable to move away from affected areas. There is now widespread recognition that the impacts of climate change adversely affect the enjoyment of human rights. There is also increasing interest in the connection between climate change and human mobility, and the role human rights law plays in addressing this connection. Global data indicates that the number of people displaced by sudden onset climate and weather-related disasters, such as storms and cyclones, averaged 22.5 million persons per year since 2008.^{xxix}

Slow Onset Events and Implications for Human Rights: Slow onset events can negatively impact an array of internationally guaranteed human rights. This includes specific substantive human rights, like the rights to adequate food, water, health, and housing, as well as the rights to participation and information. Furthermore, while the impacts of slow onset events are indiscriminate, those already in vulnerable situations are at the greatest risk of suffering human rights harms as a result of their adverse effects. These risks are linked to human mobility in at least two general ways. First, risks to human rights in situ contribute to vulnerability, which in turn can act as a driver of migration or displacement. Second, there are specific impacts to the human rights of migrants and displaced persons that need to be addressed. This includes a lack of protection of their human rights at all stages in their journey, in particular in countries of transit and destination and in the context of access to entry and protection from return to harmful situations.

Gaps in Protection for Cross-Border Mobility: The mobility and immobility associated with slow onset effects is a global phenomenon that will test the limits of international law and cooperation. Current international law is able to meet some of these challenges and falls short in other areas, leaving gaps in rights protection for persons who cross borders in this context. The study identifies relevant areas of international law to establish where current law is able to provide protection for those who cross borders, and where it does not. Those who move will do so under a number of different conditions. For example, some people may move in the context of conflict or persecution that is triggered, at least in part, by the slow onset effects of climate change. These people may be entitled to protection under refugee law. Many, however, will move for reasons that do not accord them protection as refugees. There is also no affirmative international right to enter a country or stay, aside from being a refugee, and/or protections provided by international human rights law including the fundamental principle of non-refoulement. In the absence of such a right, barriers to entry and practices that put migrants at risk have emerged. This has resulted in border governance and immigration measures that include the use of violence, pushbacks, the erection of fences, and administrative sentences.

The global governance of displaced and trapped populations, forced migration and refugees is not prepared for the numbers likely to manifest under climate change. The Group of Twenty has a responsibility to prepare, push for reform and initiate annual reviews to enhance humanitarian responses to aid climate mobility. International policy and law build on the false assumption that displaced people and refugees can return to their place of origin when conditions improve, conflicts subside or homes are rebuilt. This cannot hold for many of those affected by climate change. Governance reform is needed to strengthen rights and obligations of peoples and governments in countries of origin, transit and destination, recognizing the special circumstances and needs of “climate refugees” or migrants.^{xxx}

Conclusion: The consequences would be unbearable, so it is for the governmental authorities to take up some serious actions along with that United Nations recognition of this specific issue being another relevant aspect to be looked in with an immediate effect.

References:

1. Climate migration to surge by 2050 unless emissions are curbed - World Bank <http://www.indiaenvironmentportal.org.in/category/1954/thesaurus/climate-refugees/>
2. John R. Wennersten and Denise Robbins, *Rising Tides: Climate Refugees in the Twenty-First Century* (2017).
3. Climate Refugees: How Global Change Is Displacing Millions (In the Headlines) The New York Times Editorial (2018)
4. Avidan Kent and Simon Behrman, *Climate Refugees (Routledge Studies in Environmental Migration, Displacement and Resettlement)* (2018)
5. Katharina Weberhofer *Climate Refugees: Finding a legal solution by facing the greatest humanitarian catastrophe* (2011)

Endnotes:

^{xxviii} <https://www.npr.org/sections/goatsandsoda/2018/06/20/621782275/the-refugees-that-the-world-barely-pays-attention-to>.

^{xxix} IDMC, 'Global Estimates 2015: People Displaced by Disasters' (2015) 8.

^{xxx} https://www.cigionline.org/publications/g20-and-building-global-governance-climate-refugees?gclid=CjwKCAjwmdDeBRA8EiwAXlarFqHVEYgH0XfPu1hnYVi5LbXweMYbBzUPRiFpOrr3l8jU6a3RTLQqIRoCMLEQAvD_BwE