

# ROADMAP TO A FRAMEWORK FOR THE PROTECTION OF CLIMATE MIGRANTS

A Discussion Paper



Climate migrants, who are forced to cross national borders, lack legal protection and status. The current system of international law does not protect these climate migrants, since no legally binding agreement obliges countries to recognise and support them.

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**PUBLISHED:** October 2021

**EDITED BY:** Archana Yadav

**DESIGN & LAYOUT:** [www.nickpurserdesign.com](http://www.nickpurserdesign.com)

**COVER PHOTOGRAPH:** Villagers living on high ground to escape floodwaters from heavy rainfall in Gaibandha, Bangladesh.

**CREDIT:** ACTIONAID BANGLADESH

Flash flood in Sunamgonj in 2019 submerging roads and fields completely. PHOTO: MD MOSLEH UDDIN LASKER



# Executive Summary

## Climate-related displacement and distress migration are real.

The world is a dangerous place at current levels of warming. Cyclones are striking with fiercer intensity, glaciers are melting, and stories of floods and droughts abound. The poor, especially in developing countries, are suffering these impacts and paying a heavy price. Many among them get displaced and are forced to migrate, including across national borders.

Temperatures globally are set to rise further. The possibility of the increase in global temperatures crossing the 1.5°C threshold by as early as 2040<sup>1</sup> may be staring us in the face. The impacts of climate change are projected to worsen—temperatures, sea-level, droughts, floods, extreme weather events will further increase. This will displace many more people.

Globally, refugees fleeing conflict or persecution receive a great deal of media and policy attention. Studies show that climate-induced displacements are exceeding the number of people displaced by conflict and violence. And yet there exists no specific international legal framework for the protection of such migrants, nor any concrete multilateral strategy to account for climate change as a driver of migration.

Climate-related displacement and forced migration across borders are likely to be among the biggest issues the world will face in the coming years and decades. It is, therefore, prudent to take steps to address these issues. The matter is urgent, and there is no time to waste.

This paper is an attempt to present a roadmap to develop a framework for the protection of climate migrants who are forced to cross borders. The roadmap is specific to the countries in South Asia, with the potential to be replicated in other countries

and regions. The paper speaks to issues around cross-border and internal migration in South Asia and the challenges faced by migrants. We also propose principles to develop the framework.

## Following are the principles, which are elaborated later in the paper:

1. Acknowledge and recognise how climate change is causing displacement and fuelling distress migration;
2. Urgently act to address climate-induced displacement and distress migration according to the scale of the problem;
3. Have respect for human dignity, and empathy and sensitivity towards people who have been displaced and forced to migrate;
4. Protect the human rights of migrants;
5. Collectively develop lasting solutions to climate-induced migration on the basis of equity and climate justice.

We propose a four-step roadmap that South Asian countries could use bilaterally (India-Bangladesh; Pakistan-Afghanistan; India-Nepal, for example) to develop a framework that protects those displaced and forced to migrate across the border. The aim is to make the life of a climate migrant safe and secure in a foreign land.

The steps include:

1. Recognition, assessment and attribution
2. Cooperation and collaboration
3. Plan of action
4. Implementation

1. [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Full\\_Report.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf)

# A. Vulnerable South Asia

## That South Asia is a disaster hotspot is established in literature.

That people are often forced to move following a disaster is also well established.<sup>2</sup> Climate-induced mass displacement is compounded by the fact that the majority of the poor in South Asian countries are dependent on either agriculture or fisheries for their livelihoods, and both sectors are affected adversely by climate change.<sup>3</sup>

A recent South Asian study<sup>4</sup> by ActionAid and Climate Action Network-South Asia modelled<sup>5</sup> climate change projections related to migration linked to slow-onset impacts (sea-level rise, water stress, crop-yield reduction, ecosystem loss and drought). It found that 37.4 million people would be displaced by 2030 and 62.9 million by 2050 in Bangladesh, India, Pakistan, Nepal and Sri Lanka.

Policymakers often shy away from using the term 'climate-induced' migrants, because the stories of such migrants are complex and there appears to be a lack of adequate evidence to establish a direct causal link between climate-induced disasters and displacement and forced migration. However, there is a need to study the push and pull factors for such forced migration.

Typically, economic gain is cited as the most common pull factor for migration, even as studies exploring climate-induced migration remain in a nascent stage. Our participatory research on in-country migration in Afghanistan,<sup>6</sup> Bangladesh,<sup>7</sup> India,<sup>8</sup> Nepal,<sup>9</sup> Pakistan<sup>10</sup> and Sri Lanka<sup>11</sup> revealed climate-related factors behind several stories of 'economic migration'. Either agriculture work was not sufficient for a family; or agricultural yields got

affected due to lack of adequate rainfall or drought; or an extreme weather event, such as cyclone or heavy precipitation with accompanying hailstorm, or salinity intrusion destroyed farmland; or rising sea levels swallowed homes and farmland. Communities have unequivocally conveyed to us that they are compelled to move because of the combination of more extreme and unpredictable weather, sea-level rise and coastal erosion.

Data on cross-border migration may not be as robust as the data on internal migration and displacement,<sup>12</sup> however, one would imagine the challenges faced by migrants forced to cross borders to be much bigger. Victims of forced, undocumented migration often do not benefit from any legal or social protection at their destinations. They are most often in a situation of 'illegality' outside the domain of national law and are extremely vulnerable.<sup>13</sup>

People are subject to exploitation and human rights abuse when they are forced to migrate to a new destination, especially when it is across the border. Their dignity and their 'right to life' are threatened. Without systematic records detailing such displacement, the true extent of the phenomenon remains ambiguous. They are usually invisible in the eyes of the State (except for immigration enforcement apparatuses, which often pose a direct threat to their lives and livelihoods) and lack access to the resources necessary for their survival. This results in violation of internationally guaranteed human rights.

Typically, problems include issues around identity because such migrants are classed mostly as undocumented economic immigrants. They face xenophobia, social exclusion, criminalisation leading

2. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.476.4176&rep=rep1&type=pdf>
3. <https://www.wilsoncenter.org/article/climate-induced-displacement-south-asias-clear-and-present-danger>
4. Study: 'Costs of climate inaction: displacement and distress migration', by ActionAid, CAN-SA
5. <https://www.worldbank.org/en/news/infographic/2018/03/19/groundswell---preparing-for-internal-climate-migration>
6. <https://actionaid.org/publications/2020/climate-change-drives-migration-conflict-ridden-afghanistan>
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11. <https://cansouthasia.net/is-climate-change-fueling-migration-in-sri-lanka/>
12. <https://climate-diplomacy.org/magazine/cooperation/south-asia-could-profit-targeted-policies-climate-migration>
13. <https://www.orfonline.org/research/trans-border-migration-bridging-the-gap-between-state-and-human-security/>

Several stories behind economic migration stem from climate-related factors.

Migrant women from rural, cyclone-impacted areas cooking in a slum in Dhaka, Bangladesh.  
PHOTO: ACTIONAID BANGLADESH

to arrests or deportation, limited or no access to appropriate basic services (health, education, information, etc) and social protection in the host country, and limited economic opportunities. Problems related to assimilation and integration in the new society arise. Studies have reported substance abuse and other high-risk behaviours and loss of crucial support systems among migrants. People's vulnerabilities increase as a consequence, their health suffers and their capacity to withstand shocks and stresses is reduced.

The impact is worse for women. Our research on in-country migration in South Asia identified four areas of gendered impacts of climate-induced migration that should be better understood and addressed by policymakers so that women, men and communities can adapt and become more resilient. These are impacts on: health and wellbeing; mobility and quality of life; women's economic rights; and increased violence against women and girls, including sexual exploitation.<sup>14</sup> Studies have

established that illegal migration and trafficking are major issues related to cross-border migration in South Asia.

Given the number of problems that migrants face due to climate change for which they are not responsible, governments must explore and collaborate on ways to address cross-border migration. Unlike refugees who enjoy a range of legal protection and rights, climate migrants lack legal protection and status. Rights of refugees extend to freedom of movement; family life, including family unity and procedures to prevent family separation; work; education; access to courts; social welfare and healthcare; and other necessities such as travel documents<sup>15</sup> (see related box). The current system of international law, however, does not protect climate migrants, since there are no legally binding agreements obliging countries to support climate migrants. Consequently, protection of their rights is not guaranteed. Yet, these gaps do not mean that international inaction is acceptable.

14. [https://www.actionaid.ch/app/uploads/2021/08/Invisible\\_women.pdf](https://www.actionaid.ch/app/uploads/2021/08/Invisible_women.pdf)

15. <https://www.unhcr.org/publications/legal/3d4aba564/refugee-protection-guide-international-refugee-law-handbook-parliamentarians.html>

## Box: Rights and Protection Afforded to Refugees

The 1951 Convention relating to the Status of Refugees was a landmark in setting standards for the treatment of refugees.<sup>16</sup> It was drafted as a result of a recommendation by the newly established United Nations Commission on Human Rights.

The Convention defined a 'refugee' as a person who "as a result of events occurring before first January 1951 and 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 its nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

Refugees' rights encompass the following areas: "prevention of refoulement (forcible return), assistance in the processing of asylum seekers, providing legal counsel and aid, promoting arrangements for the physical safety of refugees, promoting and assisting voluntary repatriation, and helping refugees to resettle".<sup>17</sup>

More specifically, rights extend to their freedom of movement; family life, including family unity; work; education; access to courts and legal assistance; social welfare and health care; and other necessities such as travel documents and identity papers.<sup>18</sup>

In addition, many universally recognised human rights are directly applicable to refugees. These include the right to life; protection from torture and ill-treatment; the right to a nationality, the right to leave any country, including one's own, and to return to one's country; the right not to be forcibly returned; the right to religious practice and religious education; acquisition of movable and immovable property; self-employment, etcetera.<sup>19</sup>

Non-discrimination is a core principle of international law and the foundation of all human rights treaties. Discrimination is prohibited, whether on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>20</sup>

Climate migrants, on the other hand, live without legal protection, facing numerous uncertainties and challenges.

In the scenario of worsening climate impacts, maintaining the strict differentiation between 'refugees', 'economic migrants' and 'climate migrants' may become increasingly impossible.

16. <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>

17. <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>

18. <https://www.unhcr.org/3b66c2aa10>

19. <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>

20. <https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>



## B. Can South Asia Set an Example?

**It will be in the interest of South Asian countries to tackle the problem of climate-related displacement and forced migration head-on rather than wait for it to spiral out of control.**

The major migration corridors in South Asia are between Bangladesh and India, Afghanistan and Pakistan, India and Pakistan, and Nepal and India.<sup>21</sup> Among the top ten countries in the world producing the highest number of migrants in 2017, three are in South Asia.<sup>22</sup> India holds the top position, followed by Bangladesh at the fifth and Pakistan at the seventh position, with 16.6, 7.5 and 6 million migrants, respectively.<sup>23</sup> Afghanistan follows closely at the eleventh place with 4.8 million migrants.<sup>24</sup>

In 2019, Dhaka announced its intention to relocate Myanmar's Rohingyas to Bhashan Char, an island in Bangladesh that is prone to sea-level rise, storm surges and floods. Reportedly, some were taken to the island. After getting displaced by conflict, the Rohingyas are now at risk of being displaced again, by climate change.

At the same time, there is a dearth of data and studies that address cross-border migration from the perspective of climate change as well as migrants' social and human rights and health on both sides of the border.<sup>25</sup> We have explained before that the term 'economic migration' needs further inquiry, for often some of the reasons behind such migration are related to climate (flood/drought/salinity/lack of adequate food production, etc). In the scenario of worsening climate impacts, a strict differentiation

21. <https://www.eastasiaforum.org/2018/06/17/a-storm-of-climate-change-migration-is-brewing-in-south-asia/>

22. <https://www.e-ir.info/2018/06/11/borderwork-and-borders-in-south-asia-through-structuration/>

23. <https://www.e-ir.info/2018/06/11/borderwork-and-borders-in-south-asia-through-structuration/>

24. <https://www.e-ir.info/2018/06/11/borderwork-and-borders-in-south-asia-through-structuration/>

25. [https://assets.publishing.service.gov.uk/media/57a0897f40f0b649740000e8/61263\\_Final-Migrant-Report\\_Life-across-the-border.pdf](https://assets.publishing.service.gov.uk/media/57a0897f40f0b649740000e8/61263_Final-Migrant-Report_Life-across-the-border.pdf)

between ‘refugees’, ‘economic migrants’ and ‘climate migrants’ may become increasingly impractical. The question is whether the South Asian countries can set an example and build a framework that addresses displacement and forced migration.

The South Asian Association for Regional Cooperation (SAARC) is an economic and political organisation of eight countries in South Asia—Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Sri Lanka and Pakistan. Over the past decade, climate change issues have occupied an important position at SAARC summits, from formulating norms and establishing institutions and knowledge bodies to making plans for information sharing, cooperation and capacity building.

Specific attention to climate migration/displacement, however, has been absent at the SAARC policy level. Further, the declarations to combat climate change and its security risks have not fully translated into action. Many policies are still not operational, and others are yet to be ratified. While several institutions were established, these have not been able to produce concrete results in accordance with the declarations, conventions and action plans produced at SAARC.

Scholars indicate that besides fiscal impediments and the absence of dedicated leadership, political tensions among countries such as India and Pakistan have also stood in the way of regional collaboration. Such tensions have limited the impact in the area of environmental protection, too.

Similarly, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a regional organisation comprising

seven member states (Bangladesh, Bhutan, India, Nepal, Sri Lanka, Myanmar and Thailand). It is meant to work on energy, fisheries, agriculture, climate change, poverty alleviation, among other sectors.<sup>26</sup>

South Asian countries have not taken steps to recognise climate migrants and evolve mechanisms to protect them. South Asia should make efforts to minimise distress migration, and a human rights-based approach must inform policies and actions in the region.

It is key for the countries to come together and revitalise SAARC and expand BIMSTEC to address one of the biggest threats facing their populations. However, we also recognise the political difficulties between countries and the complications arising out of them. While we hope for a regional framework in the future, we present the principles and a roadmap for a framework that countries in South Asia could use to begin to bilaterally address climate displacement and forced migration. This could eventually lead to the development of a regional framework. For example, India and Bangladesh, or Pakistan and Afghanistan, or India and Nepal could use our roadmap to develop a framework.

26. [https://bimstec.org/?page\\_id=189](https://bimstec.org/?page_id=189)



Villager wading through flood-water in Bangladesh.  
PHOTO: ACTIONAID BANGLADESH

## C. Principles for a Framework

**We propose the following five principles to be the premise on which governments can build a framework to protect those experiencing displacement and distress migration:**

- 1. Acknowledge and recognise how climate change is causing displacement and fuelling distress migration:** Governments must first acknowledge that climate-related displacement and distress migration are a reality. Getting into attribution of who is a climate migrant as opposed to who is a labour migrant or an economic migrant may not be a productive exercise and would be very challenging. Rather, it is important to acknowledge the increasing trend of climate change impacts that displaces people, many of whom are forced to migrate across international borders, including permanently for employment and sustenance. This will foster the development of appropriate strategies for averting, minimising and addressing the adverse effects of climate-induced migration.
- 2. Urgently act to address climate-induced displacement and distress migration according to the scale of the problem:** Global surface temperature is now higher by 1.07°C compared to the pre-industrial era. Reports by the Intergovernmental Panel on Climate Change (IPCC) project an increase in climate extremes due to global warming. Heat waves, extreme rainfall events and the occurrence of extreme sea levels are all expected to intensify and be more frequent. This will exacerbate displacement and distress migration to a scale that needs prior planning and preparation to deal with. Intensifying climate migration, including 'illegal migration'<sup>27</sup> in South Asia, is not just a looming humanitarian crisis. It is also a regional stability risk.<sup>28</sup> We must address this with the urgency it demands.

27. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.476.4176&rep=rep1&type=pdf>

28. <https://www.wilsoncenter.org/article/climate-induced-displacement-south-asias-clear-and-present-danger>

**3. Have respect for human dignity, and empathy and sensitivity towards people who have been displaced and forced to migrate:** Many people migrate after suffering unprecedented losses that alter their lives, sometimes forever. Forced to leave their home countries, they often end up using dangerous, illegal routes that can be life threatening. When they arrive at the destination, fresh ordeals await them. Governments must see them not as 'illegal' entities, but as human beings who have put their lives in danger for the lack of an alternative. Their dignity must be protected and a sensitive and empathetic approach based on solidarity must be adopted to address their problems.

**4. Protect the human rights of migrants:** Climate-induced displacement often results in exploitation and human rights abuse, both during the migration and after the migrants reach their destination.<sup>29</sup> Certain human rights, such as the right to life, liberty and personal security; social security; adequate living standards, safe housing and schools, food, water, livelihoods, and a decent environment, are particularly important to protect climate-induced migrants in their destination countries. Fundamental rights guaranteeing life, personal liberty and equal legal protection must be extended to them. The migrants should also be given the right of entry; waiver of documents; granting of stays as well as

work permit requirements. Indigenous groups, the elderly, the disabled, women, children and LGBTQIA should not face discrimination in any form or be barred from claiming the rights to which they are equally entitled.

**5. Collectively develop lasting solutions to climate-induced migration on the basis of equity and climate justice:** Climate-induced migration affects host communities. Large-scale migration can create significant negative political and economic externalities. Studies show that regions that receive a larger number of migrants relative to their population experience enormous strain on public service and infrastructure.<sup>30</sup> It can also deteriorate social and political stability.<sup>31</sup> It is thus important for countries, think tanks, civil society, academics and the private sector to get together and arrive at lasting and sustainable solutions that take care of local dynamics, while fully respecting the rights, dignity and experiences of those forced to migrate. People in the global South, who are not responsible for causing the climate crisis, end up bearing the brunt of it. Countries in the global South who end up with migrants from the region must, therefore, use multilateral frameworks and demand financial compensation from the developed countries to deal with displacement and distress migration.

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29. <http://www.mgcub.ac.in/pdf/material/20200418154608e4d0eb5e88.pdf>

30. <https://www.eastasiaforum.org/2018/06/17/a-storm-of-climate-change-migration-is-brewing-in-south-asia/>

31. <https://www.eastasiaforum.org/2018/06/17/a-storm-of-climate-change-migration-is-brewing-in-south-asia/>

# D. Roadmap to a Framework to Protect Climate Migrants

**It is important to develop a framework that enjoys support from governments as well as a diverse range of stakeholders and civil society.**

Efforts should ensure access to local support systems; social protection and security for climate

migrants; development of social and physical infrastructure; and public and private investment and funding.

We propose a four-step roadmap that South Asian countries could use bilaterally to develop a framework that protects those displaced and forced to migrate across the border, with the idea of making the life of a climate migrant secure in foreign land.

Roadmap to a framework for the protection of climate migrants



**1. Recognition, assessment and attribution: It is important that countries:**

- Agree on common terminologies and concepts around climate-related displacement and distress migration.
- Scale up research, methodologies and capacities to better understand and track the extent to which migration should be attributed to climate change.
- Look at the trends of past, present and projected climate changes and develop comprehensive, gendered assessments of the impacts of climate change on internal and cross-border migration patterns of people. Invest in data and analysis to understand migration patterns and trajectories.
- Undertake collaborative research on cross-border migration policy and framework to

protect such migrants, from the lenses of human rights and climate justice.

- Commission studies, create a repository of knowledge, develop capacity-building modules and training and stronger networks, with the aim of recognising and assessing the extent of climate-related displacement and distress migration, so that the problem is urgently and meaningfully addressed.

**2. Cooperation and collaboration:** Countries must utilise research outcomes and assessments to develop comprehensive policy and planning measures; ensure participation of multiple government agencies in policy development; share knowledge, expertise and skills; and collaborate institutionally. We propose the following steps for countries to take:

- Share best practices for averting, minimising and addressing climate migration through a range of responses, including building and strengthening resilience.
- Strengthen domestic institutional mechanisms and develop a communication channel and ensure it stays activated, especially during disasters.
- Initiate dialogues/consultations to protect climate-induced migrants and address their requirements and concerns, including access to safe and dignified migration channels.
- Think through collaborative systems and jointly develop tools to assess the needs of those who are forced to cross borders in the context of the slow-onset and extreme effects of climate change.
- Jointly develop early warning systems and alerts, regional food banks, community infrastructure.
- Develop joint proposals to finance such systems, including from multilateral institutions such as the Green Climate Fund.
- Collectively demand more resources from the global system for adaptation and mitigation action, and for addressing loss and damage in countries and the region.

**3. Plan of action:** For countries to develop a concrete plan of action, we propose the following steps:

- Establish joint commissions or committees and a joint research pilot project.
- Identify key policies to be developed or revised

that ensure safety and security of climate migrants.

- Adopt policies and commit financing to social protection, livelihood development, basic urban infrastructure development and disaster risk management.
- Establish support systems for both local and migrant populations. Facilitate genuine stakeholder dialogue and establish locally operated centres to provide relevant information to communities and improve their access to government services.
- Identify potential impacts on women and adopt gendered designs in all plans.
- Ensure basic rights for migrants—food, education, housing, employment, health—and social protection that provides them economic security.
- Include dedicated funding streams to address the short- and long-term needs of climate migrants.

**4. Implementation:** We recommend that the implementation measures through policies, action and fund mobilisation should involve the following:

- Monitoring progress, developing feedback mechanisms for evaluation and public reporting.
- Revising and changing policies as necessary to make the plan effective.
- Developing plans to scale up or replicate the pilot, and share learning with other countries and regions.



Livelihood restoration after severe flooding destroyed crops in Idukki district, Kerala. PHOTO: ACTIONAID INDIA

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Getting into the attribution of who is a climate migrant, who is an economic migrant may not be productive and prove very challenging. Governments must therefore acknowledge the increasing trend of climate change impacts that displace people. Many of them are forced to migrate across the international border, including permanently, for employment and sustenance. Their human rights and dignity must be protected by law.

Climate resilient sustainable agriculture sustains livelihoods in Nepal.  
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**ActionAid** is a global movement of people working together to achieve greater human rights for all and defeat poverty. We believe people in poverty have the power within them to create change for themselves, their families and communities. ActionAid is a catalyst for that change.

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