CLIMATE CHANGE, MIGRATION AND DISPLACEMENT

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INTRODUCTION

Climate change is the process of nature deteriorating as a result of harmful human activity. Long-term changes in temperature and weather patterns are included. Human activities such as burning coal, fossil fuels, oil, and gas are the main cause of this shift. Global warming is one of the main effects of climate change. The phenomena of global warming is an increase in Earth's surface temperature brought on by the release of greenhouse gases. As a result, the snow caps began to melt, harmful air pollutants increased, and weather patterns changed, among other things. Climate change poses a serious threat to humanity's survival as well as significant obstacles for the human race in the future. However, one must also take into account the legal ramifications of the situation. It should be highlighted that climate change causes floods, a shortage of resources, an increase in the frequency of extreme weather events, and other issues that will eventually lead to migration and population displacement. The increase of legal embargos on the displaced is a result of climate change migration.

The author attempts to study the impact of climate change and its legal, sociological, and psychological effects on the displaced through this research. The author then examines the initial concerns with human rights that the migrants experienced as a result of their displacement. The author also analyzes the lack of adequate international standards for migration brought on by climate change before going on to suggest a framework for global governance in this area.

Five chapters make up the research, the first of which provides an overview of migration and climate change. The second chapter addresses the difference in patterns of migration between internal and international migration induced by climate change.The third chapter discusses the legal problems associated with migration and climate change. The fourth chapter of the paper explores how there is now no international framework for regulating relocation brought on by climate change. The last chapter lists the concluding thoughts while the penultimate chapter suggests a policy for the same.

1. CLIMATE CHANGE, MIGRATION AND DISPLACEMENT

In the era of rapid industrialization and development, climate change has become a new buzz-word. Climate change refers to long-term shifts in temperatures and weather patterns.[1] The reasons for such shifts can be natural like volcanic eruptions as well as human induced like pollution, etc. The temperature of our Earth is rising at a greater rate than ever and this is primarily because of climate change. Talking of the repercussions of climate change, we get to know that it is manifold. Rise in sea levels, droughts, several instances of forest fires, melting ice, etc are some of the consequences. The impact of climate change on humans can be seen in different ways. Some are facing health hazards, while some are vulnerable to relocating themselves.

The deteriorating climate has been forcing millions of people to leave their homes and migrate to other places. As per the data, every year, almost 21.5 million people around the world are migrating because of these disasters.[2] Climate refugees are a new concern and the number is escalating every day.

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This global problem, i.e. climate change is causing unprecedented levels of migration and displacement. There are significant social, economic, and environmental ramifications to the complicated link between climate change and human migration. This paper investigates the relationships between migration, displacement, and climate change, highlighting the potential and difficulties they pose for people and countries. Climate change is one of the major factors driving migration and displacement. Increasing temperatures, more frequent and severe weather events, sea level rise, desertification, and damaged ecosystems are just a few of the environmental changes brought on by climate change. For human residence and means of subsistence, these shifts have serious ramifications. People are consequently compelled to flee their homes and communities in quest of safety and

[1] Climate Actions, United Nations, Available at: https://www.un.org/en/climatechange/what-is-climate-change
[2] Id

The term "environmental refugees" has originated as a result of climate change-related migration. People who are driven to leave their homes as a result of environmental deterioration, such as droughts, floods, and the disappearance of fertile land, make up this group. Vulnerable populations in low-lying coastal areas, locations that are prone to drought, and areas that experience extreme weather events are being impacted by this issue.

Climate change has the potential to both aggravate and spark new conflicts. Tensions and violence can result from competition for scarce resources like water and arable land. For instance, resource competition that has been worsened by climate change is one reason for the ongoing strife in Darfur, Sudan. Significant displacement has occurred as a result of this conflict. Due to climate change, many people are flocking to metropolitan regions, where they frequently encounter overpopulation and insufficient.

The ability of host countries to provide humanitarian aid may be overtaxed by the surge of climate migrants. The lack of food, clean water, healthcare, and education that displaced persons frequently experience makes them even more susceptible. A communal reaction is necessary to address the global problem of climate change. Even though the effects of climate change differ by region, the global community must cooperate in order to reduce greenhouse gas emissions and aid vulnerable people.

In order to increase resilience against the effects of climate change, communities and countries must also invest in adaptation methods. This includes constructing early warning systems, strengthening infrastructure against catastrophic weather occurrences, and promoting sustainable agriculture techniquesPolicymakers must create thorough frameworks. International agreements, national policies, and local initiatives should all be used to safeguard the rights and welfare of climate migrants.

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Although climate change is a worldwide issue, its effects are unevenly distributed and are most acutely felt in developing nations. This greater impact is partially due to greater exposure to climate-related hazards (such as flooding or droughts), but it is also largely due to greater vulnerability (such as the significance of agriculture for livelihoods and economies) and less resilience (such as more constrained state capacity and reliance on community adaptation).The increase in global average temperatures brought on by greenhouse gas emissions, or "climate change," is a complicated process comprising a variety of connected but separate developments. There is growing evidence that climate change is responsible for these various environmental changes. In addition to highlighting the significant role of

climate change in ongoing changes, new methods and potent models for assessing the contribution of climate change to various environmental changes and for individual environmental events ("attribution studies") also help scientists predict future outcomes.[3]

2. CLIMATE MIGRANTS : INTERNAL AND INTERNATIONAL

As discussed above, we have got to know how climate change triggers human migration. However, besides all these factors, the pattern of migration is one of the most salient features of climate-based migration to be noticed. The effects of the disasters of climate change vary from person to people based on their vulnerabilities. Amongst the most susceptible and marginalized section comes the category of children and women. In the context of the international domain, the situation in developing countries gets more precarious. Upon delving deeper into the concept of climate migration, we get to know that the nature of such migrations can be temporary or permanent, slow or sudden, internal or international.

In this chapter, an analysis of internal and international climate-induced migration has been done and explained. Migration brought on by the effects of climate change can be classified as either internal or international. Here is a brief overview of these variations:

Geographical Extent: Internal migration is the movement of individuals within the boundaries of a single nation. It involves people or communities moving from one area of the same country to another as a result of climatic variables. Whereas, International migration is the transnational movement of individuals from one nation to another for reasons connected to climate. International migrants who are fleeing their home countries in search of safer and better living conditions are frequently refugees and asylum seekers.

Patterns: The pattern of internal and international migration also varies in significant ways. There are several ways that internal migration is influenced by the climate. Within the same nation, people may relocate from rural to urban areas or from lower coastal areas to higher ground. The unique climate-related issues that each region is currently dealing with have an impact on these trends., People who migrate internationally as a result of severe climate-related issues, such as resource scarcity, extreme weather incidents, or sea level rise, often leave their home countries. These migrants frequently go for safety in nearby nations or areas that are regarded as friendlier.

[3] Human Rights and Migration, Available at https://www.ohchr.org/en/migration.

Causes: Internal Migrations are induced by a variety of climate-related factors, including droughts, floods, desertification, and the loss of arable land, can lead to internal climate-induced migration. For instance, persistent droughts in farming regions may compel farmers to relocate to metropolitan areas in search of alternative means of subsistence.

More severe and life-threatening catastrophes frequently catalyze international climate-induced migration. People may be forced to seek refuge in other nations to find safer and better living conditions due to climate change-related factors including rising sea levels, devastating hurricanes, or protracted conflicts.

Consequences: In some circumstances, internal migration can cause urban overpopulation, more resource rivalry, and stress on regional infrastructure. In destination locations, it might also support urbanization and economic expansion. Whereas in the case of international migration, Refugees and asylum seekers face serious legal and social obstacles. Language challenges, cultural gaps, and obstacles relating to their immigrant status may provide difficulties for them. The host nations' social structures and resources can also be put under stress.

Legal and Policy Frameworks: The legal policies also depend on the type of migration if it is an internal or international migration. National or regional governments are normally in charge of developing policies to deal with internal climate-induced migration. These regulations may include programs to manage internal migration flows and strengthen community resilience in at-risk areas. Whereas, Complex legal and policy considerations are involved in international migration caused by climate change. To safeguard and assist displaced populations, international collaboration is necessary. International frameworks for addressing the needs of climate refugees are being developed with the assistance of the United Nations and its organizations, including UNHCR.

In conclusion, there are differences between domestic and international climate-induced migration in terms of geographic extent, patterns, causes, and outcomes. Although climate change has an impact on both domestic and international migration, the latter frequently includes more severe and potentially fatal conditions and calls for international collaboration and legal frameworks to address the needs of displaced communities. On the other hand, internal migration is typically handled at the national or regional level, with an emphasis on fostering resilience and controlling migration within a single nation's borders.

3. LEGAL AND HUMAN RIGHTS ISSUES RELATED TO CLIMATE INDUCED MIGRATION

The regulations at the national and international levels that may be able to address migration brought on by climate change are found to be deficient in some places. First, refugees from climate change do not have the right to settle in another nation, not even those who have no other choice, like residents of an island nation that might vanish as a result of climate change. Even if they cross an international border, it is unlikely that migrants fleeing climate change will be given refugee status, as will be detailed below. According to current legislation, those fleeing climate change will only be able to live permanently in another nation if they can satisfy certain criteria outlined in the nation's immigration regulations. National laws typically don't include particular provisions to make such immigration a bit easier. Second, to cover the costs of relocation brought on by climate change, migrants are not entitled to financial assistance from the international community. Additionally, neither their home nor host States are entitled to such financing. Of course, there is international aid aimed at promoting development, reducing climate change, and assisting localities in adapting.

However, there is no special financial support for domestic or international migration linked to climate change. Poor migrants and developing nations may find this lack of resources to be particularly challenging. Although there isn't a single funding source for helping with climate migration, there are now international financing options accessible to susceptible countries to aid with adaptation to such migrations induced by climate change. Funding for climate change adaptation may be provided through organizations that provide development aid. Although overall climate financing is considerably more centered towards climate mitigation than adaptation, there are specific funding sources available for adaption to climate change. The Kyoto Protocol's Parties formed an adaptation fund to provide funding for initiatives and programs supporting developing nations with climate change adaptation. The Adaptation Fund Board distributes funding for certain initiatives, supported by funds obtained through a levy on the transactions under the Clean Development Mechanism, and such support has recently started to flow to a few projects. The funding criteria do not define or exclude programs that ease migration or lessen its effects. An analysis of current legislation to deal with internal and cross border migration is provided below.

4. International Legal standards relevant to victims of climate disaster

Migration and displacement brought on by the climate violate numerous human rights and humanitarian norms. The scope of victims' rights and nations' corresponding obligations are dynamic and change as the international community gains expertise and knowledge in resolving disaster victims' needs. At the moment, the circumstances of the disaster and whether victims are temporarily displaced, forced to migrate, or move out of the disaster zone determine the scope of the government's responsibility and the level of protection provided to victims. It should be recognized right away that the impact of climate change is only recently being widely understood, and that legal standards have not yet kept up with scientific forecasts, making decisions about how human rights law might be applied somewhat speculative.[4]

Human rights laws typically protect persons who migrate domestically or who are internally displaced more than they do those who migrate abroad. This is so that the state can assist internally displaced people properly during natural catastrophes or armed conflict. Governments have developed certain basic requirements to protect the internally displaced. Governments have not, however, established a comparable set of requirements for people who move abroad in reaction to climate calamities like extreme droughts. The responsibility of the government and the rights of such people in this matter are still unclear.

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In this section ,the general obligations of the government concerning disaster aid and collaboration are first identified. It then takes into account the circumstances of those obliged to relocate abroad and who get lesser protection followed by a discussion on people internally displaced by disaster who would be entitled to better protection by their nation of origin.

The duties that states have to one another are at the heart of international law. However, the subset of the human rights doctrine includes extra obligations that states have to people and groups. Additionally, it establishes a special duty for the protection of minorities and vulnerable groups, such as women, children, and indigenous peoples. In principle, states are required by human rights legislation to protect the lives and property of persons who reside inside their borders from foreseen damage and catastrophic hazards. States must take measures to lessen the effects of disasters when they happen, including using legal and

[4] A legal status for climate refugees, Available at https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28239&lang=en (Last visited on 10th September 2023).

administrative procedures, evacuating affected individuals, and maybe relocating them temporarily or permanently in a manner that respects their right to freedom of movement. Governments are also required to pay close attention to the needs of weaker groups, such as women, children, minorities, and indigenous peoples. If these populations are already experiencing poverty, discrimination, or other negative socio-economic and political effects, they may be particularly vulnerable to climatic shocks.

The Hyogo Framework for Action from 2005 partially condenses the legal framework controlling international aid and assistance in times of catastrophe victims that originated from a plethora of multilateral treaties. Governments are required to implement preventative measures to lessen vulnerability within disaster risk reduction programs, early warning systems, and public safety awareness and preparation under this Framework since developing nations are more susceptible to disasters. Governments must implement certain legal measures coordinating disaster response at the municipal and federal levels ensuring that programs for the displaced don't put them at greater risk of danger.

5. PROPOSED INCLUSIONS TO GOVERN CLIMATE CHANGE MIGRATION

The majority of recent policy discussions on climate-induced migration have centered on providing humanitarian aid and providing legal protection. Despite their critical importance, these concerns only partially address the underlying reasons for the issue. However, preventing the forcible eviction of individuals and communities must continue to be a top concern. Because of this, it is necessary to first position climate-induced migration within a development agenda to increase community resilience. A community's potential for adaptation is related to its resilience to climate change and is influenced by a variety of elements, including its infrastructure, governance, information, social resources, and technology. Migration can be a strategy to improve these factors, but improvement in these factors can also lessen the need for migration. Indeed, despite its significance, the effect of migration on development is frequently disregarded. Migration should be made easier for individuals who want to leave their current location, but ultimately, everyone should be free to decide whether to stay or go. Various measures can help to lessen people's and communities' susceptibility to environmental threats.

Social Protection: It's critical to take steps to alleviate abrupt deprivation, expand income-generating opportunities, and promote social engagement to reduce the need for migration as

a result of socioeconomic pressures associated with climate change.[5] People leave their communities for various reasons, one of which is that their means of subsistence are no longer viable. Environmental changes can drive occupation changes and job losses. Sometimes people are compelled to relocate to pay off debts they have accrued. Social protection can decrease poverty, promote human capital development, and improve household and individual disaster resilience. Additionally, it safeguards the assets of homes and communities and facilitates consumption both before and during a severe environmental disaster.

Disaster Risk Management: It is well known that individuals in underdeveloped nations are more susceptible to natural disasters. This is caused by a variety of things, including increased sensitivity, higher exposure to natural disasters, and reduced adaptive capacity, such as a dearth of early warning systems, poor infrastructure, weak governance, or fragile economies with fewer viable economic options. These groups are more vulnerable to displacement because they are socially disadvantaged or marginalized. People at the lowest end of the socioeconomic spectrum frequently reside in highly exposed places in susceptible homes and have inferior standards of prevention and response capabilities, savings, and assets, struggle with language, and have a limited understanding of local laws, customs, and practices.[6]

Creating strategies for reducing poverty - In Asia and the Pacific, both national organizations and foreign donors continue to place a high priority on reducing poverty. Lifting people out of dire social and economic situations is still a big problem in the area, where 1.8 billion people live on less than $2 per day.[7]

[5] Connecting the dots, Climate change migration and social protection, Available at https://reliefweb.int/report/india/connecting-dots-climate-change-migration-and-social-protection Last visited on 13th September 2023).
[6] Policies and mechanism to address climate-induced migration and displacement in Pacific and Caribbean small island developing areas, Available at https://www.emerald.com/insight/content/doi/10.1108/IJCCSM-03-2017-0055/full/html (Last visited on 13th September 2023).
[7] The links between climate change, disasters, migration and social resilience in Asia, Available at https://www.adb.org/sites/default/files/publication/510651/ewp586-climate-change-disasters-migration-asia.pdf (Last visited on 13th September 2023).

6. CONCLUSION

Through this paper we studied the relationship between climate change, migration and displacement. Further we went on to study and understand the reasons for the same and possible solutions to the problem. Further we examined the current international legislations that govern climate induced migration. One thing that we have been able to prove through this paper is that there are no adequate legislations that govern climate induced migration. Thus, we gave an attempt to discuss certain points that can be considered in future policy framing for climate induced migration. Overall, this has been a thorough analysis of climate change, displacement and migration.