**A Conceptual Analysis on Environmental Forced Migration in Bangladesh: Human Rights Perspective**

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*“Climate affects us all, but does not affects us all equally”*

*Ban ki –moon, Secretary General of the United Nations*

*Traditionally, the concept of forced migration refers to the coerced movement of a person or persons away from their home on fear of persecution due to war, conflict, repression etc. But there may be situations when environmental degradation and natural disasters forced people to migrate from their home to other place for livelihood. Migration due to environmental degradation is called environmental forced migration popularly known as environmental refugee. The concept of environmental migration within a state which is known as internally displaced person is not a new one. Movement of population due to climate disasters like droughts, floods, riverbank erosion, coastal cyclones and tornadoes is a common phenomenon in Bangladesh. Every year a huge portion of the population is displaced, both temporarily and permanently because of these natural disasters. As Bangladesh is one of the most vulnerable countries of climate change, it faces increasing environmental forced migration within and outside its territory. Because of high growth of population and climate change the poor populated areas are most at risk of environmental destruction. Climate change is itself a threat to the livelihood and security of life of the poor peoples. The International Organization for Migration estimated in 2010 that Bangladesh alone would produce 26 million climate refugees in the future. When peoples are displaced from their home due to climate change and environmental degradation their right to livelihood, right to adequate housing, and right of equal access to education and right to development are severely affected. There are a number of legal instruments and frameworks at the international level such as International refugee laws, Human rights laws, environmental laws and international humanitarian laws, but, the status, treatment and protection of people displaced by climate change are uncertain under the current international laws. This issue is not addressed by the policy makers in most of the case both nationally and internationally. There is no clear and general definition of environmental displaced person. Neither the rights of the environmental displaced person are guaranteed by specific laws. There is a need to recognize the displacement of people within the country so that proper action can be taken to address their problems. In the context of Bangladesh it has signed, ratified and acceded most of the international conventions, treaties and protocols related to environment but still the supreme law of the land does not guaranteed environmental rights as a fundamental right. Although Art.18A of the Bangladesh Constitution tells about protection and improvement of environment and biodiversity but Article 31 and 32 together incorporate the rights to life which extended to the right to a healthy environment. But unfortunately it remains silent about the rights of the environmentally displaced persons and about their rights which is a clear and straight ignorance of their fundamental right to life. The paper will focus on the forced migration of people within Bangladesh due to climate change and environmental degradation. The paper will discuss the legal and human rights status of environmental forced migrants under national and international law frameworks. It will also make recommendations for the protections of right of the environmental forced migrants.*

***Key Words****: Bangladesh, Environmental Forced Migration, Fundamental Rights, Environmental Refugee, International Human Rights Laws.*

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**1. Introduction:**

From time immemorial people have moved from their place of origin for variety of reasons such as hunger, poverty, improving living conditions and violation of human rights. More recently the question has arisen whether environmental degradation can contribute to migration. As a result the notion of environmental forced migration has got attention of the world though there is no specific legal status of the environmental migrants. Until very recently the international community as well as experts were focused primarily on the scientific aspects of climate change, principally its effects on the environment and ways to mitigate the negative impacts. Much less time and effort has been spent on looking at the humanitarian aspects of climate change, including the impact on population distribution and their human rights (Fatima and Wadud, 2010).At present it becomes a common phenomenon of the world that every year millions of people are forced to migrate from their home to other place because of climate related disasters. Whether it may be internal or external migration most of the scenarios are from the world’s poorest and vulnerable countries.Every year, a large number of people get displaced in Asia due to different environmental reasons like floods, droughts,soil degradation and cyclones. Bangladesh and Indonesia has already ranked as the top two natural disaster countries, being at ‘extreme risk’ according to the Natural Risk Index 2010(NDRI, 2010).The First Assessment Report of the Intergovernmental Panel on Climate Change in 1990 stated that the greatest single impact of climate change might be on human migration. The report also estimated that by 2050, 150 million people could be displaced by climate change related phenomenon like desertification, increasing water scarcity, floods and storms etc. (IPCC, 1990). Bangladesh suffers the most from climate change because of its unfavorable geography, population density, limited assets and a greater dependence on climate sensitive sources of income. It has already experiencing the growing phenomenon of environmental migration which can lead to issues of human insecurity if not properly managed. The paper focuses on human rights perspective of climate induced migration in Bangladesh. It also focuses whether this groups of population needs special protection or existing legal frameworks are sufficient to provide their protection.

**2. Environmental forced migration: Definition:**

Generally there are two types of population movements in the world, such as:

1. Voluntary migration, in which people moved out in search of better livelihood.
2. Involuntary or forced migration, in which people are compelled to move out of fear of persecution or events threatening to their lives.

When people are forced to leave their home out of fear of persecution and crossed international borders they are treated as refugee. Refugees have a special status under UN Convention and Protocol Relating to the Status of Refugees administered by UNHCR. But when the people forced to leave their home and moved to another place within the state, they are treated as internally displaced people.According to the UN Commission on Human Rights Guiding Principles on Internal Displacement, internally displaced persons are-

"Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places ofhabitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations ofgeneralised violence, violations of human rights or natural or human-madedisasters,and who have notcrossed an internationally recognised State border"

At the present time internal displacement of the people increasing to an alarming stage due to climate disasters, which has become a common concern of the world.

The term environmentally forced migration has not been defined in any national and international law specifically. In literature there are many terms used regarding this concepts such as environmental or climate change migrants, environmentally induced or forced migration, ecological or environmental refugee or climate change refugee, environmental displacement etc.

*El-Hinnawi*(1985) defined environmental migrants in a paper released by the UN Environment Program (UNEP) as:

“Those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption….that jeopardized their existence and/or seriously affected the quality of their life”.

In response to the growing debate on defining environmental migrants, International Organization for Migration (IOM) proposes the following definition,

“ environmental migrants are persons or group of persons ,who ,for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living condition, are obliged to leave their habitual homes or chose to do so, either temporarily or permanently , and who move either within their country or abroad” (IOM,2007).

The Global Governance Project 2012 has prescribed that climate refugees are-

“people who have to leave their habitats , immediately or in near future, because of sudden or gradual alterations in their natural environment related to at least one of three impacts of climate change: sea –level rise, extreme weather events, and draughts and water scarcity”.

**3. Environmental disasters induced Forced Migration :( Interrelation):**

*“Large numbers of people are moving as a result of environmental degradation that has increased dramatically in recent years. The number of such migrants could rise substantially as larger areas of the earth become uninhabitable as a result of climate change.”*

*(IOM, 1992*)

In recent years Climate Change induced migration has got immense importance as one of the major consequences of climate change impact,which is considered the most challenging issue to be addressed in the futureat a global scale.It is estimated that there are currently twenty-five million people worldwide who have been displaced forenvironmental reasons, making environmental refugees the single largest migrant group in the world.According to a report from the Norwegian Refugee Council's Internal Displacement Monitoring Centre, at least 42.3 million people were newly displaced by sudden-onset disasters caused by natural hazard events in 2010 (CICERO, 2011).

In Bangladesh, the issue of internal displacement ormigration is considered one of the major challenges .Bangladesh is going toface due to its huge population living in hazard prone areas. Sea level rise will permanently destroy extensive and highly productive low –laying coastal areas that are home of millions of people who will have to relocate permanently (Morton, 2008).

Due to climatechange, the frequency and severity of extreme climatic eventswill increase in the future and more people are expected to be vulnerable to these hazards (CEGIS- 2011)

Climate change

Natural hazard

Damage to land, houses, infrastructure and insecure livelihood

r-astructures

and insecure

livelihoodsd



Internal displacement



**The above figure shows: Basic approach for impact analysis of internal displacement (Study Report, 2014)**

The situation and impact analysis framework is divided into three different parts (A, B and C). The first part showsthe linkages between climate change and hazards, the second part outlines the cause and effect relationshipbetween the hazards and internal displacement (situation analysis) and the final part focuses on the impact (social, economic, environmental and demographic) of internal displacement on destination/host communities.

**4. Environmental forced migration in Bangladesh:**

*“One in seven persons in Bangladesh would be displaced. Such a large number of ‘climate migrants’ created by erratic and frequent natural disasters will compound the problems of already overburdened cities and threaten Bangladesh’s progress towards achieving the Millennium Development Goals”*

(Prime Minister Sheikh Hasina, UN General Assembly in New York on 21 September 2010.)

Bangladesh is commonly used as example of the dramatic effects of climate change. It is assumed that the low lying delta, among the most densely settled and poor countries of the world will be hard hit by the consequences of global warming, first of all due to sea level rise. Since a large part of the country is located just above sea level any rise in sea level may lead led to inundation of settled low-lying areas this forcing people to relocate. In addition intrusion of salt water may cause problems for agriculture in a much larger area, while possible flooding and drought may also have severe consequences for food production. The consequence will ultimately be a massive relocation of people not only within the country but also into neighboring countries like India and Burma (Lein, 2009).

The effects of climate change in Bangladesh are not merely projections of what might happen in the future, but are in fact a reality.Almost every year, a significant number of populations is forced to migrate due to natural calamities in Bangladesh. It has a long history of migration due to environmental disasters. Bangladesh with its extremely dense population and its exposure to cyclones and flooding, appears as the quintessential example of environmental displacement (Lee, 2001). The adverse effect of rise of sea level, drought and river bank erosion compels the population to migrate from one place to another. Approximately 500,000 people were displaced when the Bhola Island was permanently inundated by the floods of 2005. In addition continuous occurrences of major cyclones like Sidr2007, Aila 2009, may be an indication of more frequent and severe climate catastrophes. The rigorous effect of riverbank erosion in Bangladesh there are, 129,853 people are displaced yearly. Most of the people displaced wholly or in part as a result of declining environmental conditions are likely to relocate relatively short distances from the areas they originated from. In Dhaka, an average of 880 new migrants arrive from rural every day. As a result it becomes the fastest-growing city in the world (World Bank, 2007)

Following four disasters have been selected as the main catalysts behind internal displacement in Bangladesh prescribed in a recent Study Report by the Comprehensive Disaster Management Programme (CDMP II, 2014):

1. **Environmental forced migration due to Riverbank erosion.**According to the Department of Disaster Management (DDM), riverbank erosion, which is caused by thecontinuous shifting of channels, the three major rivers the Jamuna, the Padma and the Meghna alone displaces anestimated 500,000 people annually.
2. **Environmental forced migration due toFloods.**It is projected that about 50% of the land would be flooded if the sea level were to rise by 1 meter.
3. **Environmental forced migration due toSalinity.**Salt water intrusion from sea level rise in low-lying agricultural plains, alongwith other hazards, could lead to 40% decrease in food grain production and will force migration to urban slumareas.
4. **Environmental forced migration due to Water logging.**Cyclone AILA (2009) affected district of Khulna revealed that coastal water loggingresulted in a huge population movement to nearby safer elevated places. Approximately 106,000 people weredisplaced from water logging in the area to nearby safer, dry places and other distant districts.

**5. Environmental forced migration impacts on human rights:**

*“Climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self –determination and human rights obligations related to access to safe drinking water and sanitation, and recalling that in no case may a people be deprived of its own means of subsistence.”*

Human Rights Council Resolution 10/4, Human rights and climate change.

As a human being environmental migrants are entitled to all human rights including civil and political, economic, social and cultural rights. But these rights are frequently violated when they become displaced. Followings are the main impacts on human rights due to environmental forced migration:

a. Violation of right to livelihood

b. Violation of right to water and food

c. Violation of right to adequate health care and high health risks

d. Interrupts for education

e. Violation of right to security of the person and violence against women

f. Violation of right to life and dignity

**Violation of right to livelihood:**

Every human being shall have the right to be protected against being arbitrarily displaced from his or her home. Because of environmental disasters the right to livelihood of the populations are severely affected. As the displaced populations are unable to resume their traditional habitats, therefore there right to live is violated.

**Violation of right to water and food:**

Right to have clean drinking water and food is the fundamental right of every human being and it is essential for the full enjoyment of life and all other human rights. During floods crops and livestock destroyed and land degradation resulted food consumption fell.

**Violation of right to adequate health care and high health risks:**

Everyone has the right to the enjoyment of the highest standard of physical and mental health. The World Health Organization (WHO) has stated that climate change affects fundamental requirements for health, such as water, food, shelter and safe environment (WHO, 2010). Population migrating to overpopulated cities are at high risk of getting HIV/AIDS.Injuries and diseases can render people unable to work long after the floods have subsided.

**Interrupts for education:**

Food insecurity due to drought or flooding would likely drive migration that interrupts and limits opportunities for education of the migrant people.

**Violation of right to security of the person and violence against women:**

In pastoralist communities, cases of fathers trading their daughters as young as eight or nine as dowries to replace their income from lost livestock due to prolonged drought have been documented (Madre, 2009). Women, children, the elderly, ethnic minorities, marginalised communities and those with disabilities are most at risk of the negative impacts of climate change (OHCHR, 2009).

**Violation of right to life and dignity:**

Article 3 of the Universal Declaration of Human Rights states that everyone has the right to life, liberty and security of person. The right to life is not an independent right, it includes right to food, water, health, shelter and clean environment. But environmental disasters increasing by climate change impacted water, food, health and thereby people forced to migrate which is a violation of right to life and dignity. The impact of environmental migration on human rights is evident because when people are displaced from his place of abode due to climate disasters how can the right to life be said to be protected ( Mahbub,N;Mamun,B,2012)

**6. Legal Frameworks:**

*“Climate change is a completely different phenomenon altogether and it is going to add to already existing problems. The world community needs to think about having a new set of legislation to deal with the problem, to deal with refugees that will actually be induced by the factors of climate change”*

Rizwana Hasan, Bangladesh Environmental Lawyers Association (BELA)

Scientist already warned that future floods of the climate change induced migration but still no policy measures have been taken by any government. The environmental forced migrants faces an uncertain future as they have not legally recognized by any legal frameworks specifically. Those displaced by environmental disasters have no specific legal status under international law. As a result their human rights protection and humanitarian assistances are neglected. Although the United Nations Human Rights Council recognized this notion in its resolution 7/23 “Human rights and climate change” but no effective measures has been taken by the states. There are someinternational instruments which specifically protect the right of the displaced person though most of them are not legally binding. As a result a legally binding human rights instrument to ensure the rights and protection of this vulnerable population is an urgent need(Fatima and Wadud, 2010). Some of the international guidelines are given below:

1. The Guiding Principle on Internal Displacement, which provides that internally displaced person shall enjoy in full equality, the same rights and freedoms under international and domestic laws.
2. The United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (ThePinheiro Principles) also provides the right to be protected from displacement, the right to housing and property restitution, right to privacy and respect for home, right to peaceful enjoyment of possessions, right to voluntary return and safety.
3. The Human Rights Council Resolution 7/23 and 10/4 on Human Rights and Climate Change, recognizes the linkage between human rights and climate change, and also climate change induced displacement.
4. The UN Inter-Agency Standing Committee’s Guidelines on Human Rights and Natural Disasters ensures that displaced person or those otherwise affected by natural disasters do not lose the right of the population at large, and at the same time they have particular needs which call for greater protection and assistance measures. It also states that protection is not only limited to securing survival and physical security, but encompasses all aspects of civil, political, economic, social and cultural rights as afforded by international standards.

In national perspective, the Constitution of the People’s Republic of Bangladesh guaranteed the fundamental right to life and liberty in Article 31 and 32. Article 31 ensures that every citizen has the right to protection from action detrimental to the life,liberty, body, reputation or property except in accordance with law. From the explanation of this Article the human rights of the environmental forced migrants can be protected as they are the citizens of the state. Again article 27 and 28 guaranteed that all the citizens are entitled to equal treatment of law without any discriminations as to religion, race, caste, sex or place of birth. More specifically, article 28(4) ensures that state can make special provisions in favour of women or children or for the advancement of any backward section of citizens. From this article if we explain environmental migrants as a backward section of the citizens then the government can make special provisions for their advancement and protection. Similarly article 29 ensures equal opportunity for all citizens in respect of employment in the service of the Republic, where sub article 3 ensures that the state can make special provisions in favour of any backward section of citizens. Under which environmental forced migrants can be given special training for capacity building.

**7. State Obligations:**

As there is no legal status of the environmental migrants, the government is unable and unwilling to establish specific policies for their assistance and protection. Myers urged that for the protection of the environmental forced migrants the real function of the Government is to adopt policies which will deal with the root causes of all types of forced migration (Myers, 1997). That means government policies played the most important role in case of protection of the environmental forced migrants.As a citizen of the state all the environmental migrants are entitled to enjoy all human rights. They have the right to equal treatment of law like other citizens of the state. State is primarily responsible for protecting the environmental migrants from any unequal treatments and giving them humanitarian assistance as a citizen of the state. For protecting their rights the state should apply human rights-based approach to development. Which will ensure the use of human rights framework to empower environmental migrants to claim their rights and make government accountable as a duty-bearers. The state is also responsible for providing alternative livelihoods to the environmental forced migrants.Finally, if forced migration occurs, it needs to beaddressed to avoid protracted situations. The state is responsible for a durable solutions in most cases of displacement inducedby natural disasters or environmental degradation means ensuring sustainable return. If return is not possibleor not wanted, local integration or relocation should be considered. (IOM, 2009)

**8. Recommendations:**

As there is no legislation, agency or institution specifically mandate for the protection and assistance of environmental forced migrants the government should:

1. Make a specific law regarding the protection of the rights of the environmental migrants (EJF, 2012).
2. Promote sustainable development, development that meets the needs of the present without compromising the ability of the future generations to meet their own needs (Bruntland Report)
3. Make strong policies focussing on the environmental migrants protections.
4. Involve the citizens and communities most at risk in the decision making process to address the changed circumstances.
5. Ensure Capacity building for alternative livelihoods of the environmental migrants.
6. Provide professional support in order to increase their knowledge and skills in combating climate change.
7. Relocate the vulnerable population to new places or retain them in their ancestral home through enhancing their resilience.
8. Undertake thorough investigations of climate change induced hazards and their social, economic, and environmental consequences. Investigate the destinations of the internally displaced people and their conditions.
9. Generate knowledge and information on climate change impacts, adaptation and livelihood options.
10. Initiate an in-depth assessment and analysis of the issue will reveal the potential impact and future trend of internal displacement, so government should develop a database on internally displaced people, disaggregated by gender, age and other relevantcharacteristics, due to riverbank and coastal erosion, salinity intrusion, inundation, and water logging overthe designated period of time (1981 - 2011).
11. Take effective adaptation strategies regarding climate change. Migration may itself be one of several adaptation strategies and a coping strategy.

**9. Concluding Remarks:**

The poor populate countries like Bangladesh are most at risk for environmental destruction and climate change, suffering from extreme poverty. Moreover the huge amount of environmental migrants becomes a threat for internal security of the country. As a result being the most vulnerable countries to the climate change induced impacts, Bangladesh should immediately incorporate the issue in the national policy in a manner that would involve the citizens and communities most at risk in the decision making process to address the changed circumstances and the repercussions thereof (Mahbub and Mamun, 2012). There are multiple causes of environmental forced migration, in which natural and environmental factors are closely linked to economic, social and political factors (Castles, 2002). Though the rights of the environmental migrants are granted in many international instrument indirectly, there is an urgent need for a new, legally binding instrument for the recognition and protection of their human rights.A clear definition of this displacement category is essential in order to relocate or resettle those displaced people. Only a clear definition could help in designing and implementing appropriate institutional frameworks in humanitarian response programme (Bronen, 2008). Therefore, the protection of environmental forced migrants is an urgent and growing human rights challenge for the state. If their rights are protected by any specific law it can impose an obligation on the state to promote sustainable development and ensure their capacity building for alternative livelihoods. At last, in addressing the impacts of climate change and forced migration, the international community must support a new, legally –binding agreement to recognize, protect and assist environmental forced migrants.

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