



CLIMATE
MIGRATION &
DISPLACEMENT
PLATFORM



OKUP
a grassroots migrants' organization



Asia Regional Policy Brief: Human Rights and Collective Action in the Context of Climate Change and Migration

June 2023

Background

This brief is based on an online South and Southeast Asia regional consultation held on 23 May 2023, co-convened by the Climate, Migration and Displacement Platform (CMDP) in partnership with Friedrich-Ebert-Stiftung (FES), as part of a series of regional consultations with an objective of sharing information and strengthening joint advocacy efforts, including at upcoming UN climate change and human rights conferences. The consultation's goals were:

- Share perspectives on opportunities and challenges to developing or strengthening national responses to climate-induced migration and displacement, in ways that address protection needs of people at risk of displacement or migration into vulnerable situations.
- Identify advocacy messages that should be shared with key global policy audiences in June 2023, during CMDP-FES delegation activities in Bonn and Geneva, including at the Bonn Climate Change Conference (SB58) and in the 53rd session of the UN Human Rights Council.
- Identify ways to strengthen coalition efforts across climate-impacted communities, migrant and displaced communities, and climate justice and migrant justice advocates in South and Southeast Asia.

Approximately 25 participants from civil society organizations took part, including from Bangladesh, Cambodia, India, Indonesia, Philippines, Thailand, Vietnam, and Sri Lanka. The following are key discussion points that emerged from the consultation.

Major concerns facing the region

Globally, 1 of 3 climate migrants is Asian. In 2017, disasters made up most displacement in South Asia. In 2019, there was a record high of 9.5 million new climate-induced migrants. By 2050, it is expected to have nearly 40 million internal climate migrants.

The vanishing coasts are shrinking the livelihood opportunities of coastal communities. They are facing alienation from their own lands, within which their histories, cultures and economies have been dependent for centuries. Most of the coastal communities are vulnerable to sea-level rise and vanishing coastal commons such as beaches. This displaces many communities, and many others are on the verge of being displaced. Increasing episodes and intensity of droughts, floods, changing course of rivers and extreme precipitation events are also inducing displacement and migration.

While some areas are facing very fast changes, others are experiencing gradual changes to their lands, making it difficult for policy makers to properly plan and prepare programmes for adaptation. Many local governments are faced with the daunting task of relocation of these communities but lack policy and finance provisions. Land alienation is bringing up several

related problems, as many rights and entitlements for citizens across the region are associated with land titles.

The forced displacement due to climate change, environmental degradation and disasters also triggers further migration, often distress migration. People are always on the move and support systems – legal, institutional, and social – are either missing for them or are seriously lacking. Asian cities must receive most of the migrants from climate impacted communities, from the coasts and other rural areas. But the cities are not adequately prepared. Most of these migrants end up in informal settlements with missing or inadequate basic amenities and facilities. The impacts of climate induced migration and displacement therefore are far reaching and affect several generations.

Social protection for the most vulnerable among migrants and displaced people has emerged as a major concern in the region. Women, children, aged, Persons with Disabilities (PwDs), and other such highly vulnerable people face the most challenging situations.

The region is also facing cross-border migration due to climate change. Small islands are facing severe erosion and extinction issues. Cities are also on the verge of being taken over by the sea. In India, we have examples of vanishing villages such as Satabhaya, Podampeta, Aryapalli in the Bay of Bengal. In Philippines, we have the example of Bohol province of islands that has been facing the wrath of climate change and will disappear. Each time cyclones and typhoons impact these communities, most of whom are overpopulated, the people face numerous problems. The sea inches in further. The same problem is seen in both India and Bangladesh sides of the Sunderbans, which is also experiencing vanishing islands.

In many places, people have close traditional bonds with the place of habitation, and do not want to move out – even when the land continues to sink, and their crop fields get submerged. This is also because they are not sure of the relocation possibilities and schemes offered by their governments. As the ambiguity in policy making and program supports remains, many people relocate themselves in different areas, exposing themselves to further insecurities and socio-economic challenges.

As socio-economic dynamics change in relocation sites, new conflict regimes emerge. Often, governments are not prepared to manage such conflicts, and typically there are no structural interventions in conflict resolution. Climate hotspots therefore are also conflict hotspots.

The fisherfolks of the region face a daunting task due to climate change. We have examples of fisherfolk communities from across the region whose habitation and livelihoods are fast being eroded due to sea-level rise, warming waters, and other related challenges. For the fisherfolks, sea is the land and rehabilitating them is a much bigger challenge. Many from these communities, who have never been exposed to any other occupation but fishing for generations, are now being forced to migrate out in search of other jobs, often low paying and in far off locations.

Human rights threats to climate migrants and displaced people in the region

The geographies which are most vulnerable to climate change are also geographies where most poor people live. This is the case for the Sunderbans – both from India and Bangladesh. All the people who now have settled in Sunderbans migrated into these areas a few decades ago and occupied the difficult terrains of mangroves and other fragile ecosystems. They are highly dependent on the sea, the mangroves, and the creeks for their livelihoods. They as such did not enjoy many rights because they lacked land titles and ownership in the area.

Now that the current generation of people are going to move once again, out of this place, they will face serious human rights issues. As the sea inundates these islands, the youths are the first to migrate out in search of jobs. The aged, women and children stay back in these vulnerable geographies and face the problems that are associated with the increasing cyclones and ingress of the sea. In many places, because they stay in protected forests – where the tigers enjoy more rights – they face a tough challenge asking for support from the government that can help alleviate their socio-economic status and ensure them a life with dignity.

When there is a cyclone, people – almost all of whom reside in mud houses and vulnerable zones and in overpopulated locations – are shifted to shelters or rescue centres, such as schools, which are not designed to host even 200 to 300 people for a reasonable period of time. These overcrowded shelters lack provisions for adequate access to drinking water, sanitation and hygiene and affected people are often reluctant to move to the rescue centres. Rights are thus violated.

In most of the countries, usually people try their best to stay where they are, because of the land, families, and social capital. It reaches a point when you cannot remain, and people are forced to move.

When you move, where do you move? While in countries like India and Bangladesh disaster response mechanisms have been gaining strength and they are emphasising on zero human casualty results due to cyclones and other rapid disasters, people's human rights violation become matters of concern when they are temporarily displaced by being moved to cyclone shelters. Evidence of inadequate facilities in cyclone shelters come from various parts of these countries. Drinking water, sanitation, health, livelihoods, and psychological conditions get impacted. As cyclones increase in their frequency and intensity, such issues need to be addressed with utmost care.

When people move out of their places, due to increased impacts of climate change, it is mostly the men who move, leaving behind women and children. Women have to fend for their families. Rights of women are not generally protected as the support systems are very weak. Women, when they decide or are forced to migrate, face much bigger challenges than the men. They face discrimination at each point. There are hardly any policy and plan that support gender-inclusive rights to mobility or relocate.

Countries like India and Bangladesh, which are making huge strides in economic growth, are also facing serious challenges in eroding GDP due to disasters which are growing in frequency and intensity. Contributions of many civil society organisations and other stakeholders in supporting impacted communities also get washed away in seconds when rapid disasters strike.

Slow onset disasters such as sea-level rise are also impacting the communities in big ways. Children cannot go to schools, young girls are married off due to lack of livelihood, food insecurity, and other challenges. Temperature rise has also led to health issues. These are all impacts of climate change and have serious ramifications on rights of the vulnerable people. Our systems are not geared up to these impacts and the existing social and legal protection measures don't work in changing scenarios where climate impacts outsmart local adaptation efforts.

Both India and Bangladesh have very high youth population who are especially vulnerable due to increasing unemployment crisis that is being further exacerbated by environmental degradation. Climate change is further accelerating the process of marginalisation of the youth, who migrate out in large numbers and work mostly in informal sectors without any rights. Many youths are also going overseas, especially in Bangladesh described by CSOs

and migrant organisations. Many migrate through irregular channels, ending up in very difficult situations and without access to rights.

In the last decade, Cambodia has been severely affected by climate change, such as more frequent drought and flash floods, combined with heavy rains and storms. And due to the low adaptive capacity, Cambodia is one of the most vulnerable countries to climate change. The country is facing serious challenges, as climate change is eroding sources of economic development due to environmental degradation. This is impacting a lot of livelihoods dependent on environmental resources, particularly the livelihood of people living along the Dung Lae Start Lake and also the Mekong River regions. In 2020, flash floods struck in 19 provinces, affecting more than 2 million people, and killing many.

Studies in relation to climate change and human migration have found that such migrations are increasing due to rising temperatures, water scarcity and shift in seasonal rainfall. More and more people are resorting to migration as an adaptation method. The right to water is severely impacted in climate change conditions. Many rural communities have inadequate access to irrigation water, and many people who are facing crop loss due to increasing floods and prolonged droughts are being impacted by this. Access to schemes and bank credit that can increase people's adaptation capacity is also a big problem.

In Indonesia, where many islands and even the capital city are facing a sinking future, studies have found out that environmental migrants caused by slow-onset hazards or slow-onset disasters are usually not considered as refugees or IDPs, but are considered as economic migrants, especially those who move to urban areas and who have not joined the relocation projects organized by the government. And as a result, they are not protected by existing regulations aimed to protect IDPs or refugees. In Indonesia, big cities like Jakarta have applied strict procedures to control urbanization, which in some cases has meant that people's right to move freely has been violated.

Issues with relocation and rehabilitation of displaced persons

In many parts of the region, planned relocation and rehabilitation of displaced persons is not yet operational. In the Philippines, relocation sites which are not used have become 'ghost sites'. Farmers who have been offered some form of compensation for lost lands in West Bengal have been given these in the middle of dense forests, which does not work. Compensation as such is not compensatory in any real sense. West Bengal in general, and Sunderbans specifically, are already overpopulated. Finding land compensation for land loss is impossible. Cash compensation may be an option, so that people can exercise their choice to relocate themselves.

While intentions of government may be good, shelters for displaced persons are often not developed in consultation with people who will reside in them, for instance, displaced fisherfolks. We need to explore alternative housings, and this issue needs more monitoring. We cannot have one size fits all, we need to think of intersectionality.

We have seen that people who are fleeing due to non-climate change disasters, internally or across borders, are placed in incredibly insecure climate locations. Take for example recent typhoons that hit Bangladesh and Myanmar. People fleeing conflict and war were among the worst sufferers of the typhoon. There are also similar examples in Afghanistan. Displaced people are going into areas that are insecure in terms of climate threats, which heaps trauma on top of trauma. They are separated from protection structures, and livelihoods. This issue also needs more consideration.

Odisha in India perhaps has the first officially created relocation colony for people displaced by climate change (sea-level rise). While some people have been settled in this colony, and the government has been updating the local amenities and services, a lot needs to be done.

The lack of rehabilitation policies for climate-induced displaced people makes them dependent on various schemes based on humanitarian grounds. Land rights are yet to be provided for houses, there has not been any compensation for the land lost. People have lost with rights to natural resources in their earlier locations yet are still paying revenue taxes for the lands that have been submerged. So, officially they still own lands that do not actually exist.

In places where land-for-land compensation cannot be granted, cash compensation may be provided (for example, in line with the existing Land Acquisition Act). However, the government should aid people to be relocated in suitable areas by protecting all their other rights.

In Sundarbans and other places, one of the struggles of many displaced people is that the land titles are not in their names. There are histories to these geographies, people have gone and settled in the forests and other lands due to difficult circumstances or over the course of past movements. The government must try and find land for relocation. Secondly, they should be compensated. Cash can be an option for other kinds of damages as well, and for this local governments could engage with the national governments for mobilising climate finances from international spaces. Many local governments are finding trouble to generate resources for non-attributable displacement, such as for relocation of displaced populations.

Policies in place

In the region, there are a few policy interventions that specifically address issues of people displaced by climate change. Among them is the [Bangladesh National Policy on Internal Displacement](#), which was adopted in 2021, and which expressly incorporates key international standards and guidelines. An [Action Plan](#) was also adopted in 2022. Indonesia has prioritized settlement relocation as part of the Climate Resilience Development Policy 2020-2045 for protecting coastal communities and has also introduced BNPB Regulation No. 3/2018 on the Handling of Displaced Person in Disaster Emergency¹.

Key recommendations from the region

The key recommendations that came up from the consultation can be categorized under the following points:

Formulate legally enforceable policies to support rehabilitation and relocation

- Governments across the region need to formulate legally enforceable policies to support rehabilitation and relocation of people displaced by climate change induced impacts. These policies should be in line with the existing Rehabilitation Policies meant for other projects where people are forced to be displaced and compensated by the organisations that cause the displacement.
- Climate change induced migration, and migration by factors such as environmental degradation, ripple effect migration due to ill-conceived and implemented relocation all need to be recognized and all forms of support – including social, economic, educational and other support for the migrants - be provided by provisioning necessary climate finance and forging needed convergence between various plans and programmes of the government.

Prepare regional action plan to advocate for rights of the people facing cross-border migration due to climate change.

¹ <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Asia-Pacific-Academic-Network-on-Disaster-Displacement.pdf>

- A regional action plan should be prepared for advocating for rights of the people facing cross-border migration due to climate change and other related causes. Platforms like CMDP should engage with all global mechanisms, institutions, and regional networks to provide necessary support to such an action plan.

Create legal pathways.

- There is need to create legal pathways. There is a negative position among the western countries to accept migration in the climate change context, and we need to create more messages and such consultation to bring this issue to light. The world is now very reactive to migration, Europe is putting up its walls, we know how Australia behaves. We know the reality within which we are working – and we need to come together to support climate migrants. We should all work towards ensuring just mobility, or migration with dignity, with all human rights protected, of the vulnerable communities.
- We need to consider this as a cross-cutting issue and have our own focus on how to address this problem at national and international level. It is said that countries responsible for climate crisis often do not take into consideration the migration that results. As a Platform, we need to bring this forward and create momentum on the issue of climate change and migration, from a human rights perspective.

Increase capacity for implementation at all levels, and capacity to mobilize resources from public, private, and other sources.

- We need to focus on three things to support policy making at each level: (a) capacity to implement the policies at all levels, i.e., central, provincial, district and local levels; (b) capacity to mobilise resources from government, private, and other sources for implementation of the policy; and (c) create understanding at all levels on climate change and migration and displacement as a cross-cutting issue, so that it can be integrated in all existing plans and programmes of governments and others at all the levels of implementation.
- Climate finance should be made available for local and national governments, and most importantly to the affected communities – with as simple ways as possible – so that local adaptation can be aided with utmost priority. The loss and damage finance facility should cover supporting relocation of climate-migrants and displaced people, including providing them with long-term socio-psychological support for their proper relocation with dignity.

Provide community guidance and ensure that impacted people know their rights.

- We need stronger advocacy to ensure that migrants and their children receive education at points of destination, and access to social security schemes such as providing them with food entitlement. There are certain policies, but through very disjointed initiatives, and there is a need for a comprehensive policy or guidelines for people who are displaced by climate change or environmental vulnerabilities. This should address multipliers, meaning, the kinds of further vulnerabilities in migration that climate displacement exacerbates. This should also ensure access to services and livelihood opportunities for migrants; access to basic services, such as housing, health care, education; and livelihood opportunities for the displaced and migrant populations.
- People who are impacted do not usually know about their rights, and people are usually forced to accept whatever they are given. There needs to be community guidelines, such as for making assessments, and information that can be used with impacted communities, such as a 'knowledge kit'. National and sub-national disaster management plans should address the needs of those displaced by climate change, identifying them and offering 'rehabilitation with dignity.' Similarly, these plans should provide climate-induced migrants support, by protecting their human rights - starting from their place of origin and through to places of destination.