

# Climate Change, Displaced People and Refugees: Unsettled Debates on Legal Status and Human Rights Issues

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## ABSTRACT

The consequences of climate change has attributed to other branches of international law particularly international refugee law due to the fact that climate change induced disaster, catastrophe, rising of sea level, droughts and other instances are causes for human displacement and in near future, many island countries will be disappeared and many other regions will be uninhabitable for human which further strengthen the linkage with refugee law. Although climate refugee is a known concept, it is yet to be defined in any international instrument and also that currently international law prescribes no right to environment as an explicit and independent human right. Climate issue and human rights are two streams of international law and hence linking them is a precondition in order to overcome this lacuna. There are predictions based on scientific resources that have suggested that up to 250 million people could be displaced by the middle of this century as a result of climate change. In 2012, New Zealand refused to grant refugee status to citizens of Kiribati on the ground of climate change. As there has been argument and prediction that Maldives and some pacific islands near Australia will disappear due to the adverse impact of climate change with the rising of sea level water and many localities will be inhabitable due to inability to grow crops or obtaining fresh water, current international law provides no mechanism to deal with such situations. Furthermore, the combination of economic and geographic vulnerabilities makes the Pacific Small Island Developing States (PSIDS) especially vulnerable to the security implication of climate change. From the current context of Bangladesh it is manifest how adversely climate change has been affecting where the number of internally displaced persons is increasing. Flood of 2017 in Bangladesh is one of the glaring examples. This issue has triggered a new challenge for both human rights and environmental lawyers. The lacuna is not only limited to the substantive instruments, but there is no particular institution dealing with such. It is therefore can be stated that displacement due to climate change is a de facto problem currently lacking a de jure solution. The study will propose few plausible ways to overcome this existing challenge by giving them legal status under existing human rights law.

**Keywords:** Climate Change; Displacement; Protection of Human Rights

## INTRODUCTION

Climate change is closely and manifestly linked to the enjoyment of human rights and protection of environment. Right to a healthy environment is a condition precedent to the full and effective realization of human rights.<sup>[1]</sup> Human rights cannot be ensured and protected without a healthy environment. Furthermore, one of the consequences of climate change is human migration. Above all, climate change results in violation of number of human rights including right to life, right to food, right to water, right to health, right to housing and self-determination. Without determining the legal status of these climate induced displaced People, their human rights will remain unprotected. This study will highlight the

relationship among climate change, displacement and human rights. It will also denote the legal status of climate induced displaced people and their rights.

## CO-RELATION BETWEEN CLIMATE CHANGE AND HUMAN DISPLACEMENT

The greatest effect of climate change is on human migration, with millions of people displaced by shoreline erosion, coastal flooding and agricultural disruption (or forced changes to land-use practices).[2] Countries with low-lying coastal, arid or semi-arid areas are exposed to floods, drought and desertification.[3] The fragile mountainous ecosystems of the developing countries are mostly vulnerable to the adverse effects of climate change.[4] Climate change causes displacement of people from their shelter, thereby affecting their major human rights, including the rights to life, food, water and health. Defining people displaced by climate change specifically is difficult due to the topic's complex nature; however, generally, CIDP are those who change their habitual place of living (either voluntarily or forcibly) due to the adverse effect (sudden or slow onset) of climate change.[5] If they remain in their own territory, but are displaced from their usual place of living, they are identified as being internally displaced. When they must cross national borders, they become externally displaced.

Climate change displacement (internal or external) is a complicated and challenging phenomenon because people do not know when, where and how to make the decision to migrate. In addition, the response from the international community to climate change displacement is not concrete or sufficient.[6] There are no binding international instruments to protect the fundamental rights of displaced people[7] because they are not recognised as refugees.[8] However, these people are entitled to the full range of human rights guaranteed by their country when they are displaced within the national border.[9] This study focuses on these displaced people in order to address the protection of their human rights and determine their status in their country's regime.

## RELATIONSHIP BETWEEN CLIMATE CHANGE AND HUMAN RIGHTS

The relationship between human rights and climate change is interconnected.[10] These connections are wide, deep and complex. The worst victims of climate change are those people and group of people whose rights are not sufficiently protected. A human rights approach to climate change is preferable because human rights help base climate change in the most widely shared set of international laws, obligations and values.[11] The relationship between climate change and human rights is best captured through quasi-judicial analyses in which input is sought from people whose human rights are affected by climate change.[12] Human rights draw attention to the effects of climate change on particular communities, highlight the particular causes of their vulnerability, and prompt more urgent and ambitious responses from states with the responsibility and capacity to act.[13] Responses to climate change and human rights mostly depend on the cooperation of international community.[14] The close relationship between climate change and human rights vulnerability has common economic roots, with protection of human rights inevitably weakest in resource-poor regions.[15] In 2005, the relationship between climate change and human rights was first denoted by the *Inuit Petition to the Inter-American Commission on Human Rights*, which claimed violation of human rights due to global warming caused by acts and omissions of the United States (US).[16] Later on, the *Male' Declaration on the Human Dimension of Global Climate Change* annotated that:

climate change has clear and immediate implications for the full enjoyment of human rights including inter alia the right to life, the right to take part in cultural life, the right to use and enjoy property, the right to an adequate standard of living, the right to food, and the right to the highest attainable standard of physical and mental health.[17]

The aforesaid declaration further called and emphasised on the Conference of the Parties (COP) of the

UNFCCC and the United Nations (UN) human rights agencies in Geneva to work with their concern partners to evaluate the human rights implications of climate change.[18] Initiatives by the government of the Maldives and 78 co-sponsors secured adoption of the UN Human Rights Council (UNHRC) *Resolution 7/23 on Human Rights and Climate Change*,[19] which, for the first time in an official UN resolution, stated explicitly that global warming has implications for the full enjoyment of human rights.[20] The UNHRC acknowledged that climate change has implications for the full enjoyment of human rights and it poses an immediate and far-reaching threat to people and communities of the world.[21] This resolution requested the Office of the High Commissioner for Human Rights (OHCHR) conduct an analytical study of the relationship between human rights and climate change.[22]

Consequently, the UN General Assembly (UNGA) identified climate change as implicating a wide range of human rights.[23] It is axiomatic that climate change does have direct and indirect impacts on human right however, the international community always shows its concern principally on the economic, trade and security effects, while little attention is given to social and human rights issues.[24] Climate change is responsible for the severity of droughts, land degradation, disease and heat-related mortality. It reduces water availability, crop yields and food security.[25] Furthermore, the Intergovernmental Panel on Climate Change (IPCC) acknowledged the relationship between climate induced displacement and human rights.[26] Many natural systems are being affected by regional climate change. For example, impacts are being documented on predation, fresh water resources and a range of plant and animal species—all of which can affect the health status of millions of people particularly those who are displaced or who otherwise have lowered adaptive capacity. Therefore, it is legitimately expected that international community will take the responsibility to protect the rights of climate induced displaced people.

## LEGAL STATUS OF CLIMATE INDUCED DISPLACED PEOPLE

No international instrument so far defined climate induced displaced people (CIDP). They are considered the most badly affected due to the direct effects of climate change. The number of these people is increasing day by day. Therefore, it is important to define them appropriately for protecting their rights adequately. It is worth noting that most existing academic literature on climate change deals with the vulnerabilities of the adverse effects of climate change, rather than determining the rights and status of CIDP.[27] It is pertinent to state that defining CIDP is complex because of the nature of their displacement. The UN High Commissioner for Refugees (UNHCR) identified:

There are four main climate change-related displacement scenarios, where displacement is caused by weather-related disasters, such as hurricanes and flooding, gradual environmental deterioration and slow onset disasters, (such as desertification, sinking of coastal zones and possible total submersion of low-lying island states), increased disaster threats resulting in replacement of people from high-risk zones and social disturbance and violence related to climate change-related factors.[28]

The IPCC annotated in its *First Assessment Report* that the worst effects of climate change will be on human migration.[29] The report reiterated that there is a strong relationship between climate change and human displacement. A number of countries are facing this situation, such as Bangladesh, India, Sri Lanka, the Maldives and Tuvalu.[30]

Climate induced displaced people are usually treated as climate refugees or as CIDP. It is worth mentioning that neither the UNFCCC[31] nor the *Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol)*[32] enumerate any provisions relating to specific cooperation or protection for those who are directly affected by climate change.[33] Furthermore, no domestic statute is yet to define CIDP and determine their rights adequately.

CIDP are forced to leave their households due to sudden or slow onset climate change and are displaced

temporarily or permanently within or across a national boundary.[34] Myers' definition is comprehensive in this regard:

people who can no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation and other environmental problems, together with associated problems of population pressures and profound poverty. In their desperation, these people feel they have no alternative but to seek sanctuary elsewhere. Not all of them have fled their countries, many being internally displaced. But all have abandoned their homelands on a semi-permanent if not permanent basis, with little hope of a foreseeable return.[35]

Academics and scholars gave many views with regard to CIDP's formal and legal identification and status, and appropriate terminology to define CIDP. However, due to the lack of an official or widely accepted definition, the meaning of the term remains unclear.[36] Sometimes these people are described as 'environmental refugees', 'climate refugees' or 'environmental migrants'.[37] CIDP are also defined as forced environmental migrants, as opposed to environmentally motivated migrants.[38] There is consensus among the UNHCR that these descriptions should be avoided because these terms are misleading and could theoretically undermine the international legal regime for the protection of refugees.[39]

The UNHCR has stated its clear position regarding the identification and legal position of displaced people. The UNHCR argues that the *1951 Convention Relating to the Status of Refugees* (herein after referred to as the '*Refugee Convention*') [40] is applicable in some cross-border displacement scenarios:

UNHCR has serious reservations with respect to the terminology and notion of environmental refugees or climate refugees. These terms have no basis in international refugee law. Furthermore, the majority of those who are commonly described as environmental refugees have not crossed an international border. Use of this terminology could potentially undermine the international legal regime for the protection of refugees and create confusion regarding the link between climate change, environmental degradation and migration. While environmental factors can contribute to prompting cross-border movements, they are not grounds, in and of themselves, for the grant of refugee status under international refugee law. [41]

The terms 'environmental refugee' and 'climate refugee' are contrary to the *Refugee Convention* [42] since CIDP are internally displaced and stay within the borders of their own territory. Therefore, the definition does not apply to people who are internally displaced due to climate change. [43] However, labelling people as 'refugees' is not appropriate, and the term may be rejected by those fleeing because it implies passivity and victimhood. [44] Moreover, if large numbers of people are labelled as refugees, the *Refugee Convention* [45] could lose effectiveness. To consider CIDP refugees might create conflict between traditional refugees and CIDP because traditional refugees have lost their state's protection, while people fleeing due to climate change may still enjoy it. [46] In addition, the number of projected people to be displaced globally is 20 times greater than the number of refugees currently protected by the UNHCR. [47] Therefore, the mandate of the UNHCR and *Refugee Convention* to protect CIDP is inadequate. However, if the term 'climate refugee' is replaced by some other terminology, in this case the same will lose the importance and grievousness. [48]

It is also argued that, if the elements and grounds of getting refugee status are satisfied under the *Refugee Convention* are satisfied, in that case, he or she might be protected under the Convention. For example, when victims of natural disasters flee their homelands as their governments have consciously withheld or obstructed assistance in order to punish or marginalise them on one of the grounds set out in the refugee definition. In these circumstances, the people concerned could legitimately be considered refugees in the traditional sense of the term. [49] However, the reservation and position of the UNHCR to include CIDP under the *Refugee Convention* could manifestly be realised from the following statements:

UNHCR considers that any initiative to modify this definition would risk a renegotiation of the 1951

Refugee Convention, which, in the current environment, may result in a lowering of protection standards for refugees and even undermine the international refugee protection regime altogether.[\[50\]](#)

Moreover, the term ‘refugee’ narrowly defines a subclass of the world’s forced migrants, and is often misunderstood as applying to those who moved or are anticipated to move for environmental or climate reasons.[\[51\]](#) The reasons that CIDP are generally outside the definition of ‘refugee’ in the *Refugee Convention* is because they are not being prosecuted for reasons based on race, religion, nationality or membership of a particular racial or political group.[\[52\]](#) However, there are also arguments that, under some circumstances, CIDP could fall within this definition, as in the case of persecution through environmental harm.[\[53\]](#) Despite this, the terms ‘environmental refugee’ and ‘climate refugee’ are misleading—rather, these people are more correctly recognised as CIDP.[\[54\]](#) Due to the combined effects of conflict, the environment and economic pressures, defining CIDP is becoming increasingly complicated.[\[55\]](#) Therefore, the scope of climate change–induced displacements is still very much debated because an individual’s decision to relocate is often influenced by various factors.[\[56\]](#)

The notions of environmental migrants and climate-induced migrants are confused with each other, and sometime CIDP are included and regarded as climate migrants. The definition of IOM states that ‘environmental migrants’ are people who:

for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.[\[57\]](#)

People who are initially forced to migrate due to environmental effects are defined as environmentally displaced people.[\[58\]](#) However, environmental changes do not force them to be displaced, as climate change does. These people are motivated to move because of choice and environmental factors (such as natural disasters, slow-onset land degradation and sea-level rise).[\[59\]](#) This type of migration can also be viewed as a one of the coping strategies to manage climate change, and people can make relocation decisions by considering social factors.

This definition adopts a realistic approach because it generally includes people displaced by climatic events, as well as climate change;[\[60\]](#) people relocating temporarily or permanently; people forced to relocate; and people choosing to relocate.[\[61\]](#) The first widely accepted definition of ‘environmental refugee’ was used by Essam El-Hinnawi of the UNEP in 1985. As per his definition, environmental refugees are:

Those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life [sic]. By ‘environmental disruption’ in this definition is meant any physical, chemical, and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently, unsuitable to support human life.[\[62\]](#)

The concept of environmental refugees has been expansively and loosely employed, and attracted wide interest.[\[63\]](#) Definitions of environmental refugees generally encompass victims of climate change. Environmental migrants tend to relocate voluntarily because any gradual and natural degradation of an area may lead people to seek a better and more convenient home elsewhere. In contrast, extreme and sudden environmental disasters can force people to relocate. These people have no choice except to abandon their homes and property. Thus, the vulnerability and suffering of environmental migrants and CIDP are different. Subsequently, international and national obligations to enforce human rights vary due to the nature of vulnerabilities of CIDP because they only relocate as a result of global climate change, as opposed to any other changes in the environment.[\[64\]](#) The term ‘environmental refugee’ is common, while ‘CIDP’ refers more specifically to people displaced by climate change. It is clear from the report of the UNHCR, as

aforementioned, that using the term ‘refugee’ is misleading and contrary to the *Refugee Convention*. Therefore, this study prefers the term ‘climate induced displaced people’.

However, there is still a problem if CIDP are distinguished based on their movement. People are only considered internally displaced when they are:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.[\[65\]](#)

This definition includes only those are forcibly displaced within their national territory due to the adverse effects of climate change. It remains debatable whether they are defined as climate refugees when they cross international borders. Therefore, climate change displacement is understood as movement of the people, forced or voluntary, within an unexpected area.[\[66\]](#)

It can be recapitulated that as climate change is a consequence of GHG emissions from human activities in many countries in the world, the international community is manifestly responsible for causing climate change, particularly, countries with high GHG emissions should be more responsible.[\[67\]](#) Therefore, CIDP should be treated as universal people with a universal right to stay and be protected in their home country or any developed country irrespective of their nationality.[\[68\]](#)

## HUMAN RIGHTS OF CLIMATE INDUCED DISPLACED PEOPLE

From the comments of authors in their writings as to the adverse impact of climate change, following categories of human rights are found to be violated. These categories are enlisted based on the three main factors of climate change. Climate refugees are deprived of getting protection in all rights articulated below which have been guaranteed in international human rights instruments. Some of these instruments are unanimously adopted by states like UDHR; other instruments are accepted by majority of states. For the sea level rise which causes flood, sea surges, erosion, salination of land and water.[\[69\]](#) The impact of such are loss of land, drowning, injury, lack of clean water, disease, damage to the coastal infrastructure, homes and property, loss of agricultural lands, threat to tourism and lost beaches. These impacts triggers to the implication of following human rights guaranteed under international human rights instruments namely, right to self-determination (ICCPR; ICESCR, Art. 1), right to life (ICCPR, Art. 6), right to health (ICESCR, Art. 12), right to water (CEDAW, Art. 14), means of subsistence (ICESCR, Art. 1), standard of living and adequate houses guaranteed under Article 12 of ICESCR, culture (Art. 27 of ICCPR) and right to property (UDHR, Art. 17).[\[70\]](#) Temperature increase causes change in disease vectors, coral bleaching and impact on fisheries. Due to such causes, the impacts inflicts upon human are spread of disease, changes in traditional fishing livelihood and commercial fishing, lost coral and fish diversity. Such impact causes following human rights violations namely- right to life (ICCPR, Art. 6), right to health (ICESCR, Art. 12), means of subsistence (ICESCR, Art. 1) and adequate standard of living guaranteed under Article 12 of ICESCR.[\[71\]](#)

Thirdly, for extreme weather events which include higher intensity storms and sea surges, impact on human is diverse including dislocation of populations, contamination of water supply, damage to infrastructure: delays in medical treatment, food crisis, psychological distress, increased transmission of disease, damage to agricultural lands, disruption of educational services damage to tourism sector and massive property damage. All these impacts trigger violation of following human rights namely right to life (ICCPR, Art. 6), right to health (ICESCR, Art. 12), right to water (CEDAW, Art. 14), means of subsistence (ICESCR, Art. 1), standard of living and adequate houses guaranteed under Article 12 of ICESCR, right to education under

Article 13 of ICESCR and right to property (UDHR, Art.17).[\[72\]](#)

## WAYS TO ENSURE JUSTICE FOR PROTECTING RIGHTS OF CIDP

It is axiomatic that the UN *Refugee Convention* neither protects the human rights of CIDP nor defines CIDP as environmental or climate refugee.[\[73\]](#) Despite this legal lacuna there are some substantial arguments given by various commentators regarding CIDP in terms of the Convention. For example, Cooper,[\[74\]](#) Renaud et al.,[\[75\]](#) Glahn[\[76\]](#) and Pfeiffer[\[77\]](#) advocate revision of the *Refugee Convention* to extend the definition of ‘refugee’ to encompass protection measures for CIDP. The government of Bangladesh has expressed a similar opinion in the international media that CIDP should be given the status of refugees under the *Refugee Convention*, and developed countries should take responsibility for CIDP.[\[78\]](#) However, unfortunately Bangladesh is not a party of the *Refugee Convention* and has no opportunity to avail the provisions of the convention at present or in the future. However, this study proposes they can be given the status of mandate refugee. It will help to protect their rights. Under the aforesaid discussion this study offers the following propositions to protect rights of CIDP. The few researchers and international community (UN) can be enlightened by any of the propositions.

1. This study does not espouse the idea of including CIDP as refugees by extending the definition of enunciated in the *Refugee Convention*. Rather, it annotates that CIDP need to be protected by the national legal system with the support of the international law and community so that CIDP can be given better support, and displacement-related problems can be managed effectively. Moreover, it is very unlikely that the international community will agree to amend the *Refugee Convention* to expand and include CIDP because this process might be highly uncertain, politically unfeasible and does not provide a concrete solution to resolve the emerging climate refugee crisis effectively.[\[79\]](#)
2. An extended definition would be superfluous[\[80\]](#) and potentially dangerous because it could provide a pretext for states to deny the human rights of the victims of environmental events.[\[81\]](#) Moreover, it would overburden the mandate of the UNHCR to manage a large number of refugees, and could weaken relevant assistance and protection activities.[\[82\]](#) Therefore, this study argues that a new convention should be created under the UN for protecting rights of CIDP because they are a distinct category of migrants, and their vulnerabilities and number will only increase in magnitude in [\[83\]](#) As their legal status is unclear in international law, a common legal identification is required at the global level. The adoption of an international legal framework might resolve the problem of determining CIDP migrants’ legal identity. An international legal framework might also facilitate government design of a legal framework at the national level to protect CIDP migrants.
3. The proposal for a new convention is not ambitious given that, if the current prediction regarding the numbers of CIDP is correct, then approximately one person in every 14 will be displaced worldwide due to climate change by [\[84\]](#) But the problem may remain in defining the CIDP because no international instrument clearly identified CIDP. Although two regional instruments—the Organisation of African Unity (OAU)[\[85\]](#) and the *Cartagena Declaration on Refugees*[\[86\]](#)—have a broader definition of ‘refugee’ than that of the UN *Refugee Convention*.[\[87\]](#) The definition in these instruments may encompass CIDP; however, neither definition mentions the environment or climate change specifically.[\[88\]](#) Therefore, a unique and acceptable definition of the CIDP might be required if any new convention is implemented. There are visible obstacles between developed and developing countries that may create deadlock in the important decision-making process regarding CIDP. The compliance and enforcement mechanisms of the UNFCCC and *Kyoto Protocol* should be improved to enable an effective climate legal regime[\[89\]](#) and smooth decision-making procedure. The agreements and commitments of the UNFCCC must be respected by the state parties, or it will lose its value and importance. The governments of climate-affected states should take into account the major environmental principles while formulating plans and policies for CIDP. In addition, based on those

principles, the international community should create binding instruments to protect rights of CIDP. The mandate of the UNHRC should be increased to encompass the human rights of CIDP. Developed countries should take responsibility for maintaining international ties among developing countries so that developing countries could actively combat against the adverse impact of climate change. Therefore, this study argues that the current climate change regime requires strengthening in order to provide better legal and human rights protection to CIDP.

4. The absence of any remedy under the *Refugee Convention*,<sup>[90]</sup> limitations of the UNFCCC,<sup>[91]</sup> shortcomings of the UNHRC<sup>[92]</sup> and international legal and political barriers<sup>[93]</sup> preventing the protection of CIDP have convinced some commentators to propose a unique protocol for CIDP. For example, Docherty and Giannini argue for a new, distinct and separate legal instrument or convention for CIDP that includes human rights and humanitarian and international environmental law to address the issue.<sup>[94]</sup> Docherty and Giannini argue that a separate treaty framework would be able to determine the obligation of states towards CIDP.<sup>[95]</sup> A convention similar to the *Refugee Convention* solely for CIDP is proposed by Prieur, Hodgkinson et and Conisbee and Simms.<sup>[96]</sup>
5. An effective protocol to the UNFCCC is also suggested by Biermann and Boas.<sup>[97]</sup> Horn and Freeland suggest developing a new international agreement to cover both international and national displacement.<sup>[98]</sup>
6. Hodgkinson and Young and Mayer and Lopez advocate for an entirely independent convention with specific provisions on climate induced displacement and protection of CIDP's rights to reduce the legal vacuum in international law.<sup>[99]</sup> However, proposing a separate convention would require a separate global fund with a separate coordinating agency, legal enforcement procedures, and a body of scientific experts charged with making independent determinations on the types of environmental disruptions encompassed by the proposed definition of climate change refugee, [as well as] States parties' proportionate contributions to the proposed global fund in line with the 'common but differentiated responsibility' criterion, as well as conduct[ing] general studies about the problem of climate change as it relates to refugee flows.<sup>[100]</sup>

Beyond those commentators, the UNHCR emphasises the need to develop:

a global guiding framework or instrument to apply to situations of external displacement other than those covered by the 1951 Convention, especially displacement resulting from sudden-onset disasters. States, together with UNHCR and other international organizations, are encouraged to explore this further. Consideration would need to be given to whether any such framework or instrument ought also to cover other contemporary forms of external displacement.<sup>[101]</sup>

## PROPOSITION AGAINST NEW CONVENTION

There are some problems and limitations associated with formulating an entirely new convention. The proposal for a new framework is opposed by some academic.

1. Wyman argues that, without a new binding multilateral instrument, the resilience of the climate-affected community (CIDP) could increase, and that the situation of CIDP could be improved by mitigating the effects on the rights and reducing funding gaps and existing vulnerabilities to climate change.<sup>[102]</sup> Williams argues that a new framework would be widely challenged and that ratification would be extremely expensive, time consuming and ultimately impossible.<sup>[103]</sup> She also states that the compliance and enforcement procedure might frustrate the purpose of a new convention because it is very difficult to encompass states under any compliance <sup>[104]</sup>
2. The efficacy and legal benefits of a new convention are doubted by McAdam and Saul,<sup>[105]</sup> while McInerney-Lankford, Darrow and Rajamani state that an entirely new regime for CIDP might face serious obstacles in defining CIDP, taking into account the multiple causes of displacement.<sup>[106]</sup>



They also argue that it might be difficult to demonstrate a link between a specific action causing the migration, and a specific characteristic of the people migrating (such as ethnicity, religion, nationality, political opinion or membership in a particular social group).[\[107\]](#) It should be noted that most climate change displacement is internal, rather than across borders. This situation underscores the importance of ensuring more widespread enforcement of existing national rather than international human rights protections.[\[108\]](#)

3. A wide range of normative guidelines are proposed by McAdam relating to legal, policy and institutional responses to CIDP.[\[109\]](#) McAdam stresses the need for multifaceted solutions to CIDP, depending on the nature of movement, rather than a ‘one size fits all’ approach.[\[110\]](#)
4. Cudiamat proposes adopting a new model definition of CIDP by the (United Nations General Assembly (UNGA) to give CIDP legal protection.[\[111\]](#) Cudiamat argues that CIDP are entitled basic human rights simply by being members of the human race, as declared in the UDHR.[\[112\]](#) Although the UDHR is a nonbinding instrument, it has significant influence to interpret the binding provisions in the UN Charter.[\[113\]](#) Moreover, the binding instruments of the ICESCR and ICCPR were the ultimate result of the UDHR.[\[114\]](#) Thus, the UN bears the major responsibility to protect the human rights of CIDP.
5. Glahn argues that the formation of the Guiding Principles on Internal Displacement (GPID) created a model for states for the process of aggregating and adapting norms and principles from a wide range of international instruments to protect the rights of CIDP.[\[115\]](#) Similarly, McInerney-Lankford, Darrow and Rajamani state that the GPID:

Constitutes a synthesis and reformulation of norms of binding international human rights and humanitarian law of relevance to those displaced within their countries by internal conflict, natural disasters and other situations of forced displacement (including, conceivably, factors related to climate change.[\[116\]](#)

## CONCLUDING REMARKS

The variety of arguments and debates on the protection measures for CIDP has concluded that no single arrangement of international law is sufficient to manage global climate change displacement and protect CIDP’s human rights. Academics, scholars and policymakers have reached no common understanding regarding whether a separate legal instrument would assist CIDP, or whether changes in the present UN protection regime would benefit CIDP. This study argues that any protection measures for CIDP would be unsuccessful without the involvement of the UNFCCC. Thus, the UNFCCC requires specific provisions to protect and promote CIDP. In addition, the UNHRC is the sole international body under the umbrella of the UN to address global human rights. Thus, a joint effort involving the UNFCCC and UNHRC would help manage global climate change–induced displacement and uphold the human rights of CIDP. This study further argues that, to manage CIDP, the decisions, agreements and development of international law should be addressed from the micro to top level of the administration of the affected country’s government.[\[117\]](#) The author believes that two types of initiatives can be taken to protect the rights of climate induced displaced people one is temporary and another one is permanent. Considering the urgency, the rights of climate induced displaced people can be protected under the existing international human rights law framework to mitigate the problem immediately. However, to resolve the issue permanently, international community should consider incorporating an international instrument. Future researchers can contribute what could be the components and governing principles of the international instrument.

## FOOTNOTES

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