ORIGINAL RESEARCH PAPER

Law

KEY WORDS:

ENVIRONMENTAL MIGRANTS & INTERNATIONAL LAW

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The climate and environmental changes, which is the global challenge currently, acquired the form of a planetary humanitarian issue with humongous impact and concerns from global authorities only in the 1990s. It was in this period when voices started rising for the safety and well-being of the vulnerable communities. During 2000s, regional bodies, researchers, and international agencies joined forces and provided a wide range of regulatory policies to safeguard interest of population being affected and migrating due to impacts of climate change. In spite of that, all these solutions failed to create a globally agreed environmental migration definition nor a common ground for assistance programs. Until 2015, no substantial regulations were introduced in any international congress for environmental migrants. It was this year when the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change was adopted. The further development in the form of 2030 Agenda on Sustainable Development strengthened the awareness and interest in the causal nexus between climate change threats and population migration, which was further reconfirmed in many UN soft law instruments. Even though this breakthrough movement was backed by numerous cases, the process of international regulatory on environmental migration is facing hurdles due to loggerhead situation between states to tackle the overall issue of climate change and granting security to vulnerable forced migrants.

The Gravity of Raising Acknowledgement toward the Issue of Environmental Migrants

Since ages, human migration has environment as one of its key drivers; however, the political discussion of the criticality of this driver is quite recent (IOM 2008). Still, there is almost zero consensus among the international community regarding the definition and stature of environmental migrants and the category they should fall under. By the end of 20th century and initiation of the 21st, five proposals were extended to define and help environment forced migratory people. These were:

- Extension of the 1951 Convention Relating to the Status of Refugees;
- Addition of a clause on climate migrants in the UNFCCC;
- Adoption of a new legal framework;
- Promotion of the Guiding Principles on Internal Displacement;
- Utilization of temporary protection mechanisms.

Although these proposals were quite relevant, none of them were implemented due to the lack of international consensus. This regulatory limbo left a hefty number of population struggling with adversities related to the climatic disasters, further exaggerated by poverty, food and water insecurity, health issues. Since beginning of the 21st century, there wasn't any major breakthroughs on environmental migrants' policies in international discussion till 2015 when Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Protection Agenda) and the 2030 Agenda on Sustainable Development was rejuvenated. The Protection Agenda pushes states to explore different measures for the security and assistance of transnational disaster-displaced population. Instead of designing and negotiating a new global agreement, the Protection Agenda focuses on the requirements for states to back the unification of effective measures at both national and regional levels according to their own frameworks, which is further in accordance with particular challenges and situations. By offering a high quality, comprehensive, and pragmatic policy and legal analysis of the environmental migration, this program is helping states by providing the 2030 Sustainable Development Agenda a kick start, which aims to work for every individual. The latter acknowledges impacts of environmental degradation and climate change as a driver of forced migration. The Agenda, therefore, calls on states to come up with effective solutions to address climate change while protecting people affected by the same, within their own territories and across boundaries as well.

On similar lines, the 2016 New York Declaration for Refugees and Migrants specifically recognizes climatic disasters as factors behind forced migrations (par. 1, and 7 of Chapter II in Annex II), and vows signatory states to tackle the negative impacts. The Global Compact for Safe, Orderly, and Regular Migration (GCM) also brings in a key breakthrough as it being the first every intergovernmental negotiated agreement which concurrently acknowledges climate disasters as reason for forced migrations and the urgency to protect the victimized population (Scissa 2019). Primarily, the GCM's Objective 5 counts on signatory states to utilized different protection programs 'based on compassionate, humanitarian, or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters, along with devising a strategic relocation. In performing so, the GCM establishes environment to be the driver of forced migration, but not for refugee movements. Additionally, the Global Compact on Refugees also highlights the regulatory and conceptual separation by explicitly stating that environmental and climatic threats cannot be considered as the valid grounds for the implementation of the Refugee Convention (Introduction, D8), but instead as an exacerbating element of forced migration.

Inspite of the breaking the long policy and regulatory limbo, all these innovative initiatives and UN instruments failed to initiate any strong and long-lasting commitments. In fact, many states backed off from the adoption of GCM, thus diminishing its power to foster a unanimous cooperation in migration governance. According to the 2020 Sustainable Development Goals Report, only 54 per cent of global nations have laid down efficient migration policies to decrease vulnerability and inequalities while undertaking substantial steps to tackle the climate change. Worth mentioning is the fact that the Conference of the Parties held in Madrid failed to create any ground rules for the implementation of 2015 Paris Agreement for Climate Change, in which international community promised to reduce GHG emissions while improving efforts and actions to limit the climate change impact. Keeping the fact in mind that major number of states are also off-course to meet the target of 2^{0} Celsius of the Paris Agreement, it looks like short-term, national political and economic goals are keeping states at bay to deal with the two biggest challenges of the current time. The complete lack of commitment on states' end in addressing climate change and granting security and refuge to a diversified category of forced migrants is nowhere to be seen at the international level where negotiation talks between member states on common resettlement programs, humanitarian visas, and a long pending overhaul of the Common European Asylum System is stagnant.

The Common Obligation of All: Going Beyond National Interests & Boundaries

As stated above, the frequent issue for the security of environmental migrants should be considered as the official recognition of the issue (Scissa 2019). International and regional binding and non-binding agreements, along with jurisprudence stipulate that environment threats are not just a breach of human rights but driver of the forced migration as well. They also indicate that states should come together under international environmental law to those connected with international human laws, as these two issues are highly overlapping with each other.

As a matter of fact, in regard to the law enforcement, the UN Human Rights Council (UN Human Rights Council 2009), the Inter-American Commission on Human Rights (Inter-American Commission on Human Rights 1997), the African Commission on Human and Peoples' Rights (SERAP v. Nigeria 2012), and the European Committee of Social Rights (MFHR v. Greece 2006) established environment to be the essential element of the right to life and health. Moreover, in the famous Urgenda climate case (Urgenda Foundation v. the Netherlands 2019), the Supreme Court of Netherlands strongly stated that the Dutch government has legal obligations to prevent climate change damage, and thus, under international human rights law, by implication, all governments do as well. Agreeably, the next obvious phase should be a univocal, international agreement on all-inclusive definition of environmental migrants to layout detailed and adequate protection mechanisms, which are in complete compliance with human rights.

In the wake of international customary principles, international human rights law, and international environmental law, states should shed their attitude of deferral with their apparent international obligations. Severe weather events, anthropogenic and natural changes in soil and climate composition, and overall environmental degradation are impacting human rights in the most dreadful manner, which includes the basis rights to life, health, adequate, clean, and balanced food and water, culture, property, freedom of movement, and the principle of non-refoulement, amid others.

To bring into the light, the principle of non-refoulement, enshrined in the Article 33 of the 1951 Refugee Convention, abhors states from sending back individuals/migrants to places where their life could be at risk or they are vulnerable toward any harm. It is at the very center of the regional as well as international arrangements, along with various discretional measures directed to prevent deportation of any migrant whose life and freedom is at stake. This jus cogens principle is also the part of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3), the European Convention on Human Rights (ECHR, Article 3), and the International Covenant on Civil and Political Rights (ICCPR, Article 7). The case Teitiota v. New Zealand holds a special mention here, as the UN Human Rights Committee claimed that if the threat to applicant's life is because of any of the many effects of climate change, s/he can't be refouled (UN Human Rights Committee 2020).

The right to life and a healthy, balanced environment symbiotically support each other. As a matter of fact, protection of the environment is all-important for the wholesome enjoyment of the right to life and health, along with a basic living standard, while human rights further encourages the need of a healthy and safe environment. The right to life not only prevents states from purposely taking life, but also dictates them to take positive steps to adequately protect life, whosever that is, under their jurisdiction. Regarding this, the Inter-American Commission on Human Rights has stated that the understanding of the right to life is importantly linked to and directly dependent on the surrounding physical environment (Yakye Axa v. Paraguay 2005). Parallely, the African Commission on Human and Peoples' Rights discovered a violation of the right to life and right to health due to the displacement of people from lands in Mauritania that were seized by the government (Malawi African Association v. Mauritania 2000). The outlook that human rights and environment are inseparably linked has been further affirmed by the International Court of Justice Judge Christopher Weeramantry, who explicitly stated that, 'the protection of the environment is… a vital part of… the right to health and the right to life itself' (Office of the Persecutor International Court of Justice 2016).

Additionally, the UN Commission on the Economic, Social, and Cultural Rights deemed the right to water as critical for living a dignified life (UN Committee on Economic, Social, and Cultural Rights 2002). Professor Marco Borraccetti of University of Bologna (2016,119), stated that the right to water not only equates to one of the most basic requirements for survival, but is also important for the tangible realization and enjoyment of other vital human rights, such as the basic standard of living, clothing, housing, and food.

Article 25 of the Universal Declaration of Human Rights (UDHR) enshrines the right to health, which is further reinstated in several other international programs and arrangements including Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). On the regional magnitude, neither the European Social Charter not the European Charter extend provisions for the right to a healthy environment. Nevertheless, the European Committee of Social Rights (the Committee) has elucidated European Social Charter's Article 11 that explicitly refers to the protection of health, as the right to a healthy environment. In fact, the Committee found a synchronism between Articles 2 and 3 of the ECHR and Article 11 of the Social Charter. Subsequently, in many conclusions pertaining to the eight to health, the Committee specifically mentioned that provisions which are a part of the Article 11 of the Social Charter should be considered to remove the reasons of ill health as a result from different environmental threats. In the quite popular Marangopoulous case, the Committee deduced environmental protection as one of the key aspects to the right to health under Article 11. The Committee also asserted that states have complete responsibility of all activities harmful to the environment, irrespective of the fact of their origin or ownership. Another key point here is Article 16 of the African Charter which deals with the right to health and Article 38 of the Arab Charter specifically admits the right to a healthy environment. Additionally, African Charter's Article 24 has included a right to 'satisfactory environment' favorable for development, which has further been interpreted as the first binding global obligation related to the right to the environment. (Ebeku 2003).

Protection of the environment and people living within that ecosystem lead to the promotion of the right to property as included in Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination, Article 17 UDHR, Article 21 of the American Convention on Human Rights, Article 14 of the African Charter, Article 1 of Protocol No. 1 to the ECHR, and Article 31 of the Arab Charter. In specific, all these instruments assert that people are entitled to enjoy their possessions peacefully. The above-mentioned instruments not only regulate the unlawful and illegal exploitation, deprivation, and disposition of property, but also enshrine the right to land and its use. Though there is no specific reference to any human right to land under current international human rights law, many international programs and arrangements regard the enjoyment of land as completely relevant for the full respect of other important well recognized rights, like right to foot, the protection and assistance of IDPs, equality between genders, and the right of indigenous peoples and their relationship with ancestral territories (UNHCR 2015).

CONCLUSION

It has been almost 30 years since the initiation of the debate around the topic of environmental migration. Ironically, after two decades, institutions and scholars still term the protection of this still bleary category of migrants as a humanitarian and urgent problem requiring management with immediate, well-planned action items. Many UN arrangements do recognize environmental migration, but agree to the lack of a unified, binding force. Contrarily, binding instruments which extend protection statuses to these environmental migrants, like Kampala Convention, lack implementation, while the much popular Paris Agreement doesn't have any mention of the people impacted by the climate change. As the concluding statement, fulfillment of some specific human rights, which are important for a dignified life, directly depends on a protected and healthy environment and it is the responsibility of states and the international community to protect these human rights and freedoms.

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