*To,*

**The Special Rapporteur on the promotion and protection of human rights in the context of climate change**

**United Nations**

*Regarding - Your call for inputs: Report on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders*

*From,*

**Water Initiatives\*, India**

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Dear Special Rapporteur,

We take this opportunity to introduce ***Water Initiatives*** to you, before submitting our inputs for your upcoming report of above reference. Water Initiatives, a coalition of civil society organisations, academia and experts, has been actively engaged – for the last more than three decades - with vulnerable communities who have been suffering impacts of climate change through both slow-onset and rapid disasters such as droughts, sea-level rise, heatwaves, desertification, forest-fires, cyclones, floods, so on and so forth. It is an informal (meaning not a registered group) network of various stakeholders but very active in community engagement through participatory research, engagement with governments (local, provincial and national) and other people/institutions through networking and advocacy efforts on these issues. Water Initiatives is also actively involved in international space for advocating a human rights based approach to providing climate justice to the vulnerable communities in India. We are based out of Odisha in India but our networking efforts span across the nation. We are an active member of the Climate, Migration & Displacement Platform (CMDP) and currently our Convenor is a Steering Group member of this platform.

Here below please find our inputs to some of the questions that you have circulated for inputs on.

1. *What experiences and examples are you aware of, of individuals or communities, displaced by climate change?*

We wish to bring to the SR’s attention four locations in India, especially the state (province) of Odisha on the Bay of Bengal. Before that, however, we would like to submit that we are covering ***Internally Displaced People (IDPs) or to-be-displaced people by climate change*** and related causes that include lack of local coping mechanisms and policy measures that aggravate the vulnerability of such affected communities. As such also we would like to bring to the kind notice of the SR that your good office has to work more – with experts, civil society organisations and networks, governments and affected communities – to ***define the terminologies associated with climate change and displacement.*** In fact, the nuances need to be worked out for effective outreach and implementation of policies and plans. People "displaced by climate change" as opposed to "displaced in the context of climate change" is an important issue to dwell. While some mainly SOEs (like Sea Level Rise – SLR - and associated salinization and inundation; risks from bursts of glacial lakes; desertification and extreme heat) may in and of themselves cause displacement or cause intolerable risk of death/displacement, ***in most cases as you would find in our examples below, the causes are a complex combination of climate change-induced and other socio-economic etc. factors.*** And people's vulnerability to displacement e.g. from cyclone related damages depends on whether they live on high ground, with adequate drainage infrastructure, in well-constructed houses, or in flood plains, in houses built with whatever they can afford, without proper physical infrastructure to protect them, etc. ***We would therefore like to emphasize that irrespective of what has displaced people – be it direct impacts of climate change described above or related/indirect challenges we need to work towards protecting human rights of all those affected.***

[**Satabhaya**](https://www.downtoearth.org.in/news/natural-disasters/going-under-coastal-odisha-under-existential-threat-83499) **(seven villages) in Puri district: forced to relocate**

The villages in Satabhaya area started facing coastal erosion in the early 1960s, in part because of changed sea wave patterns resulting from construction activities of the Paradip Port. The process has accelerated in the past three decades due to climate change impacts. As the area kept shrinking rapidly, people shifted to safer locations inland. Their constant fight resulted in the government agreeing to relocate one village, named Satabhaya, to another site about 12 kilometers away in Bagapatia, in the periphery of Bhitarkanika wildlife sanctuary. The process of resettlement started in 2015 and Satabhaya village is considered to be the first village officially relocated due to sea ingress. But by the time, resettlement process began in 2015 and completed in 2018, only 571 families were left in the village; hundreds others had already shifted to escape the fast-invading sea.

[**Udayakani and Tandahara**](https://www.downtoearth.org.in/news/natural-disasters/going-under-coastal-odisha-under-existential-threat-83499) **villages in Puri district: on the verge of being displaced**

The residents of Udayakani village have relocated thrice due to the advancing sea. According to the elderly people of the village, decades ago, the sea was a few kilometers from the village; now it is just 100 metres away. The original village has already been engulfed by the sea, which started advancing faster since the 1999 super cyclone. It destroyed the coastline and the village residents were forced to resettle inland on paddy fields. They moved further inland in 2013 when seawater submerged their village during cyclone Phailin. Then cyclone Fani in 2019 further worsened their condition. It made their land and water sources saline. The number of households in Udayakani has reduced from 56 to 35 over two decades as some well-off households have shifted to safer places.

Tandahara, the village adjacent to Udayakani, got its name from Tanda Ghara—tanda means sea and ghara means house—due to its proximity to the sea. Now it is on the verge of going to a watery grave anytime soon. A year ago, the sea was around 500 metres away. Now it is at a distance of less than 100 metres. Before the 1999 super cyclone, major sea incursions had occurred only twice—in 1972 and 1982. Now, more than half of the village has already been submerged by the sea.

**Podampeta village in Ganjam district: relocated with bare minimum facilities**

It’s a village of fisherfolks who have been traditionally dependent on the sea. This village of about 500 families is now a ghost village. While the government has relocated some of them at another place, many people have shifted to not-so-far locations by themselves. The sea has engulfed their village just in the span of about 5-6 years. The ones who have shifted on their own, because they did not want to move far away from the sea – their land of livelihoods, are staring at an invading sea. The ones who are in the government provided relocation site only have got houses and no livelihood support.

**Aryapalli village in Ganjam district: waiting to go under the sea**

Another village of fisherfolks which is facing an invading sea since 2006. Then the sea was 2 kilometers away, but not its merely about 100 meters way. That’s the reason the villagers are living under constant threat. Many people are now migrating out for fetching livelihood options.

1. *Do you think there are differences between the notion of climate change migrants and people displaced by climate change? If yes, what are these differences?*

We understand that the terms used in this question to define impacted communities need further clarifications. ***As far as we know neither "climate change migrants" nor "people displaced by climate change" has a legal definition in international law, nor an agreed definition in policy.*** Both terms are used in multiple ways and some actors would use them interchangeably. ***While we urge upon you to address these terminologies for better policy making, we would like to respond to the question with the following submission:***

Climate change migrants are people who have been exposed to long-term impacts of disasters and other conditions (both slow-onset and rapid) that have forced them to migrate out of their geographies, cultures and livelihoods either permanently or on a periodic manner. Regular flooding, ever increasing and escalating drought conditions, etc. make many people resort to this path. The climate change displaced people, however, are people who are forced to be displaced from their homes and hearths – either temporarily or permanently – due to conditions that make their geographies inhabitable. While the climate migrants – which is often voluntary even though forced due to conditions - have more chance to return to their original places, the displaced people – who always are forced by circumstances to migrate/move out - cannot return except in cases where they are temporarily displaced due to ensuing cyclones or floods. Migrants can still have aspirations but the displaced people hardly have any choice, even though both are vulnerable to various challenges.

***There is another category of people who are both climate-displaced and climate-migrants. In the villages that we have referred to in the first point of this response, the people once displaced by climate change have been forced to migrate out because there have been lack of employment opportunities and restricted access to local natural resources in the new locations.***

**The Satabhaya case:** (Where people have been displaced by climate change and relocated at another place already)

*Testimonies from the community members* –

There are no alternative livelihood opportunities available for youth locally so they are forced to migrate out in search of jobs. Residents of the relocated village said that from every family youth including unmarried women migrate to earn. Mostly men migrate to Kerala (another state in Southern India) to work plywood factories and women migrate to Tripura (Tamil Nadu, another Southern India state) to work in the garment factory.

Earlier, there was only migration of male members to places like Pune, Kerala, Gujarat, Maharashtra and Punjab (states in Southern, Western and Northern India). Gradually, family migration started. For the last 10-12 years, girls of families with very poor financial background have been going out to work in garment industries. Gradually it became a trend. Earlier, women and girls used to be the major youth force to respond to any disaster. But, now there are only elderly people in villages to respond to disasters.

Most respondents are of the opinion that their earning and saving reduced significantly after relocation. In Satabhaya (the original village) they were engaged in diversified activities and had more than one source to sustain their livelihood but now income from these sources is depleting fast and they had to depend on income of migrant family members. Some respondents also pointed to the fact that their expenditure on food items increased substantially after relocation and hence they have to cut on expenditure on other requirement like cloth, health and education.

***The situation therefore demands that displaced or migrants (actually both have an element of the other) their human rights need to be protected through various state driven legal and policy measures. In both these situations people face a lot of human rights risk and harms that need to be addressed by supporting them with rebuilding lives, livelihoods and socio-ecological securities.***

1. *What legislation, policies and practices are you aware of that are in place to give protection to the rights of individual and communities displaced by climate change?*

In India currently there are no such policies that govern the relocation and rights-based settlement of climate displaced communities nor for the protection of people forced to migrate for climate-related reasons. In case the governments have been forced to relocate such communities, existing welfare schemes have been pooled in from various existing plans to support them with basic housing and amenities.

1. *Please provide examples of policies, practices and legal remedies and concepts of how States, business enterprises, civil society and intergovernmental organizations can provide protection for people and communities displaced by climate change.*

In the state of Odisha, on the Bay of Bengal, ***Water Initiatives – a network of civil society organisations and experts – has been engaged with the state (provincial) government for about three years now and advocating for formulation of a Rehabilitation & Resettlement Policy (R&R Policy) for the people who have already been displaced by factors linked to climate change and people who are about to be displaced by the same in future.***  We have been collecting testimonies from the affected communities – by working with them - and submitting the same to the Government authorities. We have also been engaging with them to conduct multi-stakeholder consultations in which affected communities, local government officials, state level government officials, CSO representatives and other experts are participating. ***We have also formed a Task Force to propose components of such a policy and other plans that would ensure adequate rights-based, participatory planning, implementation and monitoring. Our plan is to expand this to other states, national and regional level.***

1. *What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change (focusing on those moving internally)?*

To protect people displaced within national borders, we strongly recommend for enactment of ***a proper Rehabilitation & Resettlement Policy at the national level – supported by global stakeholders. Such a policy should not only help them relocate to safer locations but also ensure their human rights as envisaged in both national and international laws and treaties. At the local level, the rehabilitation should be inclusive and gender-positive; and ensure livelihoods, dignity and support mechanisms for their progress in an environment that gives them free choice to exercise their rights and skills. Such rehabilitation must also integrate sustainability of their habitations, livelihoods and geographical security for socio-cultural systems and practices.*** We at Water Initiatives have also been asking the government to not only extend provisions of the existing [Right to Fair Compensation Act](https://legislative.gov.in/sites/default/files/A2013-30.pdf) to the IDPs by climate change causes but also amend this Act to make better Human Rights protection provisions. All stakeholders – starting from local governments to international agencies – should support enactment and implementation of such a policy.

1. *Please provide separate considerations for people or communities internally displaced and those displaced across international borders.*

We have not provided any response to this question.

1. *What do you understand by the concept of “climate change refugee”? Do you think that the UN Refugee Convention should include a separate category for climate change refugees? How do you think this would work? What other legal options may be possible?*

We have not provided any response to this question.

1. Should separate and particular considerations be given to indigenous peoples with respect to climate change displacement? What are these particular considerations?

Yes. Indigenous communities have their exclusive needs and rights enshrined in the Constitution of India as well as various laws and policies. Rehabilitation and Resettlement of climate displaced indigenous communities should consider their socio-cultural and ecological practices and enact frameworks and plans accordingly.

===End Of The Response===