 

**Responses to the Questionnaire**

**Name of Organisation: Youth for Unity and Voluntary Action (YUVA)**

**Country: India**

**Website:** [**https://yuvaindia.org/**](https://yuvaindia.org/)

The Special Rapporteur is therefore seeking input from States, business enterprises, civil society organizations and intergovernmental organizations on what legal actions are necessary to protect the rights of individuals and communities displaced by the impacts of climate change.

The Special Rapporteur invites and welcomes answers to the following questions:

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

In India, a large part of the population is employed in climate-sensitive livelihoods. With a majority of the population living in rural areas, and engaged through agriculture or other biodiversity-based activities, the sudden and escalated scale of changes in climatic conditions directly impacts their source of income. With increased heat-waves and droughts on one hand, and erratic rainfall conditions on the other, many employed in a nature-based economy witness imminent struggles, for example those dependent on rain-fed agriculture face crop failure with erratic monsoons while the rise in marine temperatures has an adverse effect on the fisheries. The change in climatic conditions and uncertainty of seasons has, hence, forced many to abandon their traditional forms of employment, and leave their lands to enter the industrial economy as wage-labourers. While these populations are often considered to be migrants who move for better opportunities and lifestyles, the underlying push factors that forced them away from their land and livelihood, initially, are lost in the popular narrative.

A study conducted in 2020 revealed that India had the maximum number of internal displacements due to climate disasters, with 14 million people in India are estimated to have migrated as a consequence of extreme weather events (IDR, 2022). Yet the documentation of such processes, clearly articulating climate change and disasters as the underlying cause is rare. Through YUVA’s work in urban and rural Assam, we have witnessed how these migrations within the state boundaries, and sometimes across international borders exacerbate the vulnerabilities of the displaced persons due to identity politics and the lack of social protection.

Assam is a state in the North-east of India. The state’s unique geography sees a large part of the plain lying in the Brahmaputra river basin. The Brahmaputra originates in south-western Tibet, before cutting its way through the Himalayas with gorgeous gorges, and finally descending into the plains of Assam and Bangladesh for its last 1,800 miles stretch. The glorious river is also the cause of a lot of misery of the people downstream, who due to the natural surges of the waters coupled with the rapid construction of dams have witnessed annual flooding events.

In the past few decades changes in the environmental conditions coupled with human-induced extractive practices along the river valley have triggered frequent floods in the plains coupled with heavy silting. The state disaster management authority claimed that people living along the rivers stand witness as the annual flooding causes steady erosion of the banks and face lack of freshwater. The repeated nature of these flooding events force people into temporary displacement, while the long-term displacement patterns are caused by the flood erosion and ethnically motivated conflicts (Assam State Disaster Management Authority, 2015)

Below are three examples of communities that have escaped the wrath of a climate disaster, yet face the lack of security in their new destinations:

a) Babu Basti in the capital city of Guwahati is a 40-year-old informal settlement which is home to a little more than a hundred households. Having migrated from rural areas over the years, these communities have been denied a space in the city’s heartland, forcing the community to spread around a low-lying vacant stretch of land not far from the railway track. Residents of the community are familiar with heavy rainfall and mild water-logging, and have hence modified their housing structure in the form of stilted tenements, traditionally called *sang ghar*. Yet, in recent years they have noticed the increased intensity of rainfall, and so often engage in pre-monsoon refitting, where they raise the height of the house. However, even these efforts were not successful in both 2020 and 2022, when the water surpassed their thresholds and broke into their houses. The entire community was forced to move into make-shift accommodation on the railway tracks, where humans and animals huddled under blue tarpaulin sheets, dreading nightfall when the trains rushed past at rapid speeds. Here, too, women’s safety was increasingly threatened with many claiming that they were afraid to use the make-shift toilets in the day, as men were about, and only went in the cover of the night.

b) Another case emerges from outside the city’s boundaries, a little north along the rivers course. Dhalpur village in Sipajhar town of Darrang district, recently shot to the media headlines when there were violent evictions of a largely Muslim population under the pre-text of encroachment. Yet if one digs back into the history of these people’s one will find a long line of discrimination and displacement. A fact-finding team uncovered that many families residing in Sipajhar are actually internally displaced persons – previously living in other parts of Assam yet were forced to move because of Brahmaputra flooding and 1983 Assam movement riots (Hoque, 2021). The dual atrocities of communal violence and climate disasters had sent these people off their traditional lands, in search of security. Yet in 2021, the eviction at the hands of the state police sent them scrambling to resettle on the banks of the Brahmaputra, a temporary resettlement until the arrival of the next tropical monsoon. Still, the possibility of impending floods is not the only threat in the minds of the people, the report revealed that while displacement to a more vulnerable environment played at the back of many minds, the precarity of the future lay equally in the launch of the National Register of Citizens (NRC) in Assam which is rendering many of these populations, who despite having legal documentation, are being termed ‘illegal immigrants’ and being forced to prove their citizenship (Das, 2021). This is the third blow to a community which has seen generations of violent displacement, of which climate change is merely one stressor.

In the western state of Maharashtra, the region of Vasai Virar which lies towards the north of Mumbai emerges as one of the most vulnerable sites with regards to climate crisis owing to its flat and low elevation levels and coastal location with more than 11 lakh urban poor population. In addition to the urban poor’s pre-existing housing and socioeconomic conditions exacerbating their climate vulnerability, we have observed that development and environmental policies also render the poor more vulnerable to climate hazards. The government planned projects are often portrayed as “eco-friendly” such as the Mumbai-Ahmedabad High-Speed Rail project (National High Speed Rail Corporation Limited, 2019). Three other infrastructural projects such as Bullet Train, Multi Modal Corridor and 100m wide Mumbai Baroda expressway that are deemed to be environmentally sustainable are in fact maladaptive in nature. Through our previous study in the region and some of the local and tribal communities we have engaged with in Vasai-Virar Municipality, indicate that these development projects will destroy forests, mangroves, and the sensitive coastal ecosystem. Additionally the proposals exhibit high chances of climate hazards in future due to issues such as, the alignments blocking natural stream flows, its close proximity to reserved forests, the infrastructural projects passing through flood vulnerable & low lying areas etc. The massive scale of geographical re-engineering involved in such projects is likely to disrupt ground water tables that will directly impact indigenous agricultural communities that reside towards the coast in the western edge of the region.

**2.** **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?**

Yes. Through some of YUVA’s work with persons whose migration has been triggered by climate change we find that there is a difference between climate change migrants and people displaced by climate change. Careful not to resort to the language of binaries, we find that in climate-induced migration the push and pull factors operate simultaneously, whereas in displacement it is the push factor that is more dominant. Some of the differences might emerge based on:

 i. Notion of choice: In climate-induced migration, the period of deliberation and the decision to leave might allow for a more gradual thought-out process where the individual(s) can work out options at either end. While many migrants, of this type, continue to experience a helplessness as they often feel forced to make a decision in an unfamiliar territory, they also have the time to consult through their community linkages the best visible option at their destination town/city. In the case of people displaced by climate change, the trigger in the form of a natural disaster is most often unforeseen in its timing and intensity, and so people face extreme loss and trauma while simultaneously losing access to their previous land. Thus, as mentioned above the push factor applies more strongly where the victims rarely have a choice.

 ii. Feasibility of return: In the case of climate-induced migrants, as described above, often the male ventures out in search of work first and only if the conditions are feasible they request the rest of the family to join. The possibility of return is much higher with them often having a home to return to, if no positive outcomes are borne out of the migration. Many climate-induced migrants also follow cyclical migration patterns, returning to their villages for seasonal agricultural work and festivals of communion. However, the feasibility for a person displaced by climate disasters is extremely sparse as the disaster often wipes out their previous material possessions and/or completely alters the geography. In cases like tsunamis, or where entire river-islands are inundated, people rarely return.

 iii. Nature of danger: In the case of climate migrants, the nature of danger due to climate change is underlying the potential for harm seems imminent. Hence while people feel glimpses of the threat every day, with a possibility of it increasing over time, it does not threaten their existence. In the case of a climate disaster, the danger is explicit and often life or livelihood threatening, hence it has direct impacts on material wealth and human wellbeing.

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

Much of state inaction is born out of the fact that there is a very weak international framework on legal recognition and protection for people displaced by climate change. Some policy documents, including the Nansen Initiative and the UN Global Compact for Safe, Orderly and Regular Migration gave formal recognition to climate induced migration and advocated for their legal protection; however, the lack of enforceability of these international agreements marks their failure. It is therefore necessary for some sort of international law that legally binds countries to act on climate induced migration, through acceptance and responsibility for integration of climate-displaced persons.

Recognising these persons as ‘refugees’ would also legally enforce governments into providing the necessary safeties and guarantees to people displaced due to a disaster. Saying this, as India is presently not a signatory to the 1951 UN Refugee Convention and its 1967 Protocol, the government is not mandated to provide safe hospitable reception and housing to internationally displaced persons, those are displaced by climate disasters or other political instability. This means that all present forms of asylum are given on a case-basis and lack any standard protocol. International pressure coupled with local civil society pressure should work together to pressure the Indian government into signing the UNRC.

This might also have a transformative impact into the way that the government looks at climate change. So far, India’s efforts to grapple with climate change have adopted a staunchly disaster-based approach. The Disaster Management Act, 2005, prepares disaster plans, prevents or mitigates against effects of disasters, and coordinates and manages responses. However, these laws do not address the rehabilitation of climate refugees or internally displaced persons. The DMA comes into play at the time of a disaster and hence ad-hoc responses are invoked at the time of dispersed climate events. Recently, though, the country launched a National Action Plan on Climate Change (NAPCC), and urged states to create similar plans based on their unique geographies and demographic distribution. The Assam State Action Plan on Climate Change, has comprehensive suggestions for geo-morphic study and intervention, as it calls for necessary river studies, and flood/erosion management plans incorporating scientific and community knowledge, yet there is no mention of rehabilitation guidelines for persons displaced by these very climate events.

**4.** **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.**

State

* National policy on reception and integration of climate refugees, which recognises climate-induced displacement as a valid reason to provide refuge
* District Climate Action Plans at the climate hotspots are necessary to mitigate the impacts of climate change, and to put in place necessary adaptations. At the same time places where people migrate due to climate displacement need to incorporate the functions of housing, water, sanitation, education etc. to cover the human rights of climate-induced refugees

Business Enterprises

- Report on their practices/production that impact the environment/climate and actively work towards reduction of the same as a preventive measure

- As a curative measure, work with CSOs and governments to provide resources to rehabilitate climate refugees (housing and livelihood)

Civil Society

- Need to conduct participatory, empirical research to determine the impacts of development projects of the government, to gather information on extractive and exploitative processes which trigger climate change. Simultaneously, the studies should interrogate the justice principle when assessing the projects by understanding the structural inequalities that affect the human rights of socio-economically vulnerable communities and indigenous groups.

- Work together to advocate for a robust policy for climate-displaced persons (internally and internationally), which recognises their right to a dignified life in the country, as citizens or refugees.

Inter-governmental organisations

- Need to work in collaboration with each other to provide aid in cases of disaster and for resultant climate refugees

- Need to work with government to build an internationally accepted framework to engage with climate refugees

**5.** **What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change**

 International

2018, the UNHRC stated that environmental degradation can be brought within the scope of violation of right to life under Article 6 of the International Convention of Civil and Political Rights (ICCPR).

At COP 21 in Paris, the term ‘climate migrants’ was acknowledged in the preamble of the agreement, giving the issue some impetus.

Need for international financing that supports climate refugees (in the form of reparations for climate injustice) that is constituted of industrialised nations

National

Compensation for the loss of life and livelihood in cases of climate disasters via climate informed policies and schemes

Social Protection for migrant workers and families to be strengthened

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

| Internally displaced persons | Internationally displaced persons |
| --- | --- |
| - the need for climate-informed policy to address not only the geomorphic impacts of the disaster, but also consider humanitarian issues such as rehabilitation- while the internally displaced persons continue to be governed by the same national laws, their rights at their destination are incumbent on many factors. Through our work, we have observed that the lack of documentation (for example proof of address) increases their vulnerability. Thus, several persons displaced by climate-induced factors escape the insecurity at source, and enter a web of informality (of residence, of labour) where their access to basic services like water and housing prove to be a struggle. A guarantee to basic rights and services is necessary within domestic borders.- While displacement is one effect of climate disasters, one cannot ignore the losses and damage that all affected persons face. Any rehabilitation policy needs to adequately capture the losses and damages and factor them into any form of compensation that is being planned for.  | - need for a legal framework that recognizes international displaced climate persons. Need for international recognition and domestic legislation to dovetail and prevent ad-hoc measures and discrimination- National policy for integration of climate refugees which includes the provision of service and welfare entitlements. A human-rights approach to integration of climate refugees will include addressing issues of labour, education, housing, etc.   |

**7.** **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?**

The recognition of the term “climate change refugee” will place legislative responsibility on the receiving nation, for the safety and just transition of the vulnerable groups. It is necessary that such a term is recognized in international laws, and trickles down to enter domestic policy so as to safeguard the human rights of the victims of climate change. This is necessary as it upholds the justice principle, where those who face the brunt of climate change, and minimally contribute to it, are granted safe passage to a land where the effects of climate change are felt comparatively lesser offering a better standard of living.

There should also be a term climate change migrant for whom the option to return exists but this option can be exercised sparingly.

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

* 1. Need for focused studies urging the disaggregation of data about the impacts of climate change in indigenous communities – understanding their unique needs and vulnerabilities
	2. A long-term outlook should prioritise security land rights and customary tenure (recognizing community ownership) to enable indigenous action on adaptation and mitigation using traditional knowledge and practices even if they are not currently directly affected by the impacts of climate change
	3. Climate budgets/finance to support indigenous adaptation plans and action
	4. In the case where relocation is unavoidable, the local authorities must work along with traditional leadership to plan for the most effective rehabilitation of a community. There should also be public consultations to include the views of the most vulnerable within these communities.
	5. Climate induced displacement has a bearable impact on economic activities of indigenous communities, hence a relocation should also be sensitive to economic and cultural rehabilitation
	6. In the event of relocation, there should be an effective grievance redressal and community support system in place for the indigenous communities, to prevent shock and any chances of discrimination in the new location.

**Submission of responses**

We strongly encourage you to please send your responses to the questionnaire in Word format **by email** to: hrc-sr-climatechange@un.org

We kindly request that your submission be concise and limited to a maximum of
5 pages (or 2,500 words), not including appendices or attachments. Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

**The deadline for submission is 10 November 2022.**

All submissions will be made publicly availableand posted on the Special Rapporteur’s homepage at the OHCHR website.

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