

Globalization and Climate Refugees: Exposing the Protection Gap in International Law

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Abstract

The intricate connection between globalisation and the environment is evident. As Globalization progresses, countries undergo increased industrialisation, resulting in a surge in the production of goods to satisfy growing demands. Both developing and developed countries fulfil their requirement through the exchange of goods and technologies facilitated by Globalization. Various detrimental activities such as increased greenhouse emissions, deforestation, habitat destruction through transportation, illegal deforestation, and overfishing. release of harmful pollutants, which directly contribute to worsening climate conditions by warming the atmosphere.¹The release of hazardous pollutants directly worsen the climate condition by polluting the atmosphere. Therefore, Globalization has irreversible and uneven consequences on climate, which results in environmental degradation. The future of the ecosystem, biodiversity, land use and conservation policy will be significantly influenced by human migration resulting from globalisation and inter-connected socio-economic and environmental factors. In 2015, a study conducted by the Institute for Environment and Human Security of the United Nations University indicated that climate change could displace up to one billion people by 2050.² Therefore, there is a dire need to protect the rights of these migrants who are fleeing such disasters. This article will focus on the issue of whether people fleeing disaster due to globalization ought to be granted the same protection as refugees or not.

Keywords: Refugee, Climate Change, Un Refugee Convention

Introduction

Human migration, influenced by globalization and interconnected socio-economic and environmental factors will significantly shape ecosystems, biodiversity, land-use and conservation policies in the future. Climate change affects migration in three key ways: Firstly Industrialization- driven atmospheric warming diminishes agriculture potential, disrupting livelihoods reliant on fertile soil and water.³ Secondly, escalating extreme weather events cause mass displacement.⁴ Thirdly, rising sea-level threaten low-lying coastal areas, necessitating the permanent relocation of millions of people.⁵ The small island of Han, Lolassa, Yesila, Huene, Jangain and Piul which belong to Papua New Guinea are soon be doomed due to

¹ : Anthony J. McMichael, *Globalization, Climate Change and Human Health*, The New England Journal of Medicine (4 April 2013).

² : How do Greenhouse gases actually warm the planet, United Nations Environment Programme (Jan. 05, 2022), <https://www.unep.org/news-and-stories/story/how-do-greenhouse-gases-actually-warm-planet>.

³ : Architesh Panda, *Climate Refugees: Implications for India*, XLV ECONOMIC AND POLITICAL WEEKLY 20 (May 15, 2020).

⁴ : *id.*

⁵ : *id.*

global warming, where around 2000 people will flee from their homes to other neighbouring state. Such an exodus is referred to as ‘environmental refugee’ or ‘climate refugee’.

WHY SHOULD INDIA BE BOTHERED? The answer lies in the fact that, according to the Global Climate Risk Index 2021, India is the 7th most affected country by the devastating impacts of climate change.⁶ In wake of becoming global we should not leave our environment behind and become victims of environment driven effects. Also, with such a long coastline and huge population, India has millions to force into refuge and vulnerability.

Many developing and least developing countries i.e. LDC accumulated substantial foreign debts as they pursue development goals and strive to keep pace with globalization.⁷ These debts typically take form of loans from institutions such as IMF and World Bank, aiming to foster economic growth and improve living standards.⁸ To repay these debts these countries attract foreign direct investment, particularly in large scale, resource attractive industries like agriculture and mining.⁹ However, the magnitude of these endeavor has worsened environmental degradation, leading deforestation, decreased agricultural productivity, river depletion and other adverse effect.¹⁰

As discussed above land often experience various forms of environmental degradation further leading to migration or refuge by people. This results in highly concentrated land holdings reducing the amount of arable or productive land available for subsistence production, compelling landless inhabitants to work more marginal lands. Once on more marginal land, a vicious circle begins, as inhabitants quickly degrade these areas, subjecting them to decreased subsistence or income level, and compelling them to move on again in search of land, food and income.¹¹

Environmental Refugees

The interplay between natural environment and human population occurs within a worldwide political and economic framework characterized by desperate development across regions owing to international labor division.¹² Globalization including trade and production is pivotal in shaping and upholding this overarching power. Rising societal pressure contribute to population expansion and environmental decline.¹³ Environmental deterioration emerges as crucial driver of migration in least developed countries (LDCs), serving as compelling for movement and disruption. Incorporating perspective on globalization and environment yields a more encompassing macro-level understanding migration pattern originating from LDCs.¹⁴

The word ‘refugee’ has for centuries been understood to represent the section of people who were forced to leave their home owing to severe circumstances which were out of their control. The word instantly conjures sympathetic images of people being displaced from their native countries and living in refugee camps with minimal or no basic necessities.

⁶ Steena Joy, Climate Risk Index 2021: India is 7th most Climate-affected Country, Yahoo News (Feb. 2, 2021, 12:27pm) Climate Risk Index 2021: India is 7th most climate-affected country (yahoo.com), (last visited Sept. 25th, 2022).

⁷ Supra 3, pp 95.

⁸ : *id.*

⁹ : *id.*

¹⁰ : *id.*

¹¹ Matthew R. Sanderson and Matthew R. Sanderson, *Globalization and the Environment: Implications for Human Migration*,

16 Human Ecology Rev. pp. 93-102 (2009), <https://www.jstor.org/stable/24707740>.

¹² *supra* 2.

¹³ : *id.*

¹⁴ : *id.*

For long there was this conception that a person could only be forced out of his native place because of war situations, political turmoil, armed conflicts and other such situations. The term “refugee¹⁵” was also defined under the 1951 United Nations Convention Relating to the Status of Refugees¹⁶, as: “A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country.”¹⁷ But at that point of time, the framers of these conventions didn’t know that the situations would change and these definitions would demand necessary and considerable changes. They never knew that a situation would arise, wherein the nature would compel people to flee out of their homelands. The nature would take such a toll that it would leave millions homeless. Such mass displacements and disastrous situations accompanying these displacements were then noticed and the term ‘Environmental Migrant’ was coined. The term was first popularised by Lester Brown in 1976.¹⁸ But it actually got popularised through the contributions on the subject that were made El-Hinnawi¹⁹ and Jacobson²⁰ which were supported by data which disclosed movement of refugees from environmental disaster from Sahel and the Horn of Africa, as well as from Soviet Union and United States.²¹ Later on, the need for discussions relating to environmental refuge started taking stride after various data relating to environmental migrants was highlighted in various reports. The matter was for the first time discussed on a global platform in the report that was formulated by “UN Intergovernmental Panel on Climate Change in 1990”.²² It was specifically stated in the report:

“One of the gravest impacts of climate change may be those on human migration.”²³

This forecast was made two decades ago with the release of the UN Intergovernmental Panel Climate Change (IPCC) First assessment Report. The author of the report proposed that extensive global migrations could potentially pose the most significant impact on global security due to climate change.²⁴ The increasing scientific evidence suggest that these apprehensions were justified. In 2009 during Climate Science Summit in Copenhagen, experts revised previous projection of sea-level rise for this century, tripling those given by the IPCC in 2007. Also, during the same year, Nick Stern, a renowned British economist and author of Stern Review on Economics of Climate change, cautioned about the prospect of large-scale migration triggered by climate change.²⁵ For example Jakarta is sinking 4+ cms in a year and

¹⁵ Article 1 of the Convention as amended by the 1967 Protocol.

¹⁶ The 1951 UN Refugees Convention serve as a primary legal instrument delineating the refugee definition, their entitlement and legal duties of states. 1967 Protocol eliminating geographical and temporal originally impose by the Convention.

¹⁷ : *id.*

¹⁸ : L. Brown, P. Mcgrath, et.al., *Twenty two dimensions of the population problem*, pp. 81-83 (1976).

¹⁹ Essam El-Hinnawi, *Environmental Refugees*, UNEP (1985).

²⁰ Jodi I. Jacobson, *Environmental Refugees: a Yardstick of Habitability*, 8 Sage Journal 3 (1988), <https://doi.org/10.1177/027046768800800304>.

²¹ : *id.*

²² *Climate Change, Environment and Migration*, IISD (June 10th, 2010). <https://sdg.iisd.org/commentary/guest-articles/climate-change-environment-and-migration/>.

²³ *Policy maker Summary of Working Group 2: Potential Impact of Climate Change*, First Assessment Report IPCC pp. 103 (1990).

²⁴ : R. Warrick, J. Oerlemans, *Sea Level Rise*,

²⁵ Benjamin Glahn, *Climate refugees?: Addressing the international legal gaps*, <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=B51C02C1-3C27-4AE3-B4C4-7E350EB0F442> (last visited May 25th, 2022).

is estimated to be submerged by end of 2050. The main causes include overuse of groundwater table, development of large and tall buildings and last but not the least; rising sea levels caused by climate change. To see the situation in our very own country, Homer-Dixon²⁶ presented evidence where the compilation of demographic data and expert estimations led him to conclude that Bangladeshi migrants has increased the population of neighbouring areas of India by 12 to 17 million over the past forty years and population of state of Assam had been augmented by at least seven million,²⁷ These assertions have gained widespread attention, with common estimates suggesting between 150 to 200 million people will become climate refugees by 2050.²⁸ Similar assertions have been echoed in various influential reports on climate change, including those by Friends on the Earth²⁹ and Greenpeace Germany³⁰ as well as inter-governmental organisations such as Council of Europe³¹, UNESCO³², IOM and UNHCR. Thus, a need has arisen to discuss this grave situation which has a potential to influence the lives of many others by inflicting problems on security conditions and causing major border conflicts.

‘Climate refugees’: what exactly are they?

‘Climate refugees’ refer to individuals who, due to environmental changes induced by either human or natural causes, are compelled to leave their homes, whether inside their own country or across borders. The International Organization for Migration outlines three distinct categories of environmental migrants:

- 1. Environmental emergency migrants:** These individuals temporarily flee due to sudden environmental disasters, such as tsunamis or hurricanes, causing destruction that necessitates immediate evacuation.
- 2. Environmental forced migrants:** This group is compelled to leave because of ongoing decline of environmental conditions, often leading to permanent migration. Examples include deforestation or coastal degradation.
- 3. Environmental motivated migrants:** Commonly referred to as environmentally induced economic migrants. These individuals opt to relocate pre-emptively to evade potential future challenges such as diminishing crop yields triggered by desertification or the decline of the fishing industries as fish species vanish.

This categorization highlights the diverse reasons compelling people to become environmental migrants, ranging from sudden disasters to long-term environmental degradation. While environmental emergency migrants may return after the situation stabilizes, the latter two categories often involve permanent relocation.

Migrants, based on their reasons for leaving, may either relocate within their country (local migration) or move across borders (trans-boundary migration). The difference between these two types of migration

²⁶ Homer-Dixon, Thomas, *Environmental Scarcities and Violent Conflict: Evidence from Cases*. 19 INTERNATIONAL SECURITY pp. 5-40, (1994).

²⁷ : *id.*

²⁸ : *id.*

²⁹ *A Citizen's Guide to Climate Refugees, Fact Sheet Four: Predictions of Climate Refugees to 2050*, 10 FRIENDS OF THE EARTH, London (2007).

³⁰ Dave Logie, *On the Frontlines of Refugee Crisis*, Greenpeace (April 3, 2016).

³¹ Parliamentary Assembly Doc. 11084, 23 Oct 2006, The Problem of Environmental Refugees: 1

³² UNESCO (2007),

<http://portal.unesco.org/shs/en/ev.phpURL_ID=9997&URL_DO=DO_PRINTPAGE&URL_SECTION=201.html#environment>

impacts the rights of migrants and the responsibilities of governments. These issues require additional examination as we address the challenges arising from 'Environmental Migrations.'

Threats posed by 'Environmental Migration'

Environment challenges posed by climate change can lead to permanent migration. Consequently, the gradual changes in habitat may pose immense challenges to human security and peace. Due to this there can be serious risk to public health either directly or indirectly such as heat stress, air pollution, cancer, injuries etc. additionally, there could be ecosystem mediated consequences such as vector-borne illness, infectious diseases, malnutrition, food and water-borne diseases.³³ Industrial and natural disaster may result in significant damage and destruction to infrastructure and services as well as prolonged family separation and destruction to healthcare and education services. It is necessary to provide safeguard to these vulnerable persons including children and youth from human trafficking, sexual and gender biased violence and other criminal activity caused by such displacement.³⁴ Those who has migrated to escape gradual environment degradation may finds themselves in irregular or undocumented situation which sometimes results in exploitation and human trafficking. this may result in further migration from one country to another country.³⁵

Drought, Natural resources, water scarcity and energy are the key reasons for human migration. Large-scale migration driven by resource scarcity, if inadequately addressed may result in dispute over resource usage rights. Reduction in arable land, drinking water or fishable seas has a potential to generate territorial disputes.³⁶ Communities hosting displaced persons may resent in resent the overuse of local resources and burden on their publicly funded health and social security. Also, the global environment migration to urban centre can undermine social cohesion.³⁷

Apart from overexploitation of local natural resources, the mass migration due to environmental degradation can be burdensome to host countries. For example, swathes of land have been deforested to set up camps or settlements. Homes of displaced person are generally build nearly forest hillsides or next to mangrove swamps and tidal flat. UN High Commissioner for Refugees Filippo Grandi appealed to global leader at the COP 27 climate change conference to take strong action against global warning. According to Grandi "We cannot leave millions of displaced people and their hosts to face the consequences of a changing climate alone."³⁸ There need to sustainable resource management to meet the extraordinary and protracted circumstance. There is more than 3.4 million displaced people and host countries facing consequences due to flooding in Sudan, Nigeria, and Cameroon etc.³⁹ Therefore climate change has emerged as one of the most prevalent and powerful repercussion for displacement. Recently disastrous cyclone in Mozambique resulted in displacement.

³³ : Migration and Climate crisis: the UN's search for solution, UN Global Perspective Human Stories UNICEF/UNI82205/Holt (31 July 2019). [Migration and the climate crisis: the UN's search for solutions | UN News](#)

³⁴ : *id.*

³⁵ : *id.*

³⁶ : Human Migration and Natural Resources: Global Impact of an Adaptive Complex System, International rsource Panel (2023). [human_migration_natural_resources_factsheet_en.pdf\(resourcepanel.org\)](#)

³⁷ : *id.*

³⁸ : UNHCR's Grandi urges world leaders not to forget displaced people at COP 27, UNHCR (Nov 2022). [UNHCR's Grandi urges world leaders not to forget displaced people at COP27 | UNHCR](#)

³⁹ : *id.*

Many scholars suggested that the 1951 UN Refugee Convention should include ‘Climate refugee’ as one of the reasons for persecution. Although UNHCR supported those escaping from the effect of climate change and environment disasters where they entered the other countries without any document and from criminal sanctions.⁴⁰ However, the government of host countries is not obligated to provide temporary identification to them in absence of any specific legal status.⁴¹

Thus, there are immediate need to provide legal protection to these ‘climate refugee’ and require international convention to specify the role of country of origin and third state in case migration resulted from environment migration.

Impediments in recognition of Environmental Migration

- A. Paucity of availability of relevant data on people who relocated because of environmental factor i.e. environment degradation or natural calamities.
- B. Dependency of environmental migration on various interlinked factors such as climate change, decreased ability to sustain life in the home country, economical condition of the migrant, availability of better education and job opportunities at the migrated place etc.
- C. Existing gaps in the frameworks and policies of nations on potential environmental migration.

Legal considerations: Relevant conventions and frameworks and obligations on states

Migration due to climate change require two possible considerations. Firstly, government of country of origin must take preventive action to prevent the happening of such disastrous environment degradation and secondly, there should be international standards for such migration to protect the human rights of displaced person.⁴²

The obligation on state to prevent environment migration requires use of sustainable resources, reducing carbon emission, reduction of green house gas emission and being technological advanced to cope up with the problem of environment degradation. The prohibition of transboundary damages is also the measures to be taken by the state.⁴³ These obligations not only help in avoiding the immediate change in the environmental conditions but also help in formulation of state responsibility principles. The state is also obliged to act according techniques which can also be termed as adaption measures. These include measures such as Environmental Impact Assessment techniques, pre-warning systems, formulation of building policies and other such measures. Preventive minimisation of the negative consequences of ‘environmental flight’ situations before the realisation of a danger (‘preventive mitigation’) is also one such obligation.⁴⁴

Human Rights obligations of states in an environmental context are based on multiple sources, including substantive right to healthy environment, procedural right and right presupposing healthy environmental health. While this right is established regionally, it lacks universal clarity in international law, leading to

⁴⁰ : *id.*

⁴¹ : Michelle Leighton, *Climate Change and Migration: Key Issues for Legal Protection of Migrants and Displaced Persons* (2010), <https://www.semanticscholar.org/paper/Climate-change-and-migration%3A-key-issues-for-legal-Leighton/75da2b2b8528f813c93931e37d7de205e91a615c>

⁴² : *id.*

⁴³ *supra* 13.

⁴⁴ : *id.*

indirect efforts to incorporate into other human rights frameworks. These include civil, political, economic, social, and cultural rights as well as collective rights.⁴⁵ Although Treaty Law does not explicitly outline state obligations regarding the prevention of ‘environmental flight’ such obligation can be discerned through the interpretation of existing rights.

Although state obligations regarding the prevention of ‘environmental flight’ are not explicitly outlined in treaty law, they can be discerned through the interpretation of these rights. Obligations resulting from this interpretation include those relating to preventing environmental and minimizing changed, adaptation and minimising the consequences of environmental migration situations. State are also obligated to mitigate the impacts of environmental flight situation, including providing access to legal remedies and supporting affected populations in resettlement efforts.

Following environmental migration, the state of origin is required to uphold, protect and fulfil human rights except during the times of public emergency. The Operational Guidelines on Human Rights and Natural Disaster (2006) provide useful direction on application of human rights during, before and after natural disasters. For individuals considered ‘internal environmental refugee’, the Guiding Principle on Internal Displacement are relevant.⁴⁶

The obligations to avoid trans-boundary harm and damages to neighbouring countries have been articulated through several international treaties including the UNFCCC, Kyoto Protocol etc. furthermore, the principle which bars states from causing trans-boundary environmental has been integrated into customary law and this has been time and again been proved through international jurisprudence.

The 1951 Refugee convention has four core elements which must be satisfied for grant of refugee status.⁴⁷ Firstly, there must be ‘well-founded fear of persecution’. Secondly, such persecution must be ‘for reason of’ protected ground’. Thirdly, individual must be forcibly displaced to other country other than her country of origin and who is unable or unwilling to avail himself or herself of protection of him or her country.⁴⁸

The key factor for an individual seeking protection as refugee is to demonstrate the existence of ‘well-founded fear of persecution’. This element includes both subjective as well as objective criteria. The subjective elements require determination of refugee status on the basis of evaluation of refugee statement rather than a judgement prevailing in his country of origin.⁴⁹ Furthermore, UNHCR Handbook on Procedure and criteria for determining Refugee Status and Guidelines on International Protection under 1951 Convention and 1967 Protocol Relating to status of Refugees highlighted that while individual mindset is significant, but it must also be substantiated by the objective circumstances.⁵⁰ The expression ‘well-founded fear of persecuted’ denotes that only one specific motives for escape the home countries excludes all other reasons irrelevant to the definition provided under 1951 convention. The subjective fear requirement is particularly relevant to the environmental refugees because it excludes other reasons for fleeing the country, for example perceived calculation of benefits. The Handbook gave a example of person fleeing from Famine or natural disaster are excluded from the definition of refugee unless they have well-founded fear of persecution for one of the reason stated. Therefore, the intention of framers was

⁴⁵ : *id.*

⁴⁶ *Supra* 16.

⁴⁷ : Shreesh Saxena, *International Refugee Law- Issues and Challenges*, Law Corner (Aug. 23, 2020),

⁴⁸ : *ibid.*

⁴⁹ UNHCR Handbook and guidelines on procedures and criteria for Determining refugee status under 1951 convention and 1967 Protocol (Dec 2011). <https://www.refworld.org/docid/4f33c8d92.html> (last visited 17 February 2022)

⁵⁰ : *id.*

to exclude environmental refugee from the scope of definition of Refugee under 1951 convention as per their perspective environmental problem is only a form of persecution.

Thus, interpretation presents a major problem for those fleeing environment disaster as they fall beyond the scope of refugee definition. The Handbook highlighted that the evaluation of subjective element for refugee and evaluation of personality of the claimant are inseparable. Each person has unique psychological response.⁵¹ Thus, the impact on an individual of any sort of action will be crucial in developing the requisite fear motive. The handbook cites that individual who a strong tie with land and environment such as indigenous groups are most like to get refugee status based on environment problem because fleeing from their land will deprive them from their cultural, religious and political beliefs.⁵²

In *Sari vs Rio Tinto PLC*,⁵³ where Bougaville is an island of Papua New Guinea (PNG) which rich in natural resources. Jaba river was the major source of food and integral part of way of life for the residents of Bougainville. The defendants i.e. Rio Tinto Ltd members of international mining group headquarter in London. The Bougainvilleans, who are black, suffered severe persecution at the hands of defendants, who colluded with the PNG government to suppress Bougainvilleans resistance to Rio Tinto's operation of one of the world's largest open pit copper mines. The mine construction led to the displacement of local people and introduced over four thousand foreign workers onto small land.⁵⁴ The Rio Tinto gave PNG government 19.1% stakes in the mine's profits. The PNG government were also indifferent towards the bougainvillean as the profits from the mines were the major source of income for PNG government.

This copper mine was amongst the largest copper mines in the world. It was around one- half kilometres deep by seven-kilometre wide which produces around one billion tons of waste which were dumped into the Kawerong-Jaba River System. Over Thirty Years of operation, the mine produces over a billion tons of waste, kills forest, rivers, fish and land and destroy entirely the culture of resident of Bougainville.⁵⁵ The pollution from the mine causes cases of asthma, tuberculosis and other related respiratory ailments. The government not only ignored the environmental problem but also leases around 12,500 hectare of Bougainvillean Land to Bougainville Copper Ltd, a subsidiary of Rio Tinto.⁵⁶

By 1988 the mine pollution in Jaba River, has destroyed all aquatic life and the water was no longer safe for drinking or bathing. Further the mining operations polluted the island's atmosphere, creating dust clouds, which combines with emissions from the copper concentrator to create a poisonous mix that polluted the air. The dumping of waste turned entire fertile valleys into wasteland and destroyed entire forest.⁵⁷

Given the information above it can be stated that Bougainville resident had well-founded fear of persecution because intentional disregard to environmental health, discrimination against against Bougainvillean workers, all demonstrated an objective basis for fear. Also, the Bougainvillean resident were unable or unwilling to seek the protection of their own government makes them qualify the status of refugee.⁵⁸

⁵¹ : *ibid.*

⁵² : *ibid.*

⁵³ : 221 F.Supp.2d 1116 (C.D. Cal 2002).

⁵⁴ : *Environmental Costs in Bougaville*, Unrepresented Nations and Peoples Organizations (Jan 24, 2008).

⁵⁵ : *The Rio Tinto Case in Papua New Guinea*, Environmental Justice Organizations, Liabilities and Trade (July 29, 2015).

⁵⁶ : David Lea, *The Bougainville Crisis and the Hermeneutics of Distributive Justice*, 19 Alternatives: Global, Local, Political 1-22 (1994).

⁵⁷ : *ibid.*

⁵⁸ : *id.*

Conclusion

It has now been founded that the issue of ‘Climate Refugees’ present significant threat to security of various nations and thus requires attention through a legally binding treaty that sets out obligations of states (state of origin as well as host state) in case there is an environmental migration.

In addition to the obligations previously discussed already and the first priority should be amending definition of ‘Refugee’ that has been set out in 1951 UN Refugee Convention to encompass ‘Climate Refugees’ within the realm of Refugees.⁵⁹the current definition describe refugee as an individual who is outside their country of nationality or habitual residence, with the justified “fear of persecution based on Race, Religion, nationality, membership of Particular Social Group or Political opinion and who is unable or unwilling to return due to this fear”.⁶⁰ However, it fails to individuals displaced by worsening climate conditions and human made disaster. To summarize, the primary task at hand, beyond the previously discussed responsibilities, is to amend the existing definition of ‘refugee’ from 1951 Refugee Convention. This revision aims to explicitly include ‘Climate Refugee’ within the category of refugee. Although the current definition covers individuals who fear persecution on various grounds and cannot return to their country of origin, it neglects those displaced by environmental crises.⁶¹ Modifying the definition would ensure that Climate Refugees are protected under the Convention, compelling host nations to respect their basic human rights.⁶²

The obligations of the state to intervene at the earliest possible stage and adopt policies that work towards sustainable development would be the initial step towards tackling this concern of displacement due to environment. Furthermore, migrations should be regularised by the state authorities i.e. natural resources and building of housing facilities should not be used in an unregulated manner but there should be a structured process.⁶³

One criterion for addressing migration involved facilitating it through agreements and individual policies. For instance, New Zealand has introduced the Pacific Access Category (PAC), a new labour migration policy.⁶⁴ This initiative permits seventy-five each from Kiribati and Tuvalu and 250 citizens from Tonga, along with their partner and dependent children to establish residency in New Zealand annually.⁶⁵ Moreover, Sweden and Finland both officially recognise ‘environmental migrants’ as category of individual requiring protection.⁶⁶ Sweden Aliens Act for instance Provides subsidiary protection for individuals considered ‘otherwise in need of protection’ due to being unable to return their country of origin following an environmental disaster.⁶⁷ On the surface, these legal provisions appear to establish a positive framework for safeguarding population displaced by climate change.

Effective management of environmental migration is essential to ensuring human security, a healthy life,

⁵⁹ : *id.*

⁶⁰ : 1951 UN Convention on Rights of Refugee.

⁶¹ : *supra* 58.

⁶² : *id.*

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⁶⁴ : Shawn Shen and Tony Binns, ‘ Pathways, motivations and Challenges: Contemporary Tuvaluan migration to New Zealand, Springer 77 (2012).

⁶⁵ : S1.40 Pacific Access Category, (20/10/2023) [S1.40 Pacific Access Category \(20/10/2023\) \(immigration.govt.nz\) \(last visited: 20th NOV, 2023, 19:55 P.M.\)](https://immigration.govt.nz/s1-40-pacific-access-category-20102023).

⁶⁶ : Emily Hush, *Developing a European Model of International Protection for Environmentally- Displaced Persons: Lesson from Finland and Sweden*, CJEL (September 2017).

⁶⁷ : The Practices in Sweden Concerning the Granting of Non- EU Harmonised Protection Statuses, European Migration Network, Sweden (February 2010).

basic humanitarian rights and avoidance of border conflicts. The use of suggested techniques and addressing the needs at the level of international law would definitely provide a practical and realistic approach towards tackling of this grave problem of ‘Environmental Migration’.

Little research, lesser concerns and least future policy interventions to be prepared for these risks and the estimates of growing victims of globalization and environment are daunting. (state the number of climate refugees from IOM’s report) Governments and society as a whole should Recommendations

- Mindfulness about identifying and examining the existing as well as new frameworks that deal with managing potential environmental migration.
- Environment and migration, both be given equal importance when working on policies and frameworks for climate refugees.
- Identification of patterns of migration can further be helpful in the concerned regard.
- As it would clarify whether the root cause of migration is environment or other socio-economic factors.
- Countries can frame their own admission policies keeping in mind the national interests, economic growth, need of labour of its own territory.
- Disaster management guidelines and lessons from past experiences can also help in framing an intelligible and workable framework.