

CLIMATE INDUCED MIGRATION AND PROTECTION OF HUMAN RIGHTS OF THE MIGRANTS

Analysing the Role of Social Workers in Averting the Impending Crisis in the Indian Subcontinent

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[**Abstract:** *Recent research suggests that the worst affected areas from climate change are the developing countries particularly the coastline cities of South Asia. It is ensuing into reduced shoreline, land degradation and coastal flooding which is subsequently resulting in forced migration. Moreover, the States' indifference towards their plight and political aversion has led to increased illegal human smuggling. This paper will aim to explore the legal status of Indian government's policies to deal with the impending crisis of climate emergency and influx of migrants while assessing the role of social workers who can be instrumental in filling the lacuna in the present policies. The role of social workers becomes relevant in the present scenario where environmental degradation germinates into political and economic degradation and the plight of migrants gets disregarded. The main findings of this paper are that presently the Indian laws are not rigorous enough to cope with the sudden migrant influx and to uphold the human rights of the migrants and thus the role of social workers becomes even more crucial. The researcher has also suggested interventions which can be carried out by social workers on both individual and community levels. To avoid this impending crisis to unfold, the researcher has proposed some recommendations which can enable Indian social workers to legally enhance the lives of these migrants given that this subcontinent will be the worst affected by the climate change.]*

INTRODUCTION

As we entered into the new decade with fervent prayers for the Australian continent which was then under the siege of ravaging bushfires. According to the reports, millions of animals have already perished or will perish eventually due to the lack of shelter and water.¹ The series of events would have been disastrous if the main victims were the humans instead of helpless animals. The rampaging fire would have compelled millions of survivors to flee their homes and settle somewhere safer leaving their livelihood behind. This presents a true picture of migration induced by the rapid environmental changes or the climate change.

Climate change is bringing about more intense and frequent extreme events in some places, as well as gradual changes in average temperatures and sea level rise.² Though climate change has become the point of discourse since the previous decade, but the real concerns for this issue generated only in the previous years due to numerous incidents which compelled the world to

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¹ Reality Check Team, *Australia fires: how do we know how many animals have died*, BBC NEWS (Jan. 4, 2020) available at – <https://www.bbc.com/news/50986293> (last visited on Jan. 14, 2020).

² Fabrice G. Renaud, Olivia Dun, Koko Warner, Janos Bogardi, *A decision framework for environmentally induced migration*. International Organization for Migration (2011) available at – https://eumigro.eu/sites/default/files/materials/renauddunwarnerbogardi_internationalmigration_a_decision_framework_for_environmentally_induced_migration.pdf (last visited on Jan. 14, 2020).

fathom the gravity of the state of affairs. In 2017, 68.5 million people were forcibly displaced, more than at any point in human history.³ While it is difficult to estimate, approximately one-third of these (22.5 million to 24 million people) were forced to move by “sudden onset” weather events—flooding, forest fires, droughts, and intensified storms.⁴ Though the onset is sudden, but the transition is not. These transitional changes are none other than the bearings of climate change which has become one of the leading issues before the environmentalists and the policymakers alike.

Amongst all the countries in the world, the worst hit is the Pacific island by the impact of climate change. The sea level is rising at a rate of 12 millimetres per year in the western Pacific and has already submerged eight islands.⁵ Two more islands are at the brink of disappearance which will prompt the wave of climate refugees.⁶ Along with these islands, almost every country which has a fair share of coastline has an existential threat because of the rapidly altering coastlines. Had Antarctica been inhabited by people, it would have been the worst hit by migration as of today.

In 2011, on a debate on climate change, the UN Secretary General stated that the environmental refugees will be reshaping the human geography of the planet.⁷ Also, the evidences suggests that global environmental change will impact migration through its influence on a range of social, political, economic, environmental and demographic drivers which themselves affect migration.⁸

As far as the Indian subcontinent is concerned, no country in the world is as vulnerable on so many dimensions to climate change as India.⁹ This also includes the potential cross-border climate migration from the neighbouring countries of Bangladesh, Afghanistan and Pakistan which are equally populated and vulnerable to calamities. Now the question which arises before us is that are we, as a country ready for such an impending catastrophe? Are the policymakers concerned for framing stringent laws which can protect the people in crisis? Indeed, India has initiated the debate on climate change on various international platforms yet there are no rules governing climate induced migrants. Moreover, neither a multilateral strategy nor a legal framework exists to account for climate change as a driver of migration.¹⁰ Sans any law governing the migrants, the only protection they can seek through is by their human rights which grants them the freedom to relocate and seek shelter.

³ Laignee Barron, *A Record 68.5 million people in the world were forcibly displaced by the End of 2017*, UN says, TIME (Jun. 19, 2018) available at – <https://time.com/5315744/2018-unhcr-global-trends-report/> (last visited on Jan. 14, 2020).

⁴ Tim McDonnell, *The refugees the world barely pays attention to*, (NPR Jun. 20, 2018) available at – <https://www.npr.org/sections/goatsandsoda/2018/06/20/621782275/the-refugees-that-the-world-barely-pays-attention-to> (last visited on Jan. 14, 2020).

⁵ John Podesta, *The climate crisis, migration and refugees*, Brookings (Jul. 25, 2019) available at – <https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/> (last visited on Jan. 14, 2020).

⁶ P.D.Nunn, A.Kohler, and R. Kumar, *Identifying and assessing evidence for recent shoreline change attributable to uncommonly rapid sea-level rise in Pohnpei, Federated State of Micronesia, Northwest Pacific Ocean*, 21(6) J. OF COAST CONVERSATION 719 (2017).

⁷ Debate on maintenance of peace and International Security: Speech at UNSC, available at – <http://www.un.org/News/Press/docs/2011/sgsm13712.doc.htm> (last visited on Jan. 14, 2020).

⁸ National Workshop on migration and global environmental change in India. Summary report UNESCO (2014).

⁹ *A Summary of the Ministry's Major Initiatives on Environment, Forests and Wildlife in 2009-2010*, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE (Jun. 2010) available at – <http://www.indiaenvironmentportal.org.in/files/Major%20MoEF%20Initiatives09-10.pdf> (last visited on Jan. 14, 2020).

¹⁰ *Supra* note 5.

This paper seeks to highlight the role of social workers who are professionals to handle such situations where the laws are not yet framed, and if framed are not implemented as per the intention of the legislation. Social workers serve as a bridge between the State and the masses and can play pivotal roles in various dimensions to address the issue of enforcing human rights of the migrants. In many countries of the world, social workers also take a front role to address the aftereffects of disasters and guide the administration for effective implementation. Through this paper, the researcher wishes to analyse the working of social workers and the way they can intervene to neutralize the plausible damage to the social structure.

Part 1 of the paper attempts to define climate induced migration and its relevant aspects. It also attempts to determine an understanding of this form of migration and the crisis it can result into. Part 2 focuses on the importance of the role of social workers and how do they confront disaster events. Various events of history have also been discussed where social workers contributed to restoration of the social structure. Part 3 is pertains to various aspects of an emergency of climate induced migration. For convenience of the readers, this part has divided such emergencies into three different periods i.e., preparations to be taken before disaster strikes, actions to be taken during the disaster and post-disaster measures. These measures ought to be taken if the migrants' human rights are to be protected. Part 4 analyses the Indian situation specifically and the laws in operation to govern climate induced migration. It is followed by the conclusion and the recommendations of the researcher.

UNDERSTANDING CLIMATE INDUCED MIGRATION

Climate induced migration and displacement was mentioned for the first time in the documents of 2008 UN Framework Convention on Climate change (UNFCCC) at the 14th Conference of Parties (CoP). However, it was the UN Summit for Refugees and Migrants held in 2016 which was billed as a watershed moment for the governance of international migration with all 193 member states signing up to the pre-negotiated New York Declaration for Refugees and Migrants.¹¹

Climate induced migration would take account of both intensive and extensive risk. While intensive climate risk is associated with sudden-onset, high severity events such as hurricanes and large-scale floods, Extensive climate risk is associated with low severity, high frequency or persistent weather and climate events such as drought and recurrent local flooding.¹² However, this migration must not always be seen in a negative light. This is a positive and planned adaptability towards the rising risk of climate change impact. Those moving in response to intensive and extensive risks are in theory protected by international laws under the UN's guiding principle on Internal displacement, International Human Rights Law and the Refugee Convention.¹³ However, there is an important legal gap with regard to those displaced across the borders who are not covered under the Refugee Convention.¹⁴

¹¹ Human Development Report. UNDP (2016).

¹² Emily Wilkinson, et. al., *Climate induced migration and displacement: closing the policy gap*, OVERSEAS DEV. INST. (2016).

¹³ *Id.*

¹⁴ *Prepare and adapt: Climate Change and Human Mobility in Paris and Beyond*, THE NANSEN INITIATIVE (Nov. 27, 2015) available at – <https://www.nanseninitiative.org/prepare-and-adapt-climate-change-and-human-mobility-in-paris-and-beyond/> (last visited on Jan. 14, 2020).

THE SCOPE AND AMBIT OF THE DEFINITION OF ‘CLIMATE MIGRANT’

In order to ensure the protection of human rights, it becomes imperative to determine the definite status of climate migrants. International Organization for Migration (IOM) defines climate induced or environmentally induced migrants as “*persons or group of persons, who were for compelling reasons of sudden or progressive changes in the environment that adversely affected 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.*”¹⁵

By demarcating this boundary of recognition, it would become simpler for the authorities to formulate policies for their shelter, protection and rehabilitation. Some environmentalists contend that this form of movement should be referred as displacement and not migration. However, the line of displacement and migration gets blurred where the disaster events are recurrent and patterns of movement become cyclical, pre-emptive and permanent as a result of future risk.¹⁶

Critics may also contend that whether climate migration can be considered as a disaster so as to require immediate attention. ‘*Disaster*’ can be defined as a sudden event that has the potential to terrify, horrify and engender substantial losses for many people simultaneously.¹⁷ This definition was later expanded to include the type of disaster as weather or nature related.¹⁸ By defining the calamity, social workers can determine the scope of approach towards climate induced migrants and plan intervention accordingly.

Why not Climate Refugees?

Often environmentalists and experts of the field use the term ‘migrants’ and ‘refugees’ interchangeably. According to them, using this term would entitle victims to more protection and States would be bound as per the customary international law. United Nations High Commissioner for Refugees (UNHCR) holds the view that the term ‘refugee’ in international law refers to individuals who flee from and cannot return to their countries because of the fear of persecution on specified grounds or because of generalised violence.¹⁹ Therefore, the term ‘refugee’ has been misinterpreted by the academicians and other experts²⁰ since its applicability is in circumstances of humanitarian crisis and does not incorporate climate crisis per se.

The IOM also rejects the reference to climate-induced migrants as environmental refugees and casual uses of the word ‘refugee’ given that such references lack legitimacy in the international law.²¹ Some States may possibly decline to provide shelter to the victims citing the issue of

¹⁵ Discussion Note: Migration and the Environment, MC/INF/288 (1 Nov. 2007), 94th Session, International Organisation for Migration (IOM), Geneva.

¹⁶ Koko Warner, *Global environmental change and migration: Governance challenges*, 748 JGEC 9 (2009).

¹⁷ Norris, *Psychological consequences of disaster*, 13(2) PTSD Q.1 (2002).

¹⁸ *Types of disasters: Definition of hazard*, INDIAN FED’N OF RED CROSS(2016) available at – <http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/definition-of-hazard/> (last visited on Jan. 14, 2020).

¹⁹ Antonio Guterres, *Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective*. United Nations High Commissioner for Refugees, UNHCR THE UN REFUGEE AGENCY(2008) available at – <http://www.unhcr.org/refworld/type.RESEARCH.UNHCR.492bb6b92.0.html> (last visited on Jan. 14, 2020).

²⁰ *Supra* note 2.

²¹ Shansuddoha and Rezaul Karim Chowdhury, *Climate change induced forced migrants: in need of a dignified recognition under a new protocol*, THE EQUITY AND JUSTICE WORKING GROUP, (2009).

national security and opposing that they are not the signatory to the 1951 Refugee Convention and its 1967 Protocol and thus are not bound by the refugee law.

CLIMATE MIGRATION AND SUBSEQUENT HUMAN SMUGGLING

When the surroundings are no more inhabitable, people are forced to leave their homes and livelihood behind and seek shelter somewhere safer. Mostly the migration is within the borders of the country and resultantly resettlement is easier. But in certain situations, the migrants are compelled to resort to shelter outside the boundaries of their native place which results into *cross-border smuggling*.²² Such smuggling has been defined as “... *the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or permanent resident.*”²³ In order to ensure their survival, these migrants undergo numerous distresses and become subjected to adverse conditions including being at the misery and mercy of the smugglers.

Smuggling of migrants is a crime against a State but is not in itself a human rights violation.²⁴ However, the entire smuggling cycle may involve multiple human rights risks including extortion, exploitation and sexual violence. The access to justice may never be a recourse for the victims of smuggling due to the fear of persecution and deportation. To grant them their human rights and ameliorate their living conditions, there is a fundamental responsibility of States to try to identify all of the people exposed to the event in order to mitigate the development of adverse health responses.²⁵

Anne Gallagher, Advisor on Trafficking at the Office of the Human Rights Commissioner for Human Rights (OHCHR), is of the opinion that the connection between human rights and abusive forms of migration such as migrant smuggling makes it especially important that those who work for the promotion of human rights ought to take this issue.²⁶ Here, the role of social workers comes into prominence. With a mission of social justice and advocacy, social workers should be at the forefront in combating trafficking and smuggling with a focus on interdisciplinary collaboration.²⁷ They can play a pivotal role with the cooperation of law enforcement agency to coordinate multidimensional care such as medical or counselling services, legal services and income support to name a few.²⁸

²² Maria Christina Charletti, *Human Trafficking, Natural Disaster and Situation of Crisis: An Analysis, with a Focus on the Countries of Haiti and the Philippines*, BIRKBECK UNI. (2017).

²³ Article 3(a), Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime (2000).

²⁴ Side-events on the margins of consultation for the Global Compact for safe, orderly and regular migration, Human Rights Perspective on smuggling of migrants, Concept Note, Global alliance against traffic in women (2017).

²⁵ *How natural disaster can affect human trafficking*, ICF (2019) available at – <https://www.icf.com/insights/disaster-management/trafficking-victims-in-disasters> (last visited on Jan. 14, 2020).

²⁶ Anne Gallagher, *Trafficking, Smuggling and Human Rights: Tricks and Treaties*, 12(25) FORCED MIGRATION REV. 8 (2002).

²⁷ Fariyal Ross Sheriff and Julie Orme, *Human Trafficking: Overview*, Encyclopaedia of Social Work, 6-8, Feb 2015, DOI: 10.1093/acrefore/9780199975839.013.945, Accessed on January 17, 2020.

²⁸ UNODC-WCO, Container Control Programme, Annual Progress Report (2013).

ANALYSING THE INDIAN SITUATION

The diversity of Indian terrain ranges from northern Himalayas to the arid western deserts and encompasses the southern coastal lines and the eastern Sundarbans. This diversity makes the country more susceptible to natural calamities. Majority of the rivers are prone to flooding along with storm surge impacts and greater salt water intrusion which is likely to affect a large number of people due to high population density and poor urban planning.²⁹ In reality, the entire South-east Asian region is a disaster-prone area and the high population rate further makes it vulnerable. The increasing temperatures, sea level rise, more frequent cyclones, flooding of river systems fed by melting glaciers, and other extreme weather events are exacerbating current internal and international migration patterns.³⁰

The gravity of the situation can be understood through an illustration. Assuming Bangladesh faces a climate crisis due to the rising sea level, it may lead to mass migration within the Ganges-Brahmaputra deltaic region thus impacting the already complex refugee crisis.³¹ India, being economically sounder than the other nations, will attract a mass influx of migrants. The Indian economy is inextricably tied to climate-sensitive sectors like agriculture, and which are already facing multiple stresses, climate induced migrants could further exacerbate these stresses.³²

The existing Indian mechanism emphasises more on migration caused by economic or humanitarian crisis but not on environment migration. This impedes releasing of funds for relocation and resettlement of the migrants. In the year 2005, the Supreme Court of India rejected the Illegal Migrants (Determination by Tribunal) Act, 1983 and held that all the cases pending before this tribunal would be transferred to the Tribunal constituted under Foreigners (Tribunals) Order, 1964.³³ Thus, no distinction whatsoever has been made by the Supreme Court to determine the driving force which might have compelled the migrants to illegally migrate and seek shelter in the Indian territory. Moreover, the Indian Centre for Migration (ICM), a research think tank to the Ministry of External Affairs, Government of India identifies only economic transnational migration and no reference to other forms of migration have been enlisted.³⁴

Critiques argue that India has issues of more immediate concern, such as poverty, sustainable development, population growth, and urbanization.³⁵ On the other hand, India also does not take up the issue of climate migration because the world-wide debate on climate migration has not taken into account India's position in this sustainability challenge.³⁶ The National Action Plan for Climate Change in India (NAPCC) released in 2010 has established a 'National Mission on Strategic Knowledge for Climate Change' that calls for research on socio-economic aspects of

²⁹ Migration and climate change. Research and policy (2017).

³⁰ *Supra* note 5.

³¹ Hossain and Hossain. Climate change, sea level rise and coastal vulnerabilities of Bangladesh, *Institute of Forestry and Environmental Sciences* (2012) available at – https://www.academia.edu/download/7630872/ebook_Md.%20L.%20Hossain%20and%20M.K.%20Hossain.pdf (last visited on Jan. 14, 2020).

³² National Workshop on migration and global environmental change in India. UNESCO. 2014: 7.

³³ *Sarbananda Sonowal v. Union of India*, 2005 5 SCC 665, ¶¶ 12-15.

³⁴ India Centre for Migration (ICM) <https://mea.gov.in/icm.htm>.

³⁵ Ray C. Anderson, THE ENCYCLOPAEDIA OF SUSTAINABILITY: CHINA, INDIA AND EAST AND SOUTH-EAST ASIA: ASSESSING SUSTAINABILITY 61-64 (2012).

³⁶ *Id.*

climate change including impacts on migration patterns.³⁷ However, the report does not even mention once about the climate migration and displacement.

For India, internal migrants are estimated at 400 million (Census 2011), approximately one third of the total population, whereas international migrants are estimated at 11.4 million by the World Bank.³⁸ This is a concerning figure in view of that the impact of climate change will only increase with the coming time. If we initiate to comprehend the implication of slow-onset events, it is gradually paving way to desertification, soil degradation, coastal erosion and sea level rise.

The situation demands effective policy interventions that may increase the quality and quantity of alternatives available to people faced with environmental pressures, therefore preventing human mobility from becoming a humanitarian crisis.³⁹ Social workers, who act as a bridge between the State and the masses can play an instrumental role in speeding up the implementation procedure because any delayed actions on behalf of State will worsen the situation and hence a timely action is the need of hour.

SIGNIFICANCE OF THE ROLE OF SOCIAL WORKERS IN DISASTER SITUATIONS

We understood that climate change may lead to disaster situations which require exigent interventions and implementations of stringent actions. But this intervention requires to be 'tailored' according to the geographical area, the intensity of the disaster, the impact on the population and the scope of destruction. This stipulates that the intervention cannot be one-size-fits all structure which can be applied in all situations. It requires suitable alterations and only experienced professionals and experts such as social workers can be effective in this modification and implementation in every unique situation. The skills and knowledge involved are required to be very specific and hence cannot be projected from the administration who does not have much enactment experience.

Social workers act as a catalyst for socio-economic development. They are trained and informed and have the necessary skills required to confront and respond to any exigency. Additionally, they recognize the significance of person-in-environment. It is due to their profession which emphasizes the need for capturing the complexity that exists among the interrelatedness of social systems.⁴⁰

How do social workers operate?

As mentioned above, social workers are the most resourceful ones to handle disaster situations. Disaster practice is arguably a reflection of the mission of social work itself.⁴¹ Any natural disaster event can be divided into stages through which social workers function according to

³⁷ India's National Action Plan on Climate Change, Government of India, available at – https://archivepmo.nic.in/drmanmohansingh/climate_change_english.pdf (last visited on Jan. 14, 2020).

³⁸ National Workshop on migration and global environmental change in India. UNESCO. 2014: 7.

³⁹ Koko Warner, *Global environmental change and migration: governance challenges*, 20(3) GLOBAL ENV'T CHANGE 402 (2010).

⁴⁰ Yvette Murphy et. al., INCORPORATING INTERSECTIONALITY IN SOCIAL WORK PRACTICE, RESEARCH, POLICY AND EDUCATION (2009).

⁴¹ Michael J. Zakour and Evelyn B. Harrell, *Social work interventions for vulnerable populations*, 30(2) J. OF SOC. SERV. RES. 27 (2004).

their expertise and respective fields. There can be multiple stages depending upon the gravity of the event, however commonly the disaster act is divided into three stages.

The *first stage* is planning. It signifies the preparatory work undertaken before the event actually takes place. The preparations could be the precautionary exercises to nullify or considerably reduce the impact of the disaster. Planning can also take place immediately after the disaster takes place. It includes preparation of the rough strategy as per which the assistance would be allocated.

The *second stage* will be the response to the disaster. It is the actual implementation of the strategy and delivery of assistance to the needy in form of rescue operations. This stage is the one where only those will be effective who have fair amount of on-field experience. It requires understanding of the geography, the particulars of the event and involves communication with the victims. The response will be futile unless the planning provides it a sound footing to work upon.

The *last stage* is that of recovery from the disaster. This stage is the one where the assistance of the social workers becomes crucial. It includes resettlement of society, restoration of the damaged structures and recuperation from the trauma the disaster inflicted on the victims. A pertinent example can be given of the aftermath caused by hurricane Katrina in 2005 in New Orleans in the United States where revitalizing of community was initiated and carried forward by the professionals from local and national organizations. This has been conducted by the Association for Community Organizations for Reform Now (ACORN) and the Pacific Institute for Community Organizing (PICO).⁴²

Their roles during the period of climate induced migration

Climate induced migration presents unique set of difficulties before the social workers. The primary concern being the issue of resettlement of the migrants, who in extreme circumstances, probably have no option to return to their native land. Even if they return, more frequent crop failure due to flooding or drought exacerbates the vulnerability of people both in resettlement areas and flood plains.

In some cases, migrants return after the calamity only to find their shelter and livelihood in deplorable conditions. Resultantly, resettled people remain heavily dependent on governmental and international aid.⁴³ Without humanitarian assistance and government funding, experts and interviewees suggested people may need to migrate longer distances or across borders.⁴⁴ As far as intervention of social workers is concerned, an effective response to natural disaster should include interventions that incorporate clinical, research and community organizational skills.⁴⁵

Social workers can address the vulnerability of migrants either individually (*micro level based*) or on a community basis (*macro level or issue based*).

⁴² Loretta Pyles, *Community organizing for post-disaster social development*, 50(3) J. INT'L SOC. WORK. 321 (2016).

⁴³ *Supra* note 39.

⁴⁴ *Id.*

⁴⁵ Colleen Galambos, *Natural Disasters: Health and Mental Health considerations*, 30(2) HEALTH & SOC. WORK J. 83 (2005).

On a *micro level*, social workers address the vulnerability and capacity assessment and supervise orderly transition from response and migrants' rehabilitation. As social workers have the experience to work at the grass-root level, they understand people's perception of risk and can hence monitor migrants' sustained recovery. The climate induced migrants are seeking shelter in a foreign land, away from their native place and society and with bleak chances of returning, the stigma of social isolation is inevitable. Social workers can empathize with these migrants by understanding their psychological situations and aiding them in early recovery. They can also conduct community development programs with the purpose of normalizing the migrants and facilitating recovery from the trauma. Along with that, social workers or school psychologists interacting with children can promote healthy coping activities by offering immediate responses after disasters.⁴⁶

On a *macro level* or community-based assistance, social workers can work upon the risk analysis of the impending crisis or threat assessment and identify the hazards and their possible effects on communities. They can also play an instrumental role in the policy development specifically the national disaster policies and in its monitoring and development aspect and piloting essential documentation for replication in future. Other measures which social workers can take on a community basis are handling the mitigation and preparedness measures and supervising contingency planning. They can develop curricula for the disaster response and can conduct damage assessment for evaluation as a preparation measure for future events.

HOW SOCIAL WORKERS CAN PROTECT THE HUMAN RIGHTS OF CLIMATE MIGRANTS

Trained social workers are the most capable to promote the rights of marginalised disaster survivors.⁴⁷ They have the potential to bring a unique understanding to the disaster field by underscoring the values of the profession and giving attention to oppressed and disadvantaged populations.⁴⁸ They are involved in the frame when there is no one to show the true picture to the State and its responsible authorities whether their policies are being implemented at the grass-root level or not.

The gap in the governance of human mobility adversely impacts the basic human rights of the migrants such as access to clean drinking water, affordable housing, clean environments, living-wage jobs and other aspects of social life which all individuals are entitled to as per the United Nations Declaration of Human Rights(UDHR).⁴⁹ Moreover, characteristics like gender, age, socio-economic status will also affect unfolding patterns of environmentally induced migration.⁵⁰ As a foundation to uphold the human rights of the migrants, social development is critical after a disaster for those most vulnerable to long-term effects.⁵¹ For such migrants, effective intervention must be carried out to sustain their livelihood which will support them in resuming their normal life post the aftereffects ceases. It is often seen that disasters create a political and

⁴⁶ *Help rebuild community resilience after natural disasters*, Master of Social Works, Regis College, available at – <https://online.regiscollege.edu/blog/help-rebuild-community-resilience-after-natural-disasters/> (last visited on Jan. 14, 2020).

⁴⁷ *Supra* note 42.

⁴⁸ Jennifer Bauwens and April Naturale, *The role of social work in the aftermath of disasters and traumatic events*, 45 *CLINICAL SOC. WORK J.* 99 (2017).

⁴⁹ United Declaration of Human Rights. United Nations (1948).

⁵⁰ *Supra* note 39.

⁵¹ *Supra* note 42.

economic atmosphere wherein extensive changes can be made more rapidly than under normal circumstances.⁵²

As far as migration induced by climate change is concerned, it has been treated very differently in international agreements in terms of interpretation, scope and applicability. The current system of international law is not equipped to protect climate migrants, as there are no legally binding agreements obliging countries to support climate migrants.⁵³ Uncertainty in these frameworks sends out confusing messages to national governments trying to implement them in line with their own development objectives.⁵⁴ This ambiguity results in violation of the human rights of the migrants who are left at the mercy of the States to render them shelter and required aid. Often States on the grounds of national security and economic reasons refuse to grant access to their territory. For an example, Australia has refused to accept people from Tuvalu island who needed to be resettled for purely environmental reasons.⁵⁵

The social work perspective is needed for conducting research after a disaster or traumatic event⁵⁶ to determine the requirements of the victims necessary to uphold their human rights. There are several research tools which aid the social workers in situation assessment and capacity building in disaster or other such complex emergencies. One such tool is the participatory rural appraisal (PRA) which involves community members in defining and working to solve local concerns.⁵⁷ Another such disaster tools is the community-based disaster management (CBDM). It attempts to correct the top-down approach that has failed to meet the needs of vulnerable populations and has ignored the potential of local resources and capacities.⁵⁸ Thus, it attempts to emphasize on the empowerment at the grass-root level.

CONCLUSION

The paper attempts to highlight the role of social workers who may aid in steering the situation out from the crisis and enforce the human rights of the climate induced migrants. Climate change and the resulting impacts are the crisis in the making and only timely intervention can reduce the magnitude of destruction. Increasing momentum on the issue of climate change and migration combined with the undeniably clear association between international peace and security, has brought about the subtle acknowledgment by global political leaders of a need to create key arrangements and conduct more noteworthy evidence-based research.

An interdisciplinary and multi-stakeholder approach is essential to discover resolutions for the migration and global climate change connections and capacities in differing regions, for example, sustainable urbanization, climate change adjustment and humanitarian aid. This requires the supervision of social workers who are the experts best arranged to manage complex circumstances because of their role and expanded network in the community.

⁵² UN Disaster Relief Organization. UNDRO. 1992:202.

⁵³ *Supra* note 5.

⁵⁴ *Supra* note 12.

⁵⁵ Foreword: Migration and Global Environmental Change, The Government Office for Science. (2011).

⁵⁶ *Supra* note 48.

⁵⁷ Ndidzulafhi I Sinthumule and Ntavheleni V. Mudau, *Participatory approach to flood disaster management in Thohoyandou*, 11(3) J. OF DISASTER RISK STUD. 711 (2019).

⁵⁸ Annelies Heijmans and Lorna Victoria. *Citizenry based and development oriented disaster response*, ADCP (2001).

The researcher through this paper has tried to demonstrate the intensity of destruction climate change induced migration can bring to the social and economic fabric of any country thus adversely affecting the human rights of such migrants. If no exigent action is taken, these migrants will thus become a part of urban poor and add on to the economic poverty. To confront this impending crisis, social workers must engage in policy formation to formulate flexible policies and institutions which can cater to the diversity of the migrants. These policies can be formulated with the backdrop of 2030 Agenda for sustainable Development and the 2015-2030 Sendai framework for disaster risk reduction. The need of the hour is timely intervention to avert this impending and inevitable crisis.