



Climate Displacement in Bangladesh

*The Need for Urgent Housing, Land
and Property (HLP) Rights Solutions*

May 2012



Executive Summary

Bangladesh is widely recognised as one of the most climate vulnerable countries on earth and is set to become even more so as a result of climate change. Due to its unique geographic position Bangladesh suffers from regular natural hazards that lead to loss of life, land, homes, livelihoods and to the forced displacement of individuals and communities across the country. It is the urgent need for housing, land and property rights solutions for these individuals forcibly displaced by climate hazards – climate displaced persons – that is the focus of this report.

This report emphasises that climate displacement is not just a phenomenon to be addressed at some point in the future, it is a crisis that is unfolding across Bangladesh now. Sea level rise and tropical cyclones in coastal areas as well as flooding and riverbank erosion in mainland areas, combined with the socio-economic situation of the country, are already resulting in the loss of homes, land and property and leading to displacement. Importantly all of the natural hazards that are already causing displacement are expected to increase in both frequency and intensity as a result of climate change – almost inevitably leading to the displacement of many millions more across Bangladesh.

This report comprehensively examines current and future causes of climate displacement in Bangladesh. The report examines existing and proposed Government and civil society policies and programmes intended to provide solutions to climate displacement and relief to climate displaced persons and emphasises that rights-based solutions, in particular, housing, land and property rights solutions must be utilised as the basis for solving this crisis.

The report concludes by proposing a number of concrete recommendations for providing potential solutions to climate displacement, including that:

- Communication and coordination between the Government, affected communities and civil society on climate displacement issues should be increased;
- Engagement and support from the regional and international communities for climate displacement in Bangladesh should be enhanced;
- A rights-based national plan to resolve climate displacement should be developed;
- Climate displacement policies and programmes must be implemented with full transparency and free from corruption;
- The village cluster model should be explored for potential application to climate displaced people;
- Land acquisition and land set aside projects should begin immediately;
- The use of community land trusts should be encouraged;
- Emergency and normal resettlement programmes should be mainstreamed and accessible.

This report is designed to develop awareness and deepen knowledge of this crucial issue as well as to propose concrete, practical recommendations that can be utilised by the Government of Bangladesh, civil society actors, climate affected communities themselves, academics, development practitioners, the regional and international communities and other relevant stakeholders.



*Photo, Displacement Solutions,
January 2011*



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1 Introduction

Climate change is one of the greatest challenges facing the world today⁽¹⁾ and the individuals and communities displaced from their homes and lands as a result of climate change are the human face of this tragedy. Displacement due to the effects of climate change will affect scores of countries and tens, perhaps hundreds, of millions of people.⁽²⁾

However, as this report clearly sets out, the crisis of climate displacement is not a problem to be addressed at some point in the distant future. Rather, it is a crisis that is already unfolding across the globe and for which rights-based solutions need to be designed and implemented now. Already, Papua New Guinean atolls such as the Carteret, Morelock, Tasman and Nugeria Islands, States such as Tuvalu, Kiribati, Vanuatu, the Maldives and others have begun to permanently resettle people because of land lost to rising seas, subsidence and salinisation of fresh water supplies.⁽³⁾ Each of these and other countries face climate displacement crises, but pale in comparison to that facing modern day Bangladesh.

Bangladesh is widely recognised to be one of the most climate vulnerable countries in the world and is set to become even more so as a result of climate change. Due to the unique geography of the country, Bangladesh suffers from regular natural hazards, including floods, tropical cyclones, storm surges and droughts. These natural hazards lead to loss of life, damage to infrastructure and adversely impact on livelihoods.⁽⁴⁾ They are also leading to the displacement of individuals and communities from their homes and lands. As a result of climate change, it is expected that all of these natural hazards that are already causing displacement will increase in frequency and intensity in the coming years.⁽⁵⁾

Despite difficulties defining the precise contours of the causal link between climate change and individual displacement – whether as a result of “sudden onset events” or “slow onset processes”⁽⁶⁾ – as well as the element of choice in such displacement,⁽⁷⁾ what is evident is that millions of people in Bangladesh are already being

⁽¹⁾ The United Nations High Commissioner for Refugees, Mr. António Guterres, recently addressed the United Nations Security Council and stated that climate change is the defining challenge of our times, see Statement by Mr. António Guterres, United Nations High Commissioner for Refugees, United Nations Security Council Briefing, Maintenance of International Peace and Security: New Challenges to International Peace and Security and Conflict Prevention , New York, 23 November 2011.

⁽²⁾ A number of estimates put the number of people displaced by the effects of climate change at 150 to 200 million people by the year 2050, however, this report acknowledges the many limitations on being able to provide a precise estimate of the future number of people displaced by climate change; for a review and summary of sources that have provided the figure of 150-200 million, see: Friends of the Earth, *A Citizen's Guide to Climate Refugees*, Fact Sheet 4: Predictions of Climate Refugees to 2050.

⁽³⁾ See further: Displacement Solutions, *Climate Change Displaced Persons and Housing, Land and Property Rights: Preliminary Strategies for Rights-Based Planning and Programming to Resolve Climate-Induced Displacement*, available at: http://displacementsolutions.org/files/documents/DS_Climate_change_strategies.pdf.

⁽⁴⁾ See: Government of the People's Republic of Bangladesh, Ministry of Environment and Forests, *Bangladesh Climate Change Strategy and Action Plan 2008*, p4.

⁽⁵⁾ It is not simply the unique geographic position of Bangladesh that makes it especially vulnerable to climate hazards and displacement, the socio-economic situation of the country and high population density also forces many people to live in climate vulnerable parts of the country. For a discussion of the current and future impacts of climate change on natural hazards in Bangladesh, see Section 2: *Climate Hazards and Displacement in Bangladesh*.

⁽⁶⁾ In Bangladesh, both sudden environmental events and gradual environment change influence population movement, in different ways. Sudden onset events such as floods, cyclones and riverbank erosion may cause the affected population to leave their homes at least temporarily. These movements are usually large scale. And in most of the cases people return to their place of origin in the long run. Slow onset process such as coastal erosion, sea-level rise, salt water intrusion, changing rainfall patterns and drought can produce irreversible results, leading to more permanent forms of migration; see Tasneem Siddiqui, *Climate change induced displacement: Migration as an adaptation strategy*, The Daily Star, 15 November 2011.

⁽⁷⁾ “A person's decision to move is often compelled by underlying, inter-related conditions of poverty, environmental degradation, socio-political factors, and the adverse effects of climate change, often making it difficult to isolate 'the' cause of movement...” Jane McAdam & Ben Saul, *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, University of New South Wales Faculty of Law Research Series, Paper 63 (2010). The difficulty inherent in drawing a clear causal link between climate change and displacement will be discussed in Section 4: *The International Normative Framework*.

displaced by natural hazards⁽⁸⁾ and that many millions more will be displaced in the future as a result of the increase in frequency and severity of natural hazards due to climate change.⁽⁹⁾

This is combined with a startling institutional and policy response gap to both the issue of climate displacement and the need to find durable housing, land and property rights solutions for climate displaced people. This gap is apparent at both the Government of Bangladesh level and the international legal and policy level.⁽¹⁰⁾

It is for these reasons that this report recognises the urgency of the need to find HLP rights solutions for the current and future climate displaced people of Bangladesh. It is equally imperative that these solutions are adopted utilising a rights-based approach, emphasising the the human rights and in particular, housing, land and property rights, of all people of Bangladesh including the most vulnerable in society, as well as the rights of everyone to live in security and dignity. The Government of Bangladesh should not be left to face this challenge alone. Decisions about effective solutions should be decentralised and should engage both affected communities and the vibrant and active civil society of Bangladesh. The resources and expertise of the regional and international communities must also be mobilised to support the implementation of sustainable solutions.

This report draws on fieldwork undertaken by Displacement Solutions in Bangladesh in January, October and November 2011 and April 2012. During these visits, Displacement Solutions undertook extensive travel throughout Bangladesh to areas inhabited by climate displaced communities and met with a range of individuals and communities affected by climate displacement as well as representatives from civil society and government officials and elected representatives from the local Union level to the national Ministerial level.⁽¹¹⁾

Whilst the challenge of climate displacement in Bangladesh is great, it is not insurmountable. Already, civil society organisations, such as the Association for Climate Refugees, are undertaking important work locating, procuring and providing alternative lands and homes for Bangladesh's climate displaced people.⁽¹²⁾ These actions are essential first steps towards providing comprehensive rights-based solutions for the current and future climate displaced people of Bangladesh.

This report begins by assessing the current and future situation of climate displacement in Bangladesh. The report then examines the existing institutional and policy responses at the domestic and international levels. The report concludes by proposing a number of concrete HLP rights solutions to climate displacement in Bangladesh. In particular, this report proposes that:

- Communication and coordination should be increased between the Government, affected communities and civil society on climate displacement issues;
- Engagement and support from the regional and international communities for climate displacement in Bangladesh should be enhanced;
- The Government should develop a rights-based national plan to resolve climate displacement;
- Climate displacement policies and programmes must be implemented with full transparency and free from corruption;
- The "cluster village" model should be explored for potential application to climate displaced people in Bangladesh;

⁽⁸⁾ See boxed text below: *Assessing the Number of Climate Displaced People in Bangladesh*.

⁽⁹⁾ For an assessment of the current and future numbers of climate displaced in Bangladesh, see Section 2: *Climate Hazards and Displacement in Bangladesh*.

⁽¹⁰⁾ The response of the Government of Bangladesh and the international community to the crisis of climate displacement will be addressed in Section 3: *Policy Approaches to Climate Displacement in Bangladesh* and Section 4: *The International Normative Framework*.

⁽¹¹⁾ During these visits, Displacement Solutions travelled to the following districts affected by climate displacement: Dhaka, Khulna, Jessor, Rajbari, Chittagong, Cox's Bazaar, Bandarban, Rangamati, Khagrachari, Jamalpur, Kurigram, Shadkhira, Rangpur, Chandpur, Comilla and Sirajganj.

⁽¹²⁾ See further: Section 3: *Policy Approaches to Climate Displacement in Bangladesh*.

- Land acquisition and land set aside projects should begin immediately;
- The use of community land trusts should be encouraged; and
- Both normal and emergency relocation programmes should be mainstreamed and accessible.

The report also highlights that efforts are already being undertaken towards finding durable solutions for the climate displaced people of Bangladesh. However, more resources and efforts are required to make these first efforts more truly sustainable. In particular, adaptation funding should be earmarked for Bangladesh and in particular, the housing, land and property needs of climate displaced communities.

This report emphasises that the Government of Bangladesh and indeed the world needs to take heed of the climate displacement crisis that is unfolding in Bangladesh. This is not an impossible problem to be addressed at some point in the future; this is a problem for now. Rights based solutions to climate displacement must be developed and implemented immediately.

It is hoped that this report will act as a first step towards a more concerted and coordinated effort among stakeholders at the domestic and international levels, combined with genuine political willingness, to effectively address this crucial challenge. It is only then that all climate displaced people of Bangladesh can be assured effective and durable housing, land and property solutions.

2 Climate Hazards and Displacement in Bangladesh

2.1 CLIMATE DISPLACEMENT IN BANGLADESH: THE CURRENT SITUATION

2.1.1 BACKGROUND

Due to its unique geographic position, Bangladesh is one of the most climate vulnerable countries on earth. Bangladesh suffers from frequent natural hazards – including tropical cyclones and storm surges, river and coastal flooding, landslides and droughts.⁽¹³⁾ The frequency and severity of these natural hazards – combined with the socio-economic situation of Bangladesh⁽¹⁴⁾ – leads to loss of life, homes and lands, damage to infrastructure and economic assets and adversely impacts on the lives and livelihoods of people across the country.⁽¹⁵⁾

Bangladesh's vulnerability to natural hazards also leads to climate displacement – the forced displacement of individuals and communities from their homes and lands. This is as a result of both "sudden onset events" such as floods, cyclones and river bank erosion as well as "slow onset processes" such as coastal erosion, seal-level rise, salt water intrusion, changing rainfall pattern and drought.⁽¹⁶⁾

The primary causes of climate displacement in Bangladesh are tidal height increases in the coastal areas (leading to tidal flooding) and riverbank erosion in the mainland areas.⁽¹⁷⁾ The key secondary causes of displacement are tropical cyclones and storm surges in the coastal regions and river flooding in the mainland.⁽¹⁸⁾ The primary sites of displacement have been in the coastal regions and in the river delta regions in the mainland. Of Bangladesh's 64 districts,⁽¹⁹⁾ 24 coastal and mainland districts are already producing climate displaced people:⁽²⁰⁾

It is estimated that six million people have already been displaced by the effects of climate hazards in Bangladesh.⁽²¹⁾

However, Bangladesh is set to become even more climate vulnerable as a result of the effects of climate change. It is expected that climate change will exacerbate many of the natural hazards faced by Bangladesh, including the natural hazards that are already leaving to climate displacement – including, flooding, tropical cyclones, storm surges, salinity intrusion and river-bank erosion.⁽²²⁾

⁽¹³⁾ See: *Bangladesh Climate Change Strategy and Action Plan 2008*, *Supra n4*, pp4-5.

⁽¹⁴⁾ Widespread poverty in Bangladesh combined with a high population density forces many people to live in areas that are highly vulnerable to natural hazards.

⁽¹⁵⁾ See *Bangladesh Climate Change Strategy and Action Plan 2008*, *supra n4*. Also, in a household survey undertaken in May 2008, natural hazards were the most frequently cited cause of insecurity in life in general, with over half of all household survey respondents citing it as one of their primary concerns; see Saferworld, *Human Security in Bangladesh, Security in South Asia* (2008).

⁽¹⁶⁾ *Climate change induced displacement: Migration as an adaptation strategy*, *supra n6*.

⁽¹⁷⁾ Association for Climate Refugees, *Climate "Refugees" in Bangladesh – Answering the Basics: The Where, How, Who and How Many?* available at <http://displacementsolutions.org/?p=547>.

⁽¹⁸⁾ See below: *Current Climate Displacement in Coastal Regions and Current Climate Displacement in Mainland Regions*.

⁽¹⁹⁾ Bangladesh is divided into 7 Divisions, 64 Districts and 500 Sub-Districts (Upazillas).

⁽²⁰⁾ See *Climate Refugees in Bangladesh – Answering the Basics: The Where, How, Who and How Many?* *Supra n17*.

⁽²¹⁾ See boxed text: *Assessing the Number of Climate Displaced People in Bangladesh*.

⁽²²⁾ See below: *The Future of Climate Displacement in Bangladesh*.

Analysis of Districts Generating Climate Displaced Persons Provided by Association for Climate Refugees, 2011)

Coastal Districts Generating Climate Displaced Persons

1. Satkhira
2. Khulna
3. Bagerhat
4. Pirojpur
5. Barguna
6. Patuakhali
7. Bhola
8. Feni
9. Laxmipur
10. Noakhali
11. Chittagong
12. Cox's Bazaar

Mainland Districts Generating Climate Displaced Persons

13. Nilphamari
14. Kurigram
15. Rangpur
16. Gaibandha
17. Jamalpur
18. Bogra
19. Sirajganj
20. Munshiganj
21. Manikganj
22. Rajbari
23. Faridpur
24. Shariatpur

Assessing The Number of Climate Displaced People in Bangladesh

One of the most complex and fraught issues when addressing climate displacement is the issue of causality. Indeed it may never be possible to assess definitively whether an individual is displaced exclusively because of climate change. However, what is clear is that natural hazards in Bangladesh are already leading to displacement across the country and that those same natural hazards are expected to increase in both severity and frequency as a result of climate change – almost inevitably leading to further displacement.

One attempt to calculate the number of climate displaced persons in Bangladesh has been carried out by the Association for Climate Refugees (ACR). The methodology used by ACR resulted in findings that 6 million individuals have already been displaced by the effects of climate hazards in Bangladesh⁽²³⁾ and that roughly half of those have been displaced because of tidal floods and river bank erosion.

Methodology

In reaching this estimate, the ACR held workshops in all 7 divisions of Bangladesh (Dhaka, Rajshahi, Rangpur, Barisal, Chittagong, Sylhet and Khulna) from March to May, 2010. Each divisional workshop was attended by 25-30 community leaders who each provided estimates for the amount of families that had been displaced for climate-related reasons from their respective districts and sub-districts. Throughout these workshops, ACR heard from representatives from all 24 coastal and mainland districts that are already producing climate displaced people.

Results

From these workshops, ACR gained the following specific information:

Tidal floods (as a result of sea-level rise) have affected 236 sub-districts in the coastal areas of Bangladesh:

- Most of the villages in the affected sub-districts have been flooded by tidal saline water twice a day for the last 3 years;
- 32 percent of the inhabitants (2,462,789 of 7,693,331 total inhabitants) in the affected unions have had their houses and lands destroyed by repeated cyclones and king tides;
- Of these 2,462,789 people, 64 percent (1,568,980 people) have been displaced locally, on remaining embankments or in higher ground in the exposed areas;
- 27 percent (675,113 people) have been displaced to other locations within Bangladesh, including to Dhaka;
- 9 percent (218,656 people) have been displaced across international borders;

River bank erosion has affected 179 sub-districts in the mainland areas of Bangladesh:

- Most of the villages in the affected sub-districts have been eroded by flash flood waters every year for the past three decades;
- 42 percent of the inhabitants (1,452,588 of the 3,490,500 total inhabitants) have had their houses and lands destroyed by annual river erosion often coupled with floods;
- Of these 66 percent (951,531 people) have been displaced locally on neighbouring embankments or on higher ground;
- 26 percent (375,793 people) have been displaced to other locations within Bangladesh, including to Dhaka;
- 8 percent (125,264 people) have been displaced across international borders;

⁽²³⁾ See *Climate Refugees in Bangladesh – Answering the Basics: The Where, How, Who and How Many?* Supra n17.

2.1.2 CURRENT CLIMATE DISPLACEMENT IN COASTAL REGIONS

28 percent of the population of Bangladesh lives in the coastal regions of the country⁽²⁴⁾ - which, due to Bangladesh's unique geographical position, are especially vulnerable to natural hazards.⁽²⁵⁾

Natural hazards in the coastal regions have already led to significant loss of homes and lands resulting in displacement for many individuals and communities.⁽²⁶⁾

Sea level rise in coastal regions

The key driver of displacement in the coastal regions is increasing tidal water height (leading to tidal flooding).⁽²⁷⁾ Additionally, individuals living in coastal areas have also been affected by land subsidence and the continuous squeezing of tidal plains.

Sea level rise in coastal regions has already led to:

- Semi-permanent inundation of large parts of the coastal regions, with homes and property destroyed by strong tidal surges and land lost through coastal erosion;
- The destruction of crop yields, when embankments have been eroded or breached, resulting in a period of at least two years before the land can become fertile again;
- Saline water intrusion into coastal rivers and into groundwater aquifers, reducing freshwater availability as surface water sources are contaminated;
- Drainage congestion inside the interior coastal polders, adversely affecting agriculture in the coastal regions.

⁽²⁴⁾ The Coastal Zone covers 19 out of 64 Districts of Bangladesh, 32 percent of the area of Bangladesh and 28 percent of the population, see: Rafiqul Islam, "Pre- and Post- Tsunami Coastal Planning and Land-Use Policies and Issues in Bangladesh" in FAO, *Proceedings of the Workshop on Coastal Area Planning and Management in Asian Tsunami-Affected Countries*, 2007, p55.

⁽²⁵⁾ See generally: Government of the People's Republic of Bangladesh, Ministry of Environment and Forests, *Bangladesh Climate Change Strategy and Action Plan 2009*.

⁽²⁶⁾ See boxed text: *Assessing the Number of Climate Displaced People in Bangladesh*.

⁽²⁷⁾ "Research in Dakshin Bedkashi (Koyra Upazila) reveals that the tidal flood water level has risen by 1 meter over 5 years (2004 to 2008) and it rose by an additional meter in 2009 and in 2010 it continues to rise further", see Association of Climate Refugees, *Climate Refugees in Bangladesh - Answering the Basics: The Where, How, Who and How Many*, available at: <http://displacementsolutions.org/?p=547>. See also boxed text: *Assessing the Number of Climate Displaced People in Bangladesh*.

Life on an Embankment

In early 2011, in Khulna District in the remote South-Western region of Bangladesh, 60,000 people found themselves displaced by what had become permanent coastal flooding as a result of sea-level rise. 25,000 of these displaced persons, unable to return to their houses and lands and with little access to new land, were forced to live on a 25 kilometre long, 2 metre high and 3-4 metre wide embankment.

Displacement Solutions, during a visit to Bangladesh in January 2011, travelled to Khulna district and met with many of the individuals and communities living along the length of this embankment.⁽²⁸⁾ These climate displaced people had built rudimentary, makeshift shelters along the length of the embankment and were living their lives surrounded by unruly water at high tide and at low-tide by thousands of hectares of desolate muddy land. 90 percent of these climate displaced people were without livelihoods, forced to live day-to-day from aid hand-outs and unable to return to their lives and livelihoods.

After two years living on this embankment, some of these displaced persons have finally been able to return to their homes where polders have been successful and have protected their lands against sea-level rise. However, others remain displaced where polders have failed or where their land has been destroyed through erosion.

It is people like these who are desperately in need of rights-based and particularly housing, land and property rights solutions to their climate displacement.



Photo Kadir Van Lohuizen, January 2011

⁽²⁸⁾ A video interview between Displacement Solutions and the affected communities living on this embankment can be viewed at: <http://www.youtube.com/watch?v=aT1W7E8oB2o>

Tropical cyclones and storm surges



Photo Kadir
Van Lohuizen,
January 2011

The key secondary causes of displacement in the coastal regions are tropical cyclones and storm surges.⁽²⁹⁾

On average, a severe tropical cyclone hits Bangladesh every 3 years.⁽³⁰⁾ These storms generally form in the months just before and after the monsoon and intensify as they move north over the warm waters of the Bay of Bengal. They are accompanied by high winds of over 150 kph and can result in storm surges up to seven metres high. The tropical cyclones in 1970 and 1991 are estimated to have killed 500,000 and 140,000 people, respectively.⁽³¹⁾ The storm surges are higher in Bangladesh than neighbouring countries because the Bay of Bengal narrows towards the north, where Bangladesh is located.

Tropical cyclones and storm surges in coastal areas have led to:

- High loss of life;
- Extensive damage to houses, property and infrastructure;
- Loss of livestock; and
- Disruption to agriculture and livelihoods.⁽³²⁾

⁽²⁹⁾ See boxed text: *Assessing the Numbers of Climate Displaced People in Bangladesh*.

⁽³⁰⁾ *Bangladesh Climate Change Strategy and Action Plan 2009*, September 2009, *supra* n25, p11.

⁽³¹⁾ *Ibid.*

⁽³²⁾ *Ibid.*

2.1.3 CURRENT CLIMATE DISPLACEMENT IN MAINLAND REGIONS

Most of Bangladesh lies in the delta of three of the largest rivers in the world – the Brahmaputra, the Ganges and the Meghna. These rivers have a combined peak discharge in the flood season of 180,000m³/sec (the second highest in the world after the Amazon) and carry about two-billion tonnes of sediment each year.⁽³³⁾ Two-thirds of the country is less than 5 metres above sea-level and is highly susceptible to river flooding. In an average year, approximately one quarter of the country is inundated.⁽³⁴⁾ Once in every 4-5 years, however, there is a severe flood that may cover 60% of the country.⁽³⁵⁾

Photo, Displacement Solutions, November 2011

River bank erosion

The primary cause of displacement in the mainland regions is riverbank erosion.⁽³⁶⁾

Riverbank erosion is caused because the course of rivers tends to shift over time, however, erosion may be exacerbated by poor management of water resources. Bangladesh shares nearly all of its rivers with India and there are frequent accusations that Indian water management does not take full account of the possible effects on the rivers further downstream in Bangladeshi territory.⁽³⁷⁾

The Government estimates that annually several thousand hectares of floodplain are lost due to river bank erosion and that this leads to thousands of people becoming landless and homeless every year.⁽³⁸⁾

Along with the floodplain, Bangladesh loses several kilometres of roads, railways and flood embankments every year. A number of cities and towns such as Chandpur, Rajshahi and Faridpur are also threatened by erosion.

According to a recent study, "about one million people are directly affected by riverbank erosion each year and landlessness in these areas could be as high as 70 percent".⁽³⁹⁾

Riverbank erosion in the mainland areas causes considerable insecurity and has led to:

- The loss of thousands of hectares of agricultural land;
- The loss of homes and property;
- Death and injury; and
- Disruption of economic production, education, communications and sanitation facilities.



⁽³³⁾ *Ibid*, p7.

⁽³⁴⁾ *Ibid*.

⁽³⁵⁾ *Ibid*, p8.

⁽³⁶⁾ "Around one million people have been rendered homeless due to river erosion in the mainland river basins over the last three decades, as the Brahmaputra-Jamuna continues to widen because of obstruction from upstream sediment and poor downstream erosion management. Official statistics show that the Brahmaputra-Jamuna, a major river system in Bangladesh, has widened by 11.8 km...eroding about 87,790 hectares of land. (CEGIS, 2006)", see *Climate Refugees in Bangladesh - Answering the Basics: The Where, How, Who and How Many*, *supra* n17.

⁽³⁷⁾ *Human Security in Bangladesh*, *supra* n15.

⁽³⁸⁾ "The major rivers such as the Jamuna, Ganges and Padma annually consume several thousand hectares of floodplain making thousands of people landless and homeless every year", see: Bangladesh Water Development Board, webpage on *Erosion*: http://www.bwdb.gov.bd/index.php?option=com_content&view=article&id=179&Itemid=148.

⁽³⁹⁾ Abrar CR and Azad SN, *Coping with Displacement: Riverbank Erosion in Northwest Bangladesh*, RMMRU, RDRS, North Bengal Institute, 2003,, cited in *Human Security in Bangladesh*, *supra* n15.

River flooding

The key secondary cause of displacement in the main-land regions is riverbank flooding.

Bangladesh is highly susceptible to river flooding and in an average year, approximately one quarter of the country is inundated.⁽⁴⁰⁾

River flooding in mainland areas has led to:

- Substantial damage to housing, property and infrastructure;
- Disruption to agriculture, including destruction of crops;
- Disruption to livelihoods.⁽⁴¹⁾



Photo, Displacement Solutions, November 2011

2.2 THE FUTURE OF CLIMATE DISPLACEMENT IN BANGLADESH

Bangladesh is set to become even more climate vulnerable as a result of the effects of climate change. It is expected that the effects of climate change will exacerbate many of the natural hazards faced by Bangladesh, including all of the natural hazards currently leading to climate displacement – including, flooding, tropical cyclones, storm surges, salinity intrusion and river-bank erosion.⁽⁴²⁾

The Intergovernmental Panel on Climate Change (IPCC) has stated that climate change and global warming are likely to lead to:⁽⁴³⁾

- An intensification of rainfall;
- An increase in the frequency of flash floods and large-area floods;
- The earlier melting of snowpacks and melting of glaciers;
- More frequent and intense droughts;
- More intense tropical cyclones;
- Rising sea levels;
- More frequent and intense storm surges; and
- More intense inland rainfall and stronger winds

Sea level rise from climate change is anticipated to worsen many of these processes and to subsume up to 13 percent of Bangladesh's coastal land by 2080.⁽⁴⁴⁾

The Chief Advisor of the Government of Bangladesh has stated that "a one meter sea-level rise will submerge about one-third of the total area of Bangladesh, thereby uprooting 25-30 million of our people".⁽⁴⁵⁾

⁽⁴⁰⁾ *Bangladesh Climate Change Strategy and Action Plan 2009*, September 2009, *supra n25*, p8.

⁽⁴¹⁾ *Ibid*, pp7-9

⁽⁴²⁾ *Ibid*, p14.

⁽⁴³⁾ See Intergovernmental Panel on Climate Change, *Working Group II: Impacts, Adaption and Vulnerability*, Fourth Assessment Report: Climate Change 2007, available at: http://www.ipcc.ch/publications_and_data/ar4/wg2/en/ch19s19-3-6.html.

⁽⁴⁴⁾ James Pender, *Community-led Adaptation in Bangladesh*, Forced Migration Review 31 (2008), p54, citing research by the UK Institute of Development Studies, available at: <http://www.ids.ac.uk/climatechange/orchid>.

⁽⁴⁵⁾ Statement by His Excellency Dr. Fakhruddin Ahmed, Honorable Chief Adviser of the Government of the People's Republic of Bangladesh at the High-level Event on Climate Change, New York, 24 September 2007, <http://www.un.int/wcm/content/site/bangladesh/pid/8224>.

The difficulty inherent in predicting the future impact of climate change on displacement in Bangladesh means that any attempt to quantify the exact number of people who will be displaced should be treated with some caution. However, as all of the key current drivers of displacement are expected to increase in both frequency and intensity due to climate change, it is highly likely that the number of climate displaced due to existing factors will continue to increase in the future in Bangladesh. In addition, the number of climate displaced is likely to rise even higher due to secondary and as yet unforeseen effects of climate change.

This report emphasises that irrespective of the difficulty in precisely predicting the future number of climate displaced people in Bangladesh, there already exists an urgent need to find rights-based housing, land and property solutions for the climate displaced people of Bangladesh and that this need will only become more vital as the number of climate displaced people multiplies in the future.

2.2.1 THE FUTURE OF CLIMATE DISPLACEMENT IN COASTAL REGIONS

Sea level rise

Rising sea levels are likely to continue to be a leading cause of displacement in the coastal regions. As sea levels continue to rise as a result of global warming, it is likely that there will be an even more complete inundation of the low-lying coastal regions. Sea level rise is likely to lead to further saline water intrusion into surface freshwater sources, further reducing the availability of fresh water. The further drainage of coastal polders will continue to adversely affect agriculture and livelihoods.

Tropical storms and storm surges

The increasingly frequent and severe tropical storms with higher wind speeds and storm surges are likely to exacerbate existing problems in the coastal regions.

At present, this is a secondary cause of displacement in coastal regions; however, as the frequency and severity of tropical cyclones increases, this could become a more substantial cause of displacement. In particular, there is likely to be more extensive damage to houses, property and infrastructure, a high loss of human life and loss of livestock and disruption to agriculture and livelihoods.

2.2.2 THE FUTURE OF CLIMATE DISPLACEMENT IN MAINLAND REGIONS

River bank erosion

Heavier and more erratic rainfall in the Ganges-Brahmaputra-Meghna system is likely to lead to further riverbank erosion. This is likely to continue to be a leading cause of displacement in the mainland areas of Bangladesh. Further river bank erosion is likely to lead to more widespread destruction of homes and property as well as thousands of hectares of agricultural land.

River flooding

Higher and more erratic rainfall is also likely to lead to over-topping and breaching of embankments resulting in widespread flooding in both urban and rural areas. The increased sedimentation in riverbeds is also likely to lead to drainage congestion and water logging.

As the Himalayan glaciers continue to melt, it is likely that there will be higher river flows in the warmer months of the year, followed by lower river flows and increased saline intrusion after the glaciers have shrunk or disappeared.

At present, river flooding is a secondary cause of displacement in mainland areas; however, as rainfall becomes higher and more erratic and as river flows change as a result of the melting of the Himalayan glaciers, it is likely that this could be a more significant cause of displacement across Bangladesh.

2.2.3 OTHER CAUSES OF CLIMATE DISPLACEMENT

Droughts

More erratic rainfall is likely to lead to increasing droughts, especially in the drier northern and western regions of Bangladesh which record significantly less rainfall. Droughts can lead to the destruction of crop yields and severe disruption to livelihoods.⁽⁴⁶⁾

At present, droughts are not a major cause of displacement; however, as rainfall patterns change, it is likely that there will be increasingly frequent and severe droughts, which could become a more significant cause of displacement across Bangladesh.

Landslides

More erratic rainfall is likely to lead to increasingly frequent and severe landslides in the hill regions of Bangladesh. Landslides can lead to the destruction of homes and properties, loss of life and severe disruption to agriculture and livelihoods.

Landslides are not presently a significant cause of displacement; however, as they become more severe and frequent as a result of climate change, they may become a more substantial cause of displacement from the hill regions of Bangladesh.

2.2.4 ADDITIONAL CONCERNs RESULTING FROM CLIMATE CHANGE AND DISPLACEMENT

In addition to exacerbating the natural hazards that are already leading to displacement in Bangladesh, the effects of climate change may also lead to additional concerns that will impact on climate displacement in Bangladesh.

Urbanisation

Nearly 60 percent of Bangladesh relies on agriculture for their livelihoods⁽⁴⁷⁾ and as the availability of arable lands decline and food production diminishes, the rural poor will in many cases be forced to leave their rural homes and lands for urban areas and slums.

This increased urbanisation will create even more stress on the overpopulated cities of Bangladesh, especially Dhaka.⁽⁴⁸⁾ Insufficient infrastructure and governance mechanisms will be stretched even further, potentially leading to a further decline in living standards and an increase in social disorder. Slum dwellers are already experiencing exclusion from basic services and infrastructure, including adequate housing, clean water, sanitation, health care, education and electricity.⁽⁴⁹⁾ Nearly 80 percent of slums are located on private land, leading to challenges in terms of basic service provision⁽⁵⁰⁾ as well as making slum residents vulnerable to violence or exploitation.

⁽⁴⁶⁾ Bangladesh Climate Change Strategy and Action Plan 2009, September 2009, *supra* n25, p13.

⁽⁴⁷⁾ Fifty-five percent of working-age individuals depend on agriculture as their point of income, see World Food Programme, *Food Security Atlas: Bangladesh - Livelihoods*, available at: <http://foodsecurityatlas.org/bgd/country/access/livelihoods>.

⁽⁴⁸⁾ Up to 40 percent of Dhaka's population of 13 million people are currently living in slums, *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, *supra* n7, p 10.

⁽⁴⁹⁾ Shahadat Hossein, *Rapid Urban Growth and Poverty in Dhaka City*, Bangladesh e-Journal of Sociology 5 (2008), cited in *ibid*, p16.1, 19.

⁽⁵⁰⁾ The World Bank Office (Dhaka), *Dhaka: Improving Living Conditions for the Urban Poor*, Bangladesh Development Series Paper No. 17, June 2007, citing LGED, Survey of Slums, (2005).

tion by criminal gangs, land owners and corrupt police.⁽⁵¹⁾ These issues are likely to become more pronounced with increased urbanisation due to climate displacement.

The impact of higher rainfall will be especially felt in urban areas, where drainage is already a serious problem and sewers frequently back-up in the monsoon season. Flooding can bring water borne diseases and contaminate fresh water supplies. Dhaka is particularly vulnerable to flooding; being a low-lying city (2-13 metres above sea level) where even moderate sea level rises may inundate substantial parts of the city.⁽⁵²⁾

Migrants in slum areas are vulnerable to multiple displacements – both from the risk of forced evictions and the effects of climate change on slum areas. Attempts to forcibly evict thousands of slum dwellers have been common and have provoked unrest and violence between residents, police and Government authorities.⁽⁵³⁾

Health risks

Climate change is expected to present increased risks to human health, especially in light of the poor state of the country's public health infrastructure. Access to adequate health care is already difficult for the poorest and most vulnerable who are also likely to be the group most adversely impacted by any adverse change in human health.⁽⁵⁴⁾ Warmer and more humid weather may lead to an increased prevalence of disease and disease vectors, to which the poor will be the most susceptible. Further, climate displaced people are often forced to relocate to any land available, in practice this often leads to illegal squatting on Government land in vulnerable and isolated locations, far removed from adequate and accessible healthcare. This process exposes climate displaced persons to further health risks.⁽⁵⁵⁾

Climate change and security issues

Links between climate change and security risks are increasingly being discussed at the international level. The United Nations High Commissioner for Refugees, Mr António Guterres, recently addressed the United Nations Security Council and stated:

“The process of climate change and its role in reinforcing other global imbalances constitutes an important threat to peace and security”⁽⁵⁶⁾

Links between climate displacement and security risks have also been made specifically in the case of Bangladesh. In September 2010, the Prime Minister of Bangladesh stated that the mass movement of up to one billion climate change migrants, including 30 million in Bangladesh, “would cause social disorders, political instability, cross-border conflicts, and upheavals”.⁽⁵⁷⁾

⁽⁵¹⁾ *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, *supra* n7, p16.

⁽⁵²⁾ UN Habitat, “Case Study: Dhaka’s Vulnerability to Climate Change”, p in UN Habitat, *State of the World’s Cities 2008/2009*.

⁽⁵³⁾ *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, *supra* n7, p16.

⁽⁵⁴⁾ Government of the People’s Republic of Bangladesh, *National Adaptation Programme of Action* (2005), p15.

⁽⁵⁵⁾ However, note that the National Adaptation Programme of Action states “Changes in infectious disease are less certain as the causes of outbreaks of infectious disease are quite complex and often do not have a simple relationship with increasing temperature or change in precipitation” *ibid*, p15.

⁽⁵⁶⁾ Statement by Mr. António Guterres, *supra* n1.

⁽⁵⁷⁾ *Hasina Highlights Unfortunate Plight of Climate Migrants*, The New Nation, 25 September 2010, available at: <http://www.highbeam.com/doc/1G1-237905607.html>.

The most commonly cited security issues alleged to result from climate displacement in Bangladesh are conflict over scarce resources (including land), increasing Islamic extremism and militancy as a result of impoverishment, frustration and disempowerment and cross-border tensions as a result of flows of climate displaced people into neighbouring countries.⁽⁵⁸⁾

It is clearly difficult to draw precise links between climate change, displacement and security concerns. Indeed, this report notes that it may even be problematic to speculate on security concerns for fear of distracting attention from the urgent need to find housing, land and property solutions for the climate displaced people of Bangladesh resulting from existing causes of displacement. However, it is important to raise attention to the fact that not only will the existing causes of climate displacement certainly be exacerbated by climate change, but that the resulting scarcity of natural resources, poverty, frustrations and tensions may well lead to additional, unforeseen concerns, that may in turn lead to further displacement across Bangladesh and the region.

⁽⁵⁸⁾ See: *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, supra n7, p21.

3 Policy Approaches to Climate Displacement in Bangladesh

3.1 GOVERNMENT POLICIES ON CLIMATE CHANGE AND DISPLACEMENT

3.1.1 GOVERNMENT POLICIES ON ADAPTATION

The Government of Bangladesh has signalled its clear intention in the area of adaptation:

“It is essential that Bangladesh prepares now to adapt to climate change and safeguard the future well-being of its citizens...[the] Government is unequivocal in its commitment to protect the people from the ravages of climate change...”⁽⁵⁹⁾

The Government has produced two key documents that outline its policy and strategy in the area of climate change adaptation:

- The Bangladesh National Adaptation Programme of Action (2005); and
- The Bangladesh Climate Change Strategy and Action Plan (2009).

The 2005 National Adaptation Programme of Action (NAPA)

In 2005, Bangladesh completed and published its National Adaptation Programme of Action, prepared by the Ministry of Environment and Forests.⁽⁶⁰⁾ The preparation process was guided by a Project Steering Committee headed by the Ministry of Environment and Forests and members from other key ministries, department and agencies including Ministry of Finance and Planning.⁽⁶¹⁾

A wide variety of stakeholders were consulted in the development of the NAPA for Bangladesh, including “policy makers of Government, local representatives of the Government...scientific community members of the various research institutes, researchers, academicians, teachers...lawyers, doctors, ethnic groups, media, NGO and CBO representatives and indigenous women contributed to the development of the NAPA for Bangladesh”.⁽⁶²⁾

The 2005 NAPA recognises that Bangladesh will be one of the most adversely affected countries due to climate change especially because of Bangladesh’s “low economic strength, inadequate infrastructure, low level of social development, lack of institutional capacity and a higher dependency on the natural resource base”.⁽⁶³⁾

The 2005 NAPA identified many adverse climatic impacts of climate change, many of which have clear links with climate displacement:

- a. Scarcity of fresh water due to less rain and higher evapo-transpiration in the dry season;
- b. Drainage congestion due to higher water levels in the confluence with the rise of sea level;
- c. River bank erosion;
- d. Frequent floods and prolonged and widespread drought;

⁽⁵⁹⁾ *Bangladesh Climate Change Strategy and Action Plan 2009, supra n25, pXVII.*

⁽⁶⁰⁾ “The National Adaptation Programme of Action (NAPA) for Bangladesh has been prepared...as a response to the decision of the Seventh Session of the Conference of the Parties (COP7) of the United Nations Framework Convention on Climate Change (UNFCCC). The preparation process has followed the generic guiding principles outlined in the NAPA Annotated Guideline”, *National Adaptation Programme of Action (2005), supra n55, Foreword.*

⁽⁶¹⁾ *Ibid.*

⁽⁶²⁾ *Ibid.*

⁽⁶³⁾ *Ibid, Executive Summary.*

- e. Wider salinity in the surface, ground and soil in the coastal zone. It was found that the population living in the coastal area are more vulnerable than the population in other areas.⁽⁶⁴⁾

The NAPA further identified that some of the effects of climate change have links with migration; however, these links were not expressed in concrete terms. For example, the report stated that the long term consequences of the project to “promote adaptation to coastal crop agriculture to combat salinisation” was that the “affected community would not migrate to cities for job and livelihood” and that the “social consequences of mass scale migration to cities would to some extent be halted”.⁽⁶⁵⁾

The document also stated that a potential long term consequence of the “adaptation to agriculture systems in areas prone to enhanced flash flooding” project would be that “people might get a means to continue with farming, instead of migrating to cities after the flood”.⁽⁶⁶⁾

However, the NAPA did not articulate any concrete links between climate change and displacement.

In suggesting adaptation measures for Bangladesh to address the adverse consequences of climate change, the 2005 NAPA suggested the following:

1. Reduction of climate change hazards through coastal afforestation with community participation.
2. Providing drinking water to coastal communities to combat enhanced salinity due to sea level rise.
3. Capacity building for integrating climate change in planning, designing of infrastructure, conflict management and landwater zoning for water management institutions.
4. Climate change and adaptation information dissemination to vulnerable community for emergency preparedness measures and awareness raising on enhanced climatic disasters.
5. Construction of flood shelter, and information and assistance centre to cope with enhanced recurrent floods in major floodplains.
6. Mainstreaming adaptation to climate change into policies and programmes in different sectors (focusing on disaster management, water, agriculture, health and industry).
7. Inclusion of climate change issues in curriculum at secondary and tertiary educational institution.
8. Enhancing resilience of urban infrastructure and industries to impacts of climate change.
9. Development of eco-specific adaptive knowledge (including indigenous knowledge) on adaptation to climate variability to enhance adaptive capacity for future climate change.
10. Promotion of research on drought, flood and saline tolerant varieties of crops to facilitate adaptation in future.
11. Promoting adaptation to coastal crop agriculture to combat increased salinity.
12. Adaptation to agriculture systems in areas prone to enhanced flash flooding in North East and Central Region.
13. Adaptation to fisheries in areas prone to enhanced flooding in North East and Central Region through adaptive and diversified fish culture practices.
14. Promoting adaptation to coastal fisheries through culture of salt tolerant fish special in coastal areas of Bangladesh.
15. Exploring options for insurance and other emergency preparedness measures to cope with enhanced climatic disasters.⁽⁶⁷⁾

However, the 2005 NAPA did not prescribe any adaptation programmes or policies specifically related to the issue of climate displacement.

In not identifying displacement as an adverse effect of climate change, the document unfortunately did not even begin the process of developing rights-based solutions for the millions of current and future climate displaced persons across Bangladesh.

⁽⁶⁴⁾ *Ibid.*

⁽⁶⁵⁾ *Ibid.*, p35-36

⁽⁶⁶⁾ *Ibid.*, p36

⁽⁶⁷⁾ *Ibid.*, Executive Summary.

The 2009 Climate Change Strategy and Action Plan (BCCSAP)

In September 2008, the Government of Bangladesh published the Bangladesh Climate Change Strategy and Action Plan (BCCSAP).⁽⁶⁸⁾ Following the change of Government in the December 2008 national elections, the 2008 BCCSAP was “updated and revised” to reflect the new Government’s “priorities for future economic, human and social development in the country”.⁽⁶⁹⁾ As with the 2008 document, the 2009 BCCSAP is a 10 year programme (2009 – 2018) designed to “build the capacity and reliance of the country to climate change”.⁽⁷⁰⁾

The 2009 BCCSAP recognises that “Bangladesh is one of the most climate vulnerable countries on earth and will become even more so as a result of climate change”.⁽⁷¹⁾ The BCCSAP highlights the risk of many of the effects of climate change that have led to displacement, including: floods, tropical cyclones, storm surges and droughts.⁽⁷²⁾

Importantly and in contrast with the 2005 NAPA, the 2009 BCCSAP draws direct links between climate change and displacement in Bangladesh.

The BCCSAP states that increased river bank erosion and saline water intrusion in coastal areas “are likely to displace hundreds of thousands of people” and that if sea level rise is higher than currently expected and coastal polders are not strengthened and/or new ones built, “six to eight million people could be displaced by 2050 and would have to be resettled”.⁽⁷³⁾

Specifically, the BCCSAP states that “it is now evident that population in many parts of the country will be so adversely affected [by climate change] that they will have to move out...The process of migration of climate-change-affected people, both inside and outside the country, need[s] to be monitored closely...and adequate institutional support should be provided for their proper resettlement”.⁽⁷⁴⁾

However, despite drawing these direct links, the document does not accurately portray the full extent of climate displacement in Bangladesh. First, climate displacement in the BCCSAP is characterised as a potential future event, however, as noted by this report, climate displacement is already occurring in Bangladesh. Secondly, the BCCSAP suggests that increased river bank erosion and saline water intrusion in coastal areas “are likely to displace hundreds of thousands of people”; however, surveys undertaken by the Association of Climate Refugees suggest that this number is likely to be more accurately in the millions of people displaced, rather than the hundreds of thousands. Thirdly, the BCCSAP suggests that six to eight million people could be displaced if “sea level rise is higher than currently expected”; again, sea level is already leading to displacement from coastal areas in Bangladesh.

Perhaps more critical than the mischaracterisation of the seriousness and urgency of climate displacement in Bangladesh, is that the BCCSAP itself does not propose any policies, programmes or actions designed to address climate displacement. The document explicitly states that six to eight million people could be displaced by sea level rise and that they “would have to be resettled”; however, the BCCSAP does not propose any policies or strategies for these millions of people, let alone any rights-based housing, land and property solutions for these affected communities. Instead the BCCSAP merely proposes that the process of migration of climate-change-affected people needs to be “monitored closely” and that “adequate institutional support should be provided for their proper resettlement”. There is no indication of where or how this “institutional support” will be provided.

The BCCSAP does however, importantly, highlight that the role of monitoring climate displacement and ensuring institutional support for “proper resettlement” lies with the Ministry of Environment and Forests, the Ministry of

⁽⁶⁸⁾ The BCCSAP was created in support of the Bali Action Plan developed at the UNFCCC COP13 in 2007, *Bangladesh Climate Change Strategy and Action Plan 2009*, *supra* n25, p2.

⁽⁶⁹⁾ *Ibid.*, Foreword.

⁽⁷⁰⁾ *Ibid.*

⁽⁷¹⁾ *Ibid.*, pXVII.

⁽⁷²⁾ *Ibid.*

⁽⁷³⁾ *Ibid.*, p1.

⁽⁷⁴⁾ *Ibid.*, p59.

Home Affairs and the Ministry of Local Government, Rural Development and Cooperative. It is imperative that these Ministries develop transparent, effective climate displacement monitoring processes, and to begin now to design and implement durable and effective resettlement and relocation policies and programmes for climate displacement affected communities.

Importantly, the BCCSAP highlights that “climate change is likely to impact most severely on the poorest⁷⁵ and most vulnerable in society...[and that] every effort will be made to ensure that they are protected and that all programmes focus on the needs of this group for food security, safe housing, employment and access to basic services, including health”. This statement acknowledges the increased vulnerability of the poorest in society to the effects of climate change as well as the need to ensure safe housing as part of the Government’s adaptation strategy. Unfortunately, however, the BCCSAP does not propose any specific projects or policies as to how exactly the Government will ensure safe housing for the most vulnerable members of society.

3.1.2 RECENT DEVELOPMENTS IN GOVERNMENT POLICY

Recent developments in Bangladesh seem to suggest that the Government is increasingly paying attention to the seriousness of climate displacement. However, this attention appears to be focused on the controversial issue of the status of climate displaced people as “climate refugees” and their entitlement to be resettled to other countries.⁷⁶

In 2008, the Government Finance Minister, Abul Maal Abdul Muhith, stated that up to 20 million Bangladeshis may be forced to leave the country in the next 40 years because of climate change and that Britain and other wealthy countries should accept millions of displaced people.⁷⁷ Specifically, he called on the United Nations to redefine international law to give climate refugees the same protection as people fleeing political repression.⁷⁸ The Bangladeshi Foreign Minister, Dr. Dipu Moni and a Junior Minister for Environment and Forests, Dr Hasan Mahmud, stated that Bangladesh will raise its voice at the Durban [COP 17] Summit for the recognition of people displaced by climate change, so-called “climate refugees”.⁷⁹

Some of this focus on the issue of “climate refugees” may be as a result of Bangladesh being the current chair of the Climate Vulnerable Forum, a partnership of “some of the countries most vulnerable to the adverse impacts of climate change”.⁸⁰ The outcome of the November 2011 ministerial meeting of the Climate Vulnerable Forum in Dhaka expressly stated:

“Recognising that migration is a viable adaptation strategy to ensure that populations are not compelled to reside in high risk and affected areas, and to manage risks during displacement; and furthermore a planned strategy in the long-term to offer displaced populations with enhanced options for dignified and diversified livelihood.”⁸¹

However, this focus on the status of climate displaced persons as “climate refugees” is a concern for a number of reasons. First, the issue of whether climate displaced people from Bangladesh are entitled to qualify for “refugee status” or other forms of international protection under the current international legal framework is far from clear and highly controversial. Indeed, it can be said that, for political reasons, the international legal framework is highly unlikely to be reformed to include the protection of climate displaced people in the near future. Secondly, focusing

⁷⁵ For a discussion of the distinction under international law between climate displaced people and climate refugees, see Section 4: *The International Normative Framework*.

⁷⁶ The Guardian, “UK should open borders to climate refugees, says Bangladeshi minister”, 4 December, 2008 available at: <http://www.guardian.co.uk/environment/2009/nov/30/rich-west-climate-change>.

⁷⁷ *Ibid.*

⁷⁸ All Headline News, *Climate-vulnerable nations to seek aid for ‘climate refugees’*, 1 November 2011, available at: <http://www.allheadlinenews.com/articles/90063897?Climatevulnerable%20nations%20to%20seek%20aid%20for%20>.

⁷⁹ Declaration of the Climate Vulnerable Forum, Adopted in Malé, Maldives, 10 November 2009, available at: <http://daraint.org/wp-content/uploads/2010/12/Declaration-of-the-CVF-FINAL2.pdf>

⁸⁰ Dhaka Ministerial Declaration of The Climate Vulnerable Forum, Adopted at Dhaka, Bangladesh on 14 November 2011, Available at <http://daraint.org/wp-content/uploads/2011/11/Dhaka.Declaration.pdf>

on the right to international resettlement for climate displaced people distracts attention from the immediate need to develop and design innovative and effective rights-based domestic solutions to climate displacement in Bangladesh. Irrespective of the lack of international resettlement options for climate displaced people, the most truly durable and effective solutions to climate displacement are to be found in Bangladesh itself, where there is not only a large amount of Government land available for relocation programmes, but where common language, cultures and traditions make relocation more truly sustainable. Thirdly, focusing on a debate over whether the international community should accept climate displaced people for international resettlement distracts attention from the need for the international community to support the Government of Bangladesh in developing and implementing domestic solutions, both through technical as well as financial assistance.

This paper does not propose to enter into a discussion of the "moral" obligation of the international community to accept and receive climate displaced people from Bangladesh as "climate refugees".⁽⁸¹⁾ Rather, these comments are based on current political reality, the likelihood of reform of the international legal regime and the need to immediately develop and implement concrete, durable and rights-based solutions for the current and future millions of climate displaced people of Bangladesh.

3.2 THE ROLE OF CIVIL SOCIETY IN BANGLADESH

Bangladesh has a famously large and vibrant civil society. It is essential that the Government of Bangladesh includes civil society organisations in the design and implementation of climate displacement solutions. The experience and capabilities of Bangladesh's civil society organisations will be essential in developing innovative and effective solutions to climate displacement across Bangladesh.

Civil society organisations in Bangladesh have a level of access and knowledge about local and affected communities that the Government often lacks. These organisations can provide critical first-hand information about both the effects of climate displacement as well as the implementation of climate displacement and HLP solutions throughout Bangladesh. Civil society organisations can provide an essential link between climate affected communities and the political decision makers and policy developers in Dhaka.

Civil society in Bangladesh can also fulfil an important watchdog function over the design and implementation of Government climate displacement and housing, land and property programmes. This supervisory function should occur both at the grassroots implementation level, ensuring the effective delivery and operation of Government policies and programmes, as well as at the policy level in Dhaka, where civil society can contribute to debates and to the design and implementation of climate displacement solutions, especially ensuring that programmes are designed to reach the most vulnerable and remote communities in the country.

Civil society organisations must also develop strong regional and international links to advocate for sufficient funding for programme design and implementation as well as a degree of oversight over these programmes. In executing these supervisory functions, both the regional and international communities as well as Bangladeshi civil society can ensure a degree of transparency and freedom from corruption that is currently a key concern in Bangladesh.

Civil society must also undertake essential education programmes within the affected communities. These organisations can inform people of their rights - both at the domestic and international levels - as well as inform communities about Government plans and policies to implement solutions to climate displacement.

⁽⁸¹⁾ For example, in calling for recognition under international law of "climate refugees", the Bangladeshi Junior Minister for Environment and Forests, Dr Hasan Mahmud, stated that "the per capita carbon emission of Bangladesh is much below the level of the developed world, and that developing countries...should be compensated for that...We're not responsible for climate change", see *Climate-vulnerable nations to seek aid for 'climate refugees'*, 1 November 2011, *supra* n78.

4 The International Normative Framework

4.1 THE INTERNATIONAL PROTECTION OF CLIMATE DISPLACED PERSONS

4.1.1 BACKGROUND

In assessing the ability of the international normative framework to provide protection to climate displaced persons in Bangladesh, an important initial issue to assess is the causal link between climate change and displacement. This is because many of the specific international migrant and refugee instruments offer protection premised on the causal link between the reason for displacement and the displacement itself.

Although the impacts of climate change in Bangladesh are likely to increasingly contribute to climate displacement in Bangladesh, it is often difficult to isolate "climate change" as the sole cause of movement. Bangladesh is clearly no stranger to natural hazards and so it can be difficult to segregate those natural hazards that have been caused by climate change from those that occur "normally". As a side note, it may not make policy sense to separate or offer differing levels of protection to those displaced from "normal" natural hazards rather than those displaced by "climate change caused" natural hazards. Climate change also tends to exacerbate pre-existing stress factors, such as poverty, underdevelopment, unemployment, landlessness and population pressures, rather than be the sole cause of movement on its own.⁽⁸²⁾

Despite the difficulties in isolating climate change as the sole or primary cause of movement, it is important to emphasise that currently the vast majority of climate displacement in Bangladesh is caused by the destruction or loss of homes and land as a result of natural hazards. Further, it is clear that this process is set to increase as climate change increases the frequency and intensity of those same natural hazards.

As the effects of climate change worsen, it is likely that a variety of other effects will also contribute to climate displacement – from droughts and landslides, to the loss of fertile land and livelihoods, to potential security issues. These causes will have a less immediate, albeit real, influence on displacement.

Thus the picture of climate displacement is likely to become increasingly complex, with a mix of permanent and temporary, forced and voluntary displacement across Bangladesh and across borders, and influenced by a variety of motivations.

4.1.2 THE CURRENT NORMATIVE FRAMEWORK

In part, it is the complexity of causes and motivations for climate displacement that means the international normative framework does not provide comprehensive solutions for climate displaced people. It is also the case that the majority of international instruments were developed and drafted prior to knowledge of the existence of climate change, let alone the situation of climate displaced people. Because of these two reasons, climate displaced persons do not easily fit into any of the existing categories of protection under international law.

This leads to a complex situation where a number of different categories of international protection may or may not apply to climate displaced people in Bangladesh at different times and in different circumstances.

Of particular relevance to climate displaced people in Bangladesh are standards relating to the international protection of refugees, the protection of internally displaced people and international human rights standards.

⁽⁸²⁾ *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, *supra* n7.

The international protection of refugees

It is often assumed that refugee law is the category of international protection most relevant to climate displaced people and that in turn, many climate displaced people will become “climate refugees” able to travel to other countries and seek protection there. However, the picture under international law is far from that straightforward.

Under the 1951 Refugee Convention, a refugee is 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 his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country”.

This means that, at a minimum, a climate displaced person from Bangladesh must be outside Bangladesh before they can claim the protection of the Refugee Convention. Further, they would then need to demonstrate that if they were returned to Bangladesh they would face a well-founded risk of “being persecuted” and that the persecution would be for one of the enumerated reasons (race, religion, nationality, membership of a particular social group or political opinion) under the Refugee Convention. They would then need to show that the Government of Bangladesh was either unable or unwilling to protect them from that persecution.

Under the Refugee Convention, as it currently stands, it may be possible that climate displaced persons could construct a claim of eligibility for protection as a refugee; however, it is clear that the Refugee Convention would not apply to the circumstances of the vast majority of climate displaced people of Bangladesh. It is worth here re-emphasising that the Refugee Convention was drafted many decades before the existence of climate displaced people and that it was never intended to offer protection to such category of person.

Because of this gap in international protection, there is considerable discussion about whether and how to reform international refugee law to offer protection to climate displaced persons.

Rather than to enter into this debate, it suffices to say that none of the proposals for reform are likely to achieve the political support required for implementation in the immediate future.

The protection of internally displaced people

It is likely that the vast majority of climate displaced people in Bangladesh will continue to be displaced internally, that is within the national borders of Bangladesh.

The UN Guiding Principles on Internal Displacement apply the following widely accepted definition of internally displaced persons:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.⁽⁸³⁾

⁽⁸³⁾ *Guiding Principles on Internal Displacement*, 22 July 1998, E/CN.4/1998/53/Add.2, available at: <http://www.unhcr.org/refworld/docid/3c3da07f7.html>.

The Guiding Principles, although not in binding form, reflect and are consistent with binding principles in international human rights law and international humanitarian law.⁽⁸⁴⁾ They detail the responsibilities of national authorities to prevent displacement, to respond to the needs of those who have been displaced and to support durable solutions for their displacement.

Of particular relevance to climate displaced people in Bangladesh are the following principles:

- Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.⁽⁸⁵⁾
- National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.⁽⁸⁶⁾
- All internally displaced persons have the right to an adequate standard of living.⁽⁸⁷⁾
- At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation.⁽⁸⁸⁾

Although the Guiding Principles provide relevant standards for the protection of climate displaced people, a key issue is that they are not legally binding on the Government of Bangladesh.

4.1.3 INTERNATIONAL HUMAN RIGHTS STANDARDS

Although the specific instruments relating to refugee status and displacement either do not provide comprehensive protection to climate displaced people or are not binding on the Government of Bangladesh, international human rights law provides both important protection and is legally binding on the Government. This is the case regardless of the cause or motivation behind the displacement and regardless of whether the displacement is temporary or permanent.

The links between climate change more generally and international human rights law have seen increasing attention at the international level. Since 2007, a series of specific efforts have been undertaken to better understand the links between climate change and human rights. In 2009, a report by the Office of the High Commissioner for Human Rights (OHCHR) was released examining the relationship between climate change and human rights.⁽⁸⁹⁾

Of particular relevance to climate displacement, the OHCHR report states that the following human rights may be affected by climate change:

- The right to life;
- The right to adequate food;
- The right to water;
- The right to health;
- The right to adequate housing; and
- The right to self-determination.

⁽⁸⁴⁾ *Ibid.*

⁽⁸⁵⁾ *Ibid*, Principle 1.

⁽⁸⁶⁾ *Ibid*, Principle 3.

⁽⁸⁷⁾ *Ibid*, Principle 18.

⁽⁸⁸⁾ *Ibid.*

⁽⁸⁹⁾ UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*, 15 January 2009, UN Doc. A/HRC/10/61.

The report importantly emphasises that:

“persons affected by displacement within national borders are entitled to the full range of human rights guarantees by a given state, including protection against arbitrary or forced displacement and rights related to housing and property restitution for displaced persons”⁽⁹⁰⁾

The report also highlights the need to take a human rights based approach in protecting particularly vulnerable groups against the effects of climate change:

“Within countries, existing vulnerabilities are exacerbated by the effects of climate change. Groups such as children, women, the elderly and persons with disabilities are often particularly vulnerable to the adverse effects of climate change on the enjoyment of their human rights. The application of a human rights approach in preventing and responding to the effects of climate change serves to empower individuals and groups, who should be perceived as active agents of change and not as passive victims”⁽⁹¹⁾

Bangladesh has signed many key international human rights treaties that provide protection for climate displaced persons, including:

- The International Covenant on Economic, Social and Cultural Rights (Bangladesh acceded on 5 October 1998);
- The International Covenant on Civil and Political Rights (Bangladesh acceded on 6 September 2000);
- The Convention on the Elimination of All Forms of Discrimination against Women (Bangladesh acceded on 6 November 184);
- The Convention on the Rights of the Child (Bangladesh ratified on 3 August 1990).

This means that the international human rights standards contained in these international instruments apply to all climate displaced people in Bangladesh and that they must be applied without discrimination.

Housing, land and property rights under international law

Of particular interest among the larger body of human rights guarantees that apply to all climate displaced people in Bangladesh are housing, land and property rights.

Significant development of housing, land and property rights has occurred at the international level over the past 50 years. This development began with the 1948 Universal Declaration of Human Rights (UDHR), which recog-

⁽⁹⁰⁾ *Ibid*, para 57.

⁽⁹¹⁾ *Ibid*, para 94.

nized both the right to housing⁽⁹²⁾ and the right to property.⁽⁹³⁾ Since that time, HLP rights have been reaffirmed and developed in a series of international human rights treaties,⁽⁹⁴⁾ declarations and other documents.⁽⁹⁵⁾

There has also been a number of interpretative standards and documents developed at the international level, including the UN Committee on Economic, Social and Cultural Rights General Comment No. 4 on the Right to Adequate Housing,⁽⁹⁶⁾ General Comment No. 7 on Forced Evictions,⁽⁹⁷⁾ the Guiding Principles on the Rights of Internally Displaced Persons⁽⁹⁸⁾ and the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons.⁽⁹⁹⁾

Combined, these legal sources create a considerable body of international human rights laws and standards relevant to climate displaced people in Bangladesh.

Bangladesh is a State Party to all of the key HLP international instruments, and as such has voluntarily undertaken a binding legal obligation to ensure that the standards contained in these treaties are respected, protected and fulfilled, including the following HLP rights:

- The right to adequate housing and rights in housing;
- The right to security of tenure;
- The right not to be arbitrarily evicted;
- The right to land and rights in land;
- The right to property and the peaceful enjoyment of possessions;
- The right to privacy and respect for the home;
- The right to HLP restitution/compensation following forced displacement;
- The right to freedom of movement and to choose one's residence;
- The right to political participation;
- The right to information;
- The right to be free from discrimination;
- The right to equality of treatment and access;
- The right to water; and
- The right to energy.

All climate displaced people in Bangladesh are rights-holders and have the right to claim respect for these standards from the Government of Bangladesh.

⁽⁹²⁾ Article 25(1) of the UDHR provides: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...housing..."

⁽⁹³⁾ Article 17 of the UDHR provides: "(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property."

⁽⁹⁴⁾ Key HLP provisions occur in Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Article 27(3) of the Convention on the Rights of the Child (CRC); Article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Covenant on Civil and Political Rights (1966); International Convention Relating to the Status of Refugees (1951).

⁽⁹⁵⁾ Other HLP provisions are contained in International Labour Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples; International Labour Organization (ILO) Convention No. 161 Concerning Occupational Health Services (1985); International Labour Organization (ILO) Convention No. 117 Concerning Social Policy (Basic Aims and Standards) (1962); International Labour Organization (ILO) Convention No. 110 Concerning Plantations (1958); International Labour Organization (ILO) Convention No. 82 Concerning Social Policy (Non-Metropolitan Territories) (1947); Declaration on the Right to Development (1986); Declaration on Social Progress and Development; The Vancouver Declaration on Human Settlements (1976); and the International Labour Organization Recommendation Concerning Workers' Housing (1961).

⁽⁹⁶⁾ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991 U.N. Doc. E/1992/23.

⁽⁹⁷⁾ *General Comment No. 7: The right to adequate: forced evictions housing (Art. 11(1) of the Covenant)*, 20 May 1997, UN Doc. E/1998/22.

⁽⁹⁸⁾ UN Commission on Human Rights, *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement*, 11 February 1998, UN Doc. E/CN.4/1998/53/Add.2.

⁽⁹⁹⁾ UN Sub-Commission on the Promotion and Protection of Human Rights, *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, 28 June 2005, UN Doc. E/CN.4/Sub.2/2005/17.

Of all of these rights, the right to adequate housing has been developed the farthest at the international level. In 1991, the UN Committee on Economic, Social and Cultural Rights adopted 'General Comment No. 4 on the Right to Adequate Housing' which indicates that the following seven components form the core contents of the human right to adequate housing:⁽¹⁰⁰⁾

- Legal security of tenure;
- Availability of services, materials, facilities and infrastructure;
- Location;
- Habitability;
- Affordability;
- Accessibility; and
- Cultural adequacy.

General Comment No. 4 also reiterates that the right to adequate housing should not be interpreted in a narrow or restrictive sense which equates it with the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity, but that housing rights should be seen as rights to live somewhere in security, peace and dignity.⁽¹⁰¹⁾

The Government of Bangladesh's obligation towards these HLP rights is subject to the immediately enforceable obligation of non-discrimination. This is especially important in the context of climate displaced people, where often the most vulnerable and prone to discrimination in society are at risk of displacement.

Furthermore, where it can be shown that the HLP losses incurred by climate displaced persons constitute direct violations of their HLP rights, or the inability to access the protections afforded under law by HLP rights, then appropriate forms of reparation and restitution must be accorded to those citizens of Bangladesh.

As Bangladesh has formally accepted these obligations, the Government must endeavour by all appropriate means to ensure everyone has access to HLP resources adequate for health, well-being and security, consistent with other human rights, including those affected by climate change. Bangladesh must, therefore, adopt the policies, laws and programmes required - to the maximum of their available resources - to continually and progressively expand the enjoyment of these rights and simultaneously ensure in policy, legal or other terms, that no deliberately retrogressive measures are taken that lead to the decline in the enjoyment of these basic rights.

Bangladesh has various levels of obligations towards these housing, land and property rights, including obligations to respect, protect, promote and fulfil these rights.

To achieve these rights, Bangladesh must respect these rights by ensuring that no measures are taken which intentionally erode the legal and practical status of these rights. Bangladesh must comprehensively review relevant legislation, refrain from actively violating these rights by strictly regulating forced evictions and ensure that the housing, land and property sectors are free from all forms of discrimination at any time. Bangladesh must also assess national HLP conditions, and accurately calculate, using statistical and other data and indicators, the true scale of non-enjoyment of these rights, and the precise measures required for their remedy.

Bangladesh must protect the rights of people by effectively preventing the denial of their rights by third parties such as landlords, property developers, social service providers and others capable of restricting these rights.

To promote HLP rights, Bangladesh should adopt targeted measures such as national HLP strategies that explicitly define the objectives for the development of the HLP sector, identify the resources available to meet these goals, the most cost-effective way of using them and how the responsibilities and time-frame for their implemen-

⁽¹⁰⁰⁾ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991 U.N. Doc. E/1992/23.

⁽¹⁰¹⁾ *Ibid.*

tation will be applied. Such strategies should reflect extensive genuine consultation with, and participation by, all those affected, including groups traditionally excluded from the enjoyment of HLP rights.

Finally, the obligation to fulfil these rights involves issues of public expenditure, the regulation of national economies and land markets, housing subsidy programmes, monitoring rent levels and other housing costs, the construction and financing of public housing, the provision of basic social services, taxation, redistributive economic measures and any other positive initiatives that are likely to result in the continually expanding enjoyment of HLP rights.

The relationship between housing, land and property rights and climate displacement in Bangladesh is clear – the current primary causes of displacement in Bangladesh are the destruction of homes and the loss of land as a result of climate hazards. The legally binding obligations on the Government to respect, protect, promote and fulfill the housing, land and property rights of climate displaced persons must be used as the basis for legislative, policy and institutional solutions to climate displacement.

Adopting housing, land and property rights orientated policies and programmes for climate displacement in Bangladesh will form the basis for truly durable solutions for millions of climate displaced people now and in the future.



5 Recommendations: Possible Solutions to Climate Displacement in Bangladesh

Despite the bleak prognosis for the climate vulnerability of Bangladesh and the current and future millions of people who will be displaced as a result of the effects of climate change, it is important to emphasise that rights-based solutions are not only required, but that they are also very possible and that early hour successes are already in place.

The majority of climate displaced people in Bangladesh will be displaced internally and will not flee across international borders. Thus, the primary responsibility for protecting the rights of climate displaced people in Bangladesh falls to the Government of Bangladesh. All climate displaced people are entitled to the full range of human rights protections under both the international instruments that Bangladesh is party to as well as the protections in the domestic law of Bangladesh. It is within Bangladesh that solutions, based on the Government's obligations to respect, protect and fulfil the human rights of all Bangladeshis, must be focused.

Bangladesh has a vibrant and active civil society and it is these organisations, alongside the Government, affected communities and the regional and international community, who can and must work together to solve the current and future climate displacement crisis in Bangladesh. It will require the coordinated efforts of these and other stakeholders to ensure that the millions of climate displaced people can live in security and dignity with full respect for their human rights.

It is clear that a range of co-ordinated measures, backed by sufficient resources, can go a long way towards finding climate displacement solutions.

In particular, the following recommendations have been identified for priority implementation:

5.1 INCREASE COMMUNICATION AND COORDINATION BETWEEN THE GOVERNMENT, AFFECTED COMMUNITIES AND CIVIL SOCIETY ON CLIMATE DISPLACEMENT ISSUES

It is essential that the Government immediately begins to encourage enhanced communication and coordination between relevant Government departments, affected communities and civil society on climate displacement issues.

The knowledge, experience and resources of affected communities themselves will be essential to developing and implementing effective policies and programmes to solve climate displacement in Bangladesh. Civil society, due to their unique access and expertise, must play an important role in ensuring effective coordination, consultation and participation between affected communities and the Government.

It is important that the Government of Bangladesh clearly identifies a Ministry or institution for whom primary responsibility for the success of this liaison lies. It is essential that coordination and liaison with the Government is accessible for civil society organisations and for affected communities. At present, communities affected by climate displacement do not have a clear line of communication with the Government at the national level. Often their communication with local representatives (for example at the Union level) is lost or delayed by the time it is relayed to the Upazilla, then District then National levels. This is in part exacerbated by the large Government bureaucracy in Bangladesh, where there are many Ministries with many different and often unclear responsibilities related to climate displacement. However, it is also influenced by the fact that the communities most affected by climate displacement are the communities in the most isolated regions of Bangladesh, with little access to political life and influence in Dhaka.

5.2 ENHANCE ENGAGEMENT AND SUPPORT FROM THE REGIONAL AND INTERNATIONAL COMMUNITIES FOR CLIMATE DISPLACEMENT IN BANGLADESH

Bangladesh has the primary responsibility to respect, protect and fulfil the rights of all climate displaced people in Bangladesh, regardless of the cause or motivations behind their displacement. However, as a developing country, with limited resources, it is essential that the regional and international community becomes aware of the climate displacement crisis in Bangladesh and supports the efforts of the Government to protect the rights of all climate displaced people.

This support can come in many different forms and does not necessarily need to include the international resettlement of climate displaced people. Types of support could include financial aid, technical cooperation and the capacity building of relevant institutions.

Recent developments at the international level have been encouraging in this regard. The outcome of the COP16 summit was an agreement that called for a "Green Climate Fund". The Fund, proposed to be valued at 100 billion a year by 2020, is designed to assist poorer countries in financing emissions reductions and adaptation. Although there are concerns with the Fund, especially as to how the money will be raised,⁽¹⁰²⁾ that have continued through the COP17 negotiations in Durban,⁽¹⁰³⁾ it is essential that Bangladesh captures the momentum of this process and contributes to the development of this institution in a way that will best protect the rights of climate displaced people across Bangladesh.

Bangladesh should clearly identify a Government Ministry or Agency for whom the regional and international community can engage with on a technical level in the development and implementation of solutions to climate displacement across Bangladesh.

5.3 DEVELOP A RIGHTS-BASED NATIONAL PLAN TO RESOLVE CLIMATE DISPLACEMENT

A national plan should be developed by the Government of Bangladesh to resolve climate displacement. This national plan could be incorporated as part of the Government's climate change adaptation strategy (BCCSAP), thus avoiding duplication of resources and fragmentation of the Government's response.

It is essential that this plan includes an effective national mechanism for monitoring climate displacement and for keeping statistics on the scope and causes of climate displacement. The absence of reliable information on the current numbers of climate displaced persons in Bangladesh is a key concern. Developing an effective monitoring mechanism is an area that the international or regional communities may be able to assist by providing technical assistance and expertise.

It is essential that the Government clearly identifies the bodies with primary responsibility for climate displacement. The citizens of Bangladesh need to be able to clearly identify the specific institutions that are responsible for ensuring rights related to climate displacement. In particular, climate displaced persons should have clear understanding of which institutions are able to provide social, financial and resettlement assistance and which institutions are entrusted with enforcing, respecting and protecting housing, land and property rights.

Human right law provides an important framework for the development of a national plan to resolve climate displacement. Under human rights law, the Government must provide effective protection to the most vulnerable individuals and communities across Bangladesh.

⁽¹⁰²⁾ See BBC News, *Climate Talks End With Late Deal*, 11 December 2011.

⁽¹⁰³⁾ On the Green Climate Fund, Helen Clark, Administrator of the UN Development Programme, stated: "Very little money so far has gone to low-income countries because they have no capacity and no plans. There needs to be capacity supplementation to ensure developing countries are ready", see Sunday Tribune, COP17: *Agreement may not be Reached*, December 8, 2011, available at <http://www.sundaytribune.co.za/cop17-agreement-may-not-be-reached-1.1194576>.



LESSONS LEARNED FROM LAND ACQUISITION AND LAND SET ASIDE PROGRAMMES

Despite the importance of land acquisition and land set-aside programmes as a potential solution to climate displacement (see 5.6 Immediately Begin Land Acquisition and Land Set-Aside Projects), the experience to date with these programmes has generally been poor. For example, what could have been a relatively straight forward land acquisition and land allocation process for Carteret Islanders has instead been a long drawn out complicated process, with land acquisition providing the primary obstacle to sustainable solutions. Similarly, although the Government of Kiribati has purchased 5,000 acres of land in Fiji, to resettle some of its citizens, the difficulties in relocating from Kiribati to another sovereign country are large and difficult to resolve.

Further, resettlement and relocation projects are inherently fraught with difficulties, such that in many cases it is more sustainable and desirable to encourage individuals to remain in their point of origin, where possible, rather than be resettled or relocated.

In studying the global failures and successes of land purchase initiatives, Bangladesh can not only avoid

the mistakes of other countries, but can also become a leader and model example for other countries in developing their land purchase and set aside initiatives. Bangladesh should begin now to review public land holdings and to select possible long-term resettlement sites that will be removed from the land market through land set-aside programmes. Bangladesh should take immediate measures to identify available land and other appropriate resources for the purposes of relocating and resettling climate displaced persons.

Bangladesh should also begin the process of reviewing domestic legislation as it relates to questions of the compulsory acquisition of land in the public interest for the exclusive purpose of expanding land reserves for the eventual use of permanently resettling climate displaced persons.

Developing an effective mechanism to identify land holdings that could be suitable for the relocation of climate displaced persons within Bangladesh is also an area that the international or regional communities may be able to assist with by providing technical assistance and expertise.

Photo, Displacement Solutions, January 2011

As with the development of the NAPA and the BCCSAP, the responsibility for developing a rights-based plan to resolve climate displacement could be guided by a Project Steering Committee, headed by the Ministry of Environment and Forests as well as members from other key ministries, departments and agencies including the Bangladesh Ministry of Finance and Planning. The preparation process should include consultations with a wide variety of stakeholders, including policy makers, local Government representatives, members of the scientific community and various research institutes, researchers, academics and importantly, civil society representatives and representatives from the affected communities themselves.

5.4 ENSURE THAT CLIMATE DISPLACEMENT POLICIES AND PROGRAMMES ARE IMPLEMENTED WITH FULL TRANSPARENCY AND FREE FROM CORRUPTION

It is essential that the Government of Bangladesh ensures the effective implementation of the national climate displacement plan. There is currently a concern that existing climate change adaptation policies and programmes are being affected by a lack of transparency and corruption. It is essential that these issues are resolved immediately.

Civil society in Bangladesh must also play an essential watchdog role in this regard. The regional and international communities, and especially donor countries, must also support efforts to eliminate corruption and vastly improve transparency. It is not enough to simply provide funds for climate displacement programmes and policies, it is essential that funds are monitored and that effective implementation of programmes is ensured.

5.5 EXPLORE THE VILLAGE CLUSTER MODEL FOR POTENTIAL APPLICATION TO CLIMATE DISPLACED PERSONS

In the past, a number of projects have been undertaken by the Government of Bangladesh to relocate landless individuals and families. Two of these projects, the Adarsha Gram and Ashrayan projects, should be explored for potential application to climate displaced people across Bangladesh. The Adarsha Gram ("Ideal Village") was designed to relocate homeless and landless families to Government owned land. The relocated families were provided with a homestead of 0.08 acres as well as skills and awareness building training and as access to income generating activities with the help of NGOs.⁽¹⁰⁴⁾ The Ashrayan project is designed to relocate landless people, especially those who had lost homes and lands as a result of tropical cyclones in the coastal region as well as river erosion and flooding in mainland regions. As with the Adarsha Gram project, the Ashrayan project aims to provide shelter, land and a "village" environment, by encouraging the socio-economic development of the relocated individuals and families.⁽¹⁰⁵⁾

These projects have been generally considered to be hampered by a lack of transparency and ineffectiveness in their implementation as well as insufficient attention to sustainable livelihood possibilities in the new locations. However, neither of these concerns are critical to the success of future projects based on these models – provided they can be effectively resolved. Similar projects, for climate displaced persons, with sufficient transparency in implementation and sufficient awareness and support for the need for livelihood, health and education support could be used as a model for domestic relocation as a solution to climate displacement and should be explored as such.

⁽¹⁰⁴⁾ See *Adarsha Gram II*, Project Details, available at:

<http://www.eudelbangladesh.org/en/projects/projectdetails/13.htm>

⁽¹⁰⁵⁾ See GOB Project of Bangladesh Goverment, *Ashrayan-2 Project*, available at:

<http://www.ashrayanpmo.gov.bd/>

5.6 IMMEDIATELY BEGIN LAND ACQUISITION AND LAND SET ASIDE PROJECTS

One of the key factors in the success of durable solutions for climate displaced people in Bangladesh will be ensuring that sufficient land and housing resources are available.

Land purchase, land acquisition and land set-aside programmes should immediately be undertaken by the Government of Bangladesh. Such programmes should identify and isolate land parcels for future use by climate displaced individuals and communities. Bangladesh should begin now to review public land holdings and to select possible long-term resettlement sites that will be removed from the land market through land set-aside programmes.

At a minimum, this land should be provided for resettlement whereby climate displaced people can then build their own houses on the land. A more detailed model would be similar to the village cluster model (above), whereby climate displaced people are provided with a land, a home and effective livelihoods opportunities.

5.7 ENCOURAGE THE USE OF COMMUNITY LAND TRUSTS

It is clear that identifying new land and housing resources lies at the core of the bundle of durable solutions required to resolve climate displacement.

Community land trusts ensure that land remains held in common over time. This in turn ensures that land allocated for climate displaced persons will be available for use by new climate displaced persons as displaced persons from earlier periods eventually move to new locations elsewhere. Approaches to resettlement on new land that are based exclusively on individual property title are unlikely to provide the basis for community development and infrastructure development required to secure the full spectrum of HLP rights of the communities concerned.

It is essential that the work in developing and implementing community land trusts is supported and encouraged, this work can then be used as the basis of a scalable model for wider implementation by the Government of Bangladesh as well as civil society organisations across the country.

The use of community land trusts in tandem with the village cluster model should be explored as a potential domestic relocation solution to climate displacement within Bangladesh. International expertise and experience with community land trusts should be drawn on in designing effective models that best protect the rights of climate displaced persons.

5.8 MAINSTREAM EMERGENCY AND NORMAL RESETTLEMENT PROGRAMMES AND ENSURE THEY ARE ACCESSIBLE

Planned relocation, in line with the village cluster or other models, should not be seen as a measure of last resort or failure, but as a key strategy in durable solutions for climate displaced persons across Bangladesh (see boxed text, From Vulnerability to Safety – Planned Relocation Strategies). These should be investigated and examined for true durability and international and regional expertise should be engaged on this issue.

In addition to ensuring durable solutions for climate displaced people, it is essential that effective emergency resettlement programmes are immediately in place and accessible for the most vulnerable communities in Bangladesh.

At present, the decision of where to find new homes and new land for communities affected by climate displacement is dictated by personal circumstance. In practice this means that climate displaced persons with more resources are able to relocate to safer land, often near suitable livelihood opportunities. However, other climate displaced persons with less resources are forced to relocate to the slums of Dhaka or Chit-

From Vulnerability to Safety - Planned Relocation Strategies

The success of planned migration and relocation strategies is exemplified by the informal relocation of a number of communities across Bangladesh. Displacement Solutions visited a community in Comilla District in April 2012 who had lost their homes and lands to climate hazards in Kurigram District and had spontaneously relocated to Comilla District (over 400km away). This community has now found safety from climate hazards and suitable livelihood opportunities and access to healthcare and education facilities. However, the success of this relocation was dictated by the personal circumstances of this community, many other climate displaced persons do not have the same resources and connections that would enable them to undertake such spontaneous relocation.

It is essential that sustainable and planned migration from exposed and climate vulnerable zones should take into account the potential for livelihood opportunities at the place of relocation, as well as ensuring that land and housing is available and secure. It is essential that the individuals and communities in Government resettlement and relocation sites are protected against forced eviction and that they are relocated to locations where there is trust between the people being resettled and the host communities.

*Photo, Displacement Solutions,
November 2011*

The Government of Bangladesh should not view planned relocation as a measure of last resort, or of failure, but as a successful, effective and durable solution to protect people across Bangladesh from the adverse effects of climate change.



tagong, or those with even fewer resources are forced to illegally construct and occupy makeshift housing on Government land, often in isolated and vulnerable regions of the country. It is imperative that the Government develops an effective national plan to resolve climate displacement, so that all climate displaced persons have the full range of their housing, land and property rights respected and that fulfillment of their rights is not left to personal circumstances and resources.

6 Conclusion

Climate displacement in Bangladesh will only worsen as climate change increases the frequency and intensity of the natural hazards that are already leading to displacement across Bangladesh. It is essential that effective and durable solutions to this growing crisis are developed and implemented immediately.

The Government of Bangladesh has both the primary responsibility and the opportunity to address the immediate and future climate displacement crisis in Bangladesh. The most pressing concern is for the Government to begin now to mainstream climate displacement strategies into climate change adaptation policies and programmes. The Government should immediately begin work on a national climate displacement plan that respects, protects and fulfils the rights of all climate displaced people in Bangladesh. An essential pillar of this national plan will be developing a national mechanism that provides reliable information and statistics on the numbers of climate displaced persons across Bangladesh.

However, it is essential that the efforts of the Government of Bangladesh are supported by civil society, the regional and international communities and the affected communities themselves. Civil society can support improved links and collaboration between policy makers in Dhaka and the affected communities. They have unique expertise, resources and knowledge that must be utilised by the Government in developing an effective national climate displacement plan. Bangladesh is a developing country with limited resources and it is essential that the regional and international communities support the Government through financial aid, technical cooperation and capacity building. The momentum of developments at the COP16 and COP17 should be captured.

Every effort should be made by the authorities of Bangladesh to find domestic solutions to displacement; in the event that domestic solutions are no longer viable, international migratory and resettlement options should be considered by the international community.

The Government of Bangladesh and indeed the world need to take heed of the climate displacement crisis that is unfolding in Bangladesh. This is not an impossible problem to be addressed at some point in the future; this is a problem for now. Rights based solutions to climate displacement must be developed and implemented immediately.

7 Selected Resources

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CLIMATE DISPLACEMENT IN BANGLADESH: THE NEED FOR URGENT HOUSING, LAND AND PROPERTY (HLP) SOLUTIONS

Displacement Solutions, April 2012

Bangladesh is widely recognised as one of the most climate vulnerable countries in the world and is set to become even more so as a result of climate change. One of the most tragic consequences of climate change is climate displacement – the forced displacement of individuals from their homes and lands as a result of the effects of climate change. This report emphasises that climate displacement in Bangladesh is not an impossible problem to be addressed at some point in the future; it is a problem for now. Rights based solutions to climate displacement must be developed and implemented immediately.

This report comprehensively examines the current and future causes of climate displacement in Bangladesh – particularly in vulnerable coastal and river basin areas. The report then explores the existing national and international policy and legal responses to climate displacement. The report concludes by identifying gaps within the existing institutional and policy responses to climate displacement and by proposing a number of recommended actions for resolving climate displacement in Bangladesh, in particular, emphasising the need to utilise a rights-based approach and especially the need to prioritise housing, land and property rights based solutions.



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