

Ensuring the rights of climate-displaced people in Bangladesh

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Five critical areas require urgent action with the threat of internal displacement as a result of climate change already severe and growing in Bangladesh.

Annual monsoon-related flooding, river and coastal erosion, tidal surges and tropical cyclones emanating from the Bay of Bengal are a frequent cause of displacement in Bangladesh. Between 1995 and 2015, Bangladesh suffered damages worth over US\$ 2.28 billion, equal to 0.73% of GDP, wrought by 185 natural catastrophes.¹ Already one of the most climate-vulnerable countries in the world, Bangladesh is set to become even more so as a result of climate change creating new drivers of displacement. Out of the 64 districts of Bangladesh, 26 coastal and mainland districts are already sources of climate-related displacement. The Government of Bangladesh is well aware of this looming crisis, claiming that 20 million people could be displaced in Bangladesh by sea level rise alone over the next 40 years.

But there is no comprehensive national policy in Bangladesh that specifically targets climate displacement. Through a combination of lack of political will and lack of financial and technical resources, there are currently no comprehensive mechanisms to provide support to people who have lost their homes, land and property as a result of climate change. As a result, the rehabilitation of displaced persons by both government and non-government sectors is, to date, very limited. Importantly, livelihood problems remain after the rehabilitation of displaced persons.

Because Bangladesh has signed and is bound to respect many key international human rights treaties that provide important human rights protections to climate-displaced persons, the government has clear responsibilities under both domestic and international law to provide rights-based solutions to such persons,

particularly relating to their housing, land and property rights. Further, given that the majority of persons displaced by the effects of climate change will be internally displaced, Bangladesh is bound to respect the UN Guiding Principles on Internal Displacement. Although they are non-binding, they reflect and are consistent with international human rights and humanitarian law which Bangladesh is bound to uphold.

Five key actions

Young Power in Social Action (YPSA), a national non-governmental social development organisation, has developed a five-point advocacy action based on applicable domestic and international legal standards and identified five key actions for the Government of Bangladesh:

Firstly, establish a climate displacement monitoring mechanism: While we know that natural disasters linked to climate change are causing forced internal displacement, there is no systematic collection of data on displaced persons or sustained monitoring of their situation and recovery. The Bangladesh Climate Change Strategy and Action Plan recommends that the government “develops a monitoring mechanism of migration of climate-change-affected people and monitoring of internal as well as external migration”.² However, no such mechanism exists yet. There are existing models for the design of a climate displacement monitoring mechanism³ and the government should establish one without delay. Among the measures this mechanism should take are registration of all climate-displaced persons, and documentation of any support or assistance they are receiving from the government or

other stakeholders. This information can then be utilised nationally to plan for and implement effective and durable solutions for all climate-displaced persons in Bangladesh.

Secondly, incorporate the rights of climate-displaced persons into existing climate change law and policy: The government has enacted a large number of laws and policies relating to climate change vulnerability and adaptation;⁴ however, none of them clearly addresses the challenge of climate displacement, including displaced persons' housing, land and property rights. It is essential that the rights of climate-displaced persons and the responsibilities of the government towards them in all phases of displacement – prevention, during displacement, and durable solutions – are incorporated into existing and future laws and policies. This will require a concerted effort by the government and civil society, with the support of the regional and international communities.

Thirdly, ensure that the distribution of state-owned land is effective, transparent and fair: Since independence, the government has enacted a number of laws and policies regarding the distribution of *khas* land – state-owned land that is often located in marginal areas along the coast and rivers. Article 53 of the Land Management Manual (1991) provides that any landless family is eligible to receive *khas* land. However, programmes to distribute it have met with mixed success due to illegal occupation of *khas* land, a lack of political will, inefficiencies in the local and national administration, and the absence of an updated, systematic and universally accepted source of information on land resource availability.

Currently, the state is estimated to control 3.5 million acres of *khas* land – of which 25% is agricultural, 50% is non-agricultural and 25% is covered by water – and it is clear that this land could play an important part in creating durable solutions for climate-displaced persons. Programmes for the distribution of *khas* land to landless persons should involve the participation of affected communities in their design, and the ability to review adverse decisions should be clear and accessible.

It is important that decisions about the distribution of *khas* land are made on the basis of genuine need, rather than political or personal considerations. Civil society representatives should also be part of the decision-making panels for land distribution. Furthermore, training should be provided to decision makers on climate displacement in Bangladesh and the need to ensure rights-based durable solutions for climate-displaced persons.

Articles 54 and 56 of the Land Management Manual (1991) provide that persons who are landless as a result of river erosion should be given first priority for the allocation of *khas* land. It is important that this Manual is updated to reflect the current reality that the vast majority of people who become landless will do so as a result of adverse effects of climate change. The law should treat all people affected by the consequences of climate change and natural disasters equally – whether victims of tropical cyclones, storm surges, flooding, droughts or landslides.

Fourthly, allocate non-agricultural *khas* land to climate-displaced persons: It is clear that domestic land solutions will play an important role in finding durable solutions for the current and future millions of climate-displaced persons in Bangladesh. However, it is equally clear that there is a severe shortage of land in Bangladesh, coupled with dramatic overcrowding in the major cities and slums. For this reason, it is essential that the government is able to utilise all land in providing solutions to climate-displaced persons. At present it is only possible for the government to grant legal title to agricultural land for landless persons. The government is restricted under the Land Management Manual (1991) to granting simple leases over non-agricultural land to landless persons.

With the effects of climate change decreasing the amount of available agricultural land, the need for policy and legislative change to allow the grant of non-agricultural land to climate-displaced persons is even clearer; the vast majority of the 1.75 million acres of non-agricultural *khas* land could be made available to climate-



People displaced by the effects of climate change have moved to Cox's Bazar, making temporary shelters on the government-owned beaches.

displaced persons with enhanced security of tenure.

Fifthly, develop and implement effective return, relocation and rehabilitation programmes for climate-displaced persons:

Currently, there are no comprehensive programmes in Bangladesh to ensure the effective return of climate-displaced persons to their homes or places of habitual residence, nor to facilitate their relocation to other parts of Bangladesh. There are also no comprehensive programmes to ensure the effective rehabilitation of climate-displaced persons upon return or relocation. Experience has shown that there are many critical livelihood and other challenges to such rehabilitation. It is essential that such return, relocation and rehabilitation programmes are designed in a rights-based manner and implemented immediately.

Conclusion

Although it is difficult to agree on the numbers of persons who will be affected by climate change-related displacement in Bangladesh, it is clear that Bangladesh must put in place a comprehensive institutional framework in order to meet this challenge and to ensure that the rights of all climate-displaced persons are protected. It is equally essential that different stakeholders in Bangladesh and in the regional and

international communities contribute to ensuring the implementation of an effective institutional framework – through financial and technical cooperation, as well as ongoing monitoring and evaluation of the legal and policy responses to climate displacement. Land lies at the core of any approach to resolving climate displacement – and meeting the need to ensure land for the current and future millions of climate-displaced persons requires action now.

Unlike many countries facing climate displacement, Bangladesh already has a system in place to distribute state-owned land to landless people. With a number of key improvements to the implementation of these laws and policies, the state-owned land distribution processes in Bangladesh could both provide an important component of more comprehensive solutions to finding new homes and land for those displaced by the effects of climate change and also provide a potentially useful model and interesting example for other countries to consider in formulating their own approach to land solutions to climate displacement.

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www.iucn.org/content/bangladesh-climate-change-strategy-and-action-plan-20093. For example, the joint Government of Samoa and UNDP project (2010) *Human rights monitoring of persons internally displaced by the 2009 tsunami in Samoa* http://pacific.ohchr.org/docs/IDP_report.pdf

4. Such legislation includes The National Environment Policy (1992); The National Land Use Policy (2001); The Coastal Zone Policy (2005); The National Adaptation Programme of Action (2005); The Bangladesh Climate Change Strategy and Action Plan (2009); The National Plan for Disaster Management (2010-2015); and The Disaster Management Act (2012)

