ANALYSING THE STATUS OF CLIMATE INDUCED MIGRANTS IN INTERNATIONAL LAW AND EVALUATING THE PAKISTAN'S CURRENT LEGAL FRAMEWORKS FOR THE EFFECTIVE PROTECTION OF THEIR RIGHTS

ARSLAN ZAKI CHOWHAN

01-278222-003

Supervised by

DR. BUSHRA BIBI

A thesis submitted in fulfillment of the requirements for the award of the degree of LLM.

SCHOOL OF LAW

BAHRIA UNIVERSITY, ISLAMABAD

2024

SUPERVISOR'S APPROVAL

I hereby approve and forward this research thesis of Mr. Arslan Zaki Chowhan to the Research Committee for final evaluation.

Name of the Supervisor:

Signature: _____ Date:

THESIS COMPLETION CERTIFICATE

Scholar's Name: Arslan Zaki Chowhan

Registration No: 01-278222-003

Program of Study: LLM (General)

Thesis Title: Analyzing The Status Of Climate Induced Migrants In International Law And Evaluating The Pakistan's Current Legal Frameworks For The Effective Protection Of Their Rights

This is to certify that the thesis submitted by the above-mentioned student has been completed to my satisfaction and, in my opinion, meets the standard required for submission for evaluation. I have conducted a plagiarism test using the software prescribed by the Higher Education Commission (HEC) and found a similarity index of ____%, which is within the permissible limit set by the HEC for MS/MPhil degree thesis. Further, I confirm that the thesis adheres to the formatting requirements recognized by Bahria University, Islamabad for MS/MPhil thesis.

Supervisor's Signature: _____

Name: Dr. Bushra Bibi

Date: __/08/2024

AUTHOR'S DECLARATION

I, Arslan Zaki Chowhan, hereby declare that my LLM thesis titled Analyzing The Status Of Climate Induced Migrants In International Law And Evaluating Pakistan's Current Legal Frameworks For The Effective Protection Of Their Rights is my original work and has not been previously submitted by me for any degree at Bahria University Islamabad Campus, Islamabad, or any other institution in the country or abroad. If, at any time, it is found that this statement is incorrect, even after my graduation, the university reserves the right to withdraw or cancel my LLM degree.

Name of Scholar	Arslan Zaki Chowhan
Enrollment No.	01-278222-003
Date	__/08/2024

PLAGIARISM UNDERTAKING

I, Arslan Zaki Chowhan, solemnly declare that research work presented in the thesis titled "Analysing The Status Of Climate Induced Migrants In International Law And Evaluating The Pakistan's Current Legal Frameworks For The Effective Protection Of Their Rights" is solely my research work with no significant contribution from any other person. Small contribution / help wherever taken has been duly acknowledged and that complete thesis has been written by me. I understand the zero-tolerance policy of the HEC and Bahria University towards plagiarism. Therefore, I as an Author of the above titled thesis declare that no portion of my thesis has been plagiarized and any material used as reference is properly referred / cited. I undertake that if I am found guilty of any formal plagiarism in the above titled thesis even after award of LLM degree, the university reserves the right to withdraw / revoke my LLM degree and that HEC and the University has the right to publish my name on the HEC / University website on which names of students are placed who submitted plagiarized thesis.

Name of Scholar	Arslan Zaki Chowhan
Enrollment No.	01-278222-003
Date	__/08/2024

ACKNOWLEDGEMENT

I am profoundly thankful to Allah Almighty for His boundless blessings, which enabled me to complete this work. I extend my deepest appreciation to my supervisor, Dr. Bushra Bibi, whose exceptional guidance and insightful feedback were crucial to the development of this research. Her unwavering support greatly contributed to the success of this thesis. The steadfast support and encouragement from my parents were instrumental in my journey. I am also deeply appreciative of my wife, whose presence in my life has been a source of inspiration and motivation, contributing significantly to the completion of this work. I would also like to express my sincere gratitude to Dr. Muhammad Fayyaz, Dr. Sohaib Mukhtar, Umair Farooq and Waseem Ikram. Their continuous support and thoughtful encouragement significantly impacted the success of this research. Lastly, I am thankful to all my friends and classmates for their academic and emotional support throughout this journey.

LIST OF ABBREVIATIONS

UNFCCC - United Nations Framework Convention on Climate Change

NCCP - National Climate Change Policy

PEPA - Pakistan Environmental Protection Act

NAB - National Accountability Bureau

IDPs - Internally Displaced Persons

GCM - Global Compact for Safe, Orderly and Regular Migration

SDGs - Sustainable Development Goals

NGOs - Non-Governmental Organizations

IPCC - Intergovernmental Panel on Climate Change

WMO - World Meteorological Organization

FAO - Food and Agriculture Organization

UN - United Nations

WHO - World Health Organization

ILO - International Labour Organization

DRR - Disaster Risk Reduction

ICRC - International Committee of the Red Cross

UNHCR - United Nations High Commissioner for Refugees

COP - Conference of the Parties (UNFCCC)

LDCs - Least Developed Countries

MOCC - Ministry of Climate Change (Pakistan)

NDMA - National Disaster Management Authority (Pakistan)

OECD - Organisation for Economic Co-operation and Development

PPP - Public-Private Partnership

NGI - National Green Infrastructure

CC - Climate Change

ICTs - Information and Communication Technologies

LULUCF - Land Use, Land-Use Change, and Forestry

CBA - Community-Based Adaptation

CCAM - Climate Change Adaptation and Mitigation

SRES - Special Report on Emissions Scenarios

CERF - Central Emergency Response Fund

CFA - Climate Finance Adaptation

CCCM - Camp Coordination and Camp Management

R&D - Research and Development

IFRC - International Federation of Red Cross and Red Crescent Societies

GCF - Green Climate Fund

SITREP - Situation Report

UNEP - United Nations Environment Programme

RRC - Regional Response Center

UNDP - United Nations Development Programme

DRR - Disaster Risk Reduction

FSP - Federal Service Tribunal

GDP - Gross Domestic Product

KSA - Kingdom of Saudi Arabia

GHGs - Greenhouse Gases

FAO - Food and Agriculture Organization

MCC - Multilateral Climate Change

HFA - Hyogo Framework for Action

IRP - International Recovery Platform MCC -

Multilateral Climate Change

SCCF - Special Climate Change Fund

BCA - Boundary Conditions Analysis

UNCDF - United Nations Capital Development Fund

NAPA - National Adaptation Programme of Action

VNR - Voluntary National Review

DRF - Disaster Relief Fund

NDCs - Nationally Determined Contributions

UNFPA - United Nations Population Fund

CBA - Cost-Benefit Analysis

SPC - Strategic Planning Committee

MRV - Monitoring, Reporting, and Verification

PCCB - Pakistan Climate Change Board

ICAP - International Climate Action Programme

IPCC - Intergovernmental Panel on Climate Change

CBA - Community-Based Adaptation

LULUCF - Land Use, Land-Use Change, and Forestry

ABSTRACT

This research examines the pressing issue of climate-induced migration, focusing on the legal and policy frameworks needed to address the rights and protections of climate migrants, particularly within Pakistan. Climate change is intensifying environmental degradation, driving vulnerable populations to relocate as a survival strategy against threats like sea-level rise, desertification, and extreme weather events. However, despite the global acknowledgment of climate change as a catalyst for displacement, international and national legal frameworks remain inadequate in providing specific protections for climate migrants, who are not formally recognized as refugees under existing conventions.

The research explores the conceptual and theoretical dimensions of climate-induced migration, defining key terms and understanding the environmental, socioeconomic, and governance factors that compel migration. The study also investigates relevant migration theories, adaptation frameworks, and climate justice perspectives to provide a multidisciplinary approach to the issue. Special emphasis is placed on Pakistan, where climate change is exacerbating vulnerabilities, and large segments of the population face heightened risk due to geographic and socioeconomic conditions. Through case studies and analysis of regional variations, the thesis highlights the socioeconomic and cultural impacts on communities forced to migrate within and outside Pakistan. A critical evaluation of international legal frameworks, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, reveals the limitations in addressing climate-induced migration. Soft law instruments, such as the Guiding Principles on Internal Displacement and the Nansen Initiative, along with roles of international organizations like UNHCR and IOM, are examined to assess their effectiveness and applicability. The study further evaluates Pakistan's national policies, including the National Climate Change Policy and Disaster Management Act, identifying gaps in addressing the needs and rights of climate migrants. The thesis concludes by recommending the development of more comprehensive legal and policy mechanisms, both internationally and nationally, to recognize climate migrants' rights, enhance

adaptive capacity, and foster resilience. By proposing a framework for Pakistan to align with international commitments and enhance its domestic policies, the study aims to contribute toward a more effective, rights-based approach to managing climate-induced migration. This research thus provides a critical foundation for understanding and addressing one of the most urgent humanitarian challenges posed by climate change.

Table of Contents

SUPERVISOR'S APPROVAL I
THESIS COMPLETION CERTIFICATE II
AUTHOR'S DECLARATION III
PLAGIARISM UNDERTAKING IV
ACKNOWLEDGEMENT V
LIST OF ABBREVIATIONS VI
ABSTRACT X
INTRODUCTION 1
RESEARCH STATEMENT 2
RESEARCH OBJECTIVES 2
RESEARCH QUESTIONS 3
SIGNIFICANCE OF THE STUDY 3
RESEARCH METHODOLOGY 4
CHAPTER 1 6
CONCEPTUAL AND THEORETICAL FRAMEWORK 6
1.1. Introduction 6
1.2. Defining Climate-Induced Migration 7
1.3. Causes and Drivers of Climate Migration 8
1.3.1. Environmental Factors 8
1.3.2. Socioeconomic Factors 9
1.3.3. Political and Governance Factors 10
1.4. Theoretical Perspectives on Migration and Climate Change 12
1.4.1. Migration Theories Relevant to Climate Migration 12
1.4.2. Environmental Determinism and Adaptation Theory 13
1.4.3. Climate Justice and Human Rights Perspectives 14
1.5. Legal Frameworks Addressing Climate-Induced Migration 15
1.5.1. International Legal Frameworks 15
1.5.2. Regional Legal Frameworks 16
1.5.3. National Legal Frameworks 17
1.5.4. The Need for a Comprehensive Legal Framework 17
1.6. Challenges and Opportunities in Legal Responses to Climate-Induced Migration 18
1.7. Conclusion 19
CHAPTER 2 21
INTERNATIONAL LEGAL FRAMEWORKS ON CLIMATE-INDUCED MIGRATION 21

2.1. Introduction 21
2.2 Overview of International Treaties and Conventions 22
2.2.1. United Nations Framework Convention on Climate Change (UNFCCC) 22
2.2.2. The Paris Agreement 23
2.2.3. The 1951 Refugee Convention 24
2.2.4. Other Relevant Treaties 25
2.3. Soft Law Instruments 25
2.3.1. The Guiding Principles on Internal Displacement 25
2.3.2. The Nansen Initiative 27
2.4. Role of International Organizations 28
2.4.1. United Nations High Commissioner for Refugees (UNHCR) 28
2.4.2. International Organization for Migration (IOM) 29
2.4.3. Other Relevant Organizations 31
2.5. Effectiveness of International Frameworks 32
2.6. Conclusion 33
CHAPTER 3 35
PAKISTAN'S NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORKS ON CLIMATE MIGRATION AND THEIR ASSESSMENT 35
3.1. Introduction 35
3.2. Relevant National Laws and Policies 37
3.2.1. Constitution of Pakistan 37
3.2.2. Environmental Protection Act, 1997 38
3.2.3. Environmental Protection Act, 2017 38
3.2.4. National Climate Change Policy, 2012 39
3.2.5. National Disaster Management Act, 2010 39
3.2.6. Sindh Resilience Project 40
3.2.7. Framework for Climate Change and Migration 40
3.3. Institutional Framework 41
3.3.1. Federal Government Institutions 41
3.3.2. Provincial Government Institutions 42
3.3.3. Local Government Institutions 42
3.3.4. Non-Governmental Organizations (NGOs) 43
3.3.5. International Organizations 44
3.4. Conclusion 45
CHAPTER 4 47
GAPS AND CHALLENGES IN INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS 47
4.1. Introduction 47

4.2. Gaps in International Legal Frameworks 48
4.2.1. Lack of Binding Obligations 49
4.2.2. Ambiguities in Definitions and Scope 51
4.2.3. Limited Implementation Mechanisms 52
4.2.4. Insufficient Coordination Among International Bodies 54
4.3. Challenges in Pakistan's National Legal Framework 57
4.3.1. Insufficient Legal Provisions 57
4.3.2. Weak Institutional Frameworks 59
4.3.3. Limited Public Awareness and Engagement 60
4.3.4. Enforcement Weaknesses 62
4.4. Conclusion 64
CONCLUSION AND RECOMMENDATIONS 67
CONCLUSION 67
Summary of Key Findings 67
Implications for Policy and Practice 68
Call for Comprehensive Reforms 68
The Path Forward 68
RECOMMENDATIONS FOR INTERNATIONAL LEGAL FRAMEWORKS 70
RECOMMENDATIONS FOR PAKISTAN'S NATIONAL LEGAL FRAMEWORK 72
BIBLIOGRAPHY 76