

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

to provide a legal framework for the rights and protection of Pakistani Climate Refugees

Whereas it is expedient to provide a comprehensive legal framework for the rights and protection of Pakistani Climate Refugees, including those displaced by conflict and climate change, and to ensure a humane, sustainable, and dignity preserving process in line with international standards;

It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act shall be called the Pakistani Climate Refugees Rights and Protection Act, 2024.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(a) "Board" means the Board of Governors established under section 5 of this Act;

(b) "Chairman" means the chairman of the Board;

(c) "climate impact" means extreme weather events like floods, droughts, rising sea levels, and glacial melting which disrupt livelihoods, destroy homes and make certain regions uninhabitable;

(d) "climate Climate Refugees" mean individuals or communities in Pakistan who are forced to leave their home or area due to the adverse impacts of climate change;

- (e) "Climate Refugee Centre" or "CRC" means a Climate Refugees Centre established under section 3;
- (f) "Division concerned" means a Division to which business of this Act stands allocated;
- (g) "Fund" means the Pakistani Climate Refugees Rights and Protection Funds established under section 12 of this Act;
- (h) "Government" means the Federal Government or the Provincial Governments, as the case may be;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "tent city" means a large collection of tents, for forming temporary or makeshift accommodation for Climate Refugees.

3. Establishment of climate refugees centre.— There shall be established a Climate Refugees Centre (CRSC), to carry out the purposes and objectives of this Act.

(2) The Climate Refugees Centre shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and sue and be sued in its own name.

(3) The headquarters of the Climate Refugees Centre shall be at Islamabad and it may establish its regional offices at such places as it may consider appropriate.

(4) The Climate Refugees Centre shall keep close liaison with the corresponding Province level Climate Refugees Centre as and when they are established. The Climate Refugees Centre shall also help in the capacity building of such Provincial institutions.

4. Functions of the Climate Refugees Centre.— (1) The Climate Refugees Centre for promotion and protection of climate Refugees shall-

- (a) take steps to register all climate Refugees in a national database, incorporating biometric data and medical requirements;

- (b) catalogue and safeguard the land and homes left behind by climate Refugees;
- (c) establish tent cities for the climate Refugees;
- (d) medical facilities, including emergency healthcare;
- (e) waste management and sanitation services;
- (f) protection from discrimination and bigotry;
- (g) schooling for children and vocational training programs for adults
- (h) make policies that tent cities are not becoming permanent slums, with a focus on ensuring early and safe return to Climate Refugees' homes
- (i) prepare and submit for approval of the Board schemes or projects, including joint projects with national, foreign or international entities;
- (j) keep close liaison with the corresponding Province level Climate Refugees Centers;
- (k) advise and recommend to government agencies sectoral guidelines for adaptation and mitigation efforts in relation to climate Refugees;
- (l) such other functions as it may consider necessary for the promotion of climate Refugees.

5. Board of Governors.— (1) The general direction and administration of the Climate Refugees Centre and its affairs shall vest in the Board of Governors which shall determine and execute policies of the Climate Refugees Centre and may exercise all powers and do all acts, which may be required to be exercised or done by the Climate Refugees Centre, relating to its functions, in accordance with this Act.

(2) For furthering the functions of the Climate Refugees Centre, the Federal Government may, as and when it considers necessary, issue directives to the

Climate Refugees Centre on matters of policy. If a question arises as to whether any matter is a matter of policy or not, the decision of the Federal Government thereon shall be final.

(3) The Board shall consist of the Chairman who shall be the Federal Minister-in-charge of the concerned Ministry dealing with the subject of Human Rights, *ex-officio* member and the following members to be appointed by the Prime Minister.

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| (a) | Secretary, Division concerned | Vice Chairman |
| (b) | Secretary, Ministry of Finance or his nominee
not below the rank of BPS-20 | Member |
| (c) | Secretary, Ministry of Climate Change or his
nominee not below the rank of BPS-20 | Member |
| (d) | Secretary, Ministry of national food security and
research or his nominee not below the rank of BPS-20 | Member |
| (e) | two eminent representatives from civil society
appointed by the Division concerned on such terms
and conditions as may be prescribed | Members |
| (f) | Executive Director of the Climate Refugees Centre | |
| | Member cum Secretary | |

(4) In absence of the Chairman, the Vice-Chairman shall exercise powers of the Chairman.

(5) The Prime Minister may vary constitution of the Board as and when he may deem appropriate.

6. Functions and powers of the Board.-- The Board shall--

- (a) have administrative and financial powers for operation and maintenance of the Climate Refugees Centre and to perform all functions vested in the Climate Refugees Centre; and

- (b) oversee administrative and financial operation and maintenance of the Climate Refugees Centre and for that purposes perform the following functions, namely: —
- (i) delegate administrative and financial powers to various functionaries of the Climate Refugees Centre in the manner prescribed;
 - (ii) prescribe service rules, recruitment rules, selection criteria, terms and conditions in all cadres for regular appointment or short term contract engagements for junior, middle and senior level professionals, consultants, experts and advisers in the fields relevant to the programmes and other employees of the Climate Refugees Centre;
 - (iii) approve the budget estimates as per provision in the budget of the Climate Refugees Centre and utilization of funds on annual basis and exercise the powers in accordance with the rules, procedures and instructions specified by the Federal Government;
 - (iv) approve creation of posts in the Climate Refugees Centre;
 - (v) prescribe terms and conditions for training of employees of the Climate Refugees Centre;
 - (vi) monitor and approve progress reports prior to their submission to the Prime Minister;
 - (vii) where necessary to establish committees and sub-committees;
 - (viii) as it may deem fit, to confer prizes, honors or awards for meritorious behavior;
 - (ix) where necessary and under guidance of the Division concerned, to cooperate with international entities; and

- (x) to undertake any other actions needed to achieve objectives of this Act.

7. Terms of office of members.— (1) The members, other than *ex-officio* members, shall be appointed for a period of three years by the Prime Minister and shall be eligible for reappointment for one more term of three years.

(2) The members, other than *ex-officio* members, may at any time resign their offices by a letter addressed to the Prime Minister, through the Chairman of the Board, provided that no resignation shall take effect until accepted by the Prime Minister.

(3) An *ex-officio* member of the Board shall cease to be a member when he ceases to hold that office or post by virtue of which he was an *ex-officio* member.

(4) The Prime Minister may at any time terminate the appointment of any nominated member without assigning any reason.

8. Meetings of the Board.— (1) The Board shall regulate procedure for its meetings.

(2) The meeting of the Board shall be convened and chaired by the Chairman and, in his absence, by the Vice-Chairman, on such date, time and place as may be specified by him, provided that—

- (a) meeting shall be held on quarterly basis; and
- (b) at least two weeks prior notice shall be given to the members specifying date, time and place of the meeting.

(3) The annual report and the accounts of the Climate Refugees Centre for each financial year shall be submitted at a meeting of the Board to be held within six months of the close of that year for approval, adoption and record.

(4) The quorum of the meeting of the Board shall be fifty per cent of the total membership.

(5) All decisions at a meeting of the Board shall be by a majority vote of the members present and voting, and in case of a tie, Chairman shall exercise a casting vote.

(6) Any emergent business may be transacted by the Board by circulation among its members and any proposal so circulated and approved by a majority of the members shall be deemed to have been approved by the Board in its regular meeting.

(7) All orders, resolutions, determinations and decisions of the Board shall be properly recorded in writing by the Secretary of the Board for the approval of Chairman and circulation to the members.

9. Executive Director.— (1) There shall be an Executive Director of the Climate Refugees Centre who shall be its chief executive officer. He shall be a person with extensive relevant education, technical and administrative experience and shall be appointed on contract basis in such manner and on such terms and conditions as may be prescribed.

(2) The Executive Director shall-

- (a) exercise administrative and financial powers as delegated by the Board for the operation and maintenance of the Climate Refugees Centre;
- (b) submit annual accounts and budget proposals for approval of the Board;
- (c) prepare annual reports and such other reports as may be required for consideration by the Board;
- (d) ensure implementation of the decisions of the Board; and
- (e) exercise such other financial and administrative powers as may be delegated to him by the Board.

10. Economic inclusion and livelihood support.- (1) The Climate Refugees shall have access to formal employment, vocational training and educational opportunities to promote community integration and long-term sustainability.

(2) The government shall facilitate partnerships with private enterprises to create employment opportunities for Climate Refugees.

(3) Special measures shall be taken to protect women and children Climate Refugees from exploitation and violence.

11. Transparency and Return Mechanism.- (1) The government shall maintain transparency with climate Refugees regarding timelines for their return to their original residences.

(2) Regular updates shall be provided to the climate Refugees about the safety, status, and feasibility of return, ensuring a clear communication channel between authorities and Climate Refugees.

12. Fund.— (1) There shall be a Fund to be known as the Climate Refugees Centre Fund. The Fund shall vest in the Climate Refugees Centre and shall be used by the Climate Refugees Centre to meet its expenses.

(2) The Fund shall comprise,—

- (a) such sums as the Federal Government may allocate to the Climate Refugees Centre in the annual budget;
- (b) grants or loans from the Federal Government and the Provincial Governments, or other such institutions or states with approval of the Federal Government;
- (c) income from investments, royalties and receipts from other sources and donations, etc;
- (d) donations, gifts, bequests, etc; and
- (e) all other sums which may by any manner become payable to or vest in the Climate Refugees Centre in respect of any matter.

(3) The Climate Refugees Centre shall exercise highest standards of prudence as far as expenditures are concerned.

13. Budget.— The Climate Refugees Centre, with approval of the Board, shall, by such date in each year as may be prescribed, submit to the Federal Government for approval, a budget in the prescribed form for each financial year showing estimated expenditure and the sums which are likely to be required from the Federal Government during that financial year.

14. Maintenance of accounts.— The Climate Refugees Centre shall ensure proper maintenance of accounts and shall after the end of each financial year prepare a statement of accounts which shall include a balance sheet and an account of government funds receipt and expenditure.

(2) The accounts of the Climate Refugees Centre shall be audited each year by the Auditor-General of Pakistan, in accordance with relevant rules of the Climate Refugees Centre and other applicable laws.

15. Annual report.— Within ninety days from the end of each financial year, the Climate Refugees Centre shall cause a report to be prepared on its activities including research studies conducted by the Climate Refugees Centre during that financial year. The report shall be presented to the Board in its next meeting for approval. After approval by the Board, the report shall be released to public and presented to the President of Pakistan.

16. Recruitment of officers and staff.— (1) The Climate Refugees Centre, with approval of the Board, may prescribe the procedure, terms and conditions of service for appointment of its officers and staff. The regional or provincial quota for initial appointment shall be observed in accordance with the instructions issued by the Federal Government. The appointments to the posts of advisers, consultants,

visiting scientists or experts shall be made in the Climate Refugees Centre as per delegation of powers given by the Board.

(2) The disciplinary and misconduct cases of the employees of the Climate Refugees Centre shall be governed in accordance with rules of the Federal Government.

(3) The employees of the Climate Refugees Centre shall be entitled to such pension and gratuity or provident fund scheme as in force for Federal Government employees, from such date as the Board may notify.

17. Penalties in case of violations.- Notwithstanding anything contained in other law for the time being enforce, any individual or authority found guilty of unlawfully exploiting, extorting, or harassing Climate Refugees shall be punished for term which may extended to two years and with fine not below the one hundred thousand rupees.

18. Application.- It shall apply to persons who are citizens of Pakistan under the Pakistan Citizenship Act, 1951 (II of 1951).

19. Delegation of powers.— The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions as may be prescribed, be exercisable also by the Executive Director or by any other member or officer of the Climate Refugees Centre.

20. Cooperation with international organizations, etc.— The Climate Refugees Centre may, subject to approval of the Federal Government, cooperate with foreign or international organizations concerned with climate change-related research and studies. It shall act as facilitator for promoting cooperation between the climate change national institutions or organizations and relevant foreign and international organizations.

21. Validity of proceedings.— No act or proceeding of the Climate Refugees Centre or the Board shall be invalid by reason only of the existence of a vacancy in, or defect in constitution of, the Climate Refugees Centre or the Board, as the case may be.

22. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Climate Refugees Centre, the Board, the Chairman or any member, officer, staff, adviser or consultant of the Climate Refugees Centre in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

23. Powers to make rules.— The Board may, with the approval of the Federal Government and by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Statement of Objects and Reasons

The aim of this Bill is to establish a humane, sustainable, and dignity preserving process for dealing with climate and conflict Climate Refugees in Pakistan. It seeks to address the absence of legal recognition for climate-induced Climate Refugees and provide a framework for their registration, protection, and welfare.

2. The Bill aims to prevent the exploitation of Climate Refugees, promote their integration into society, and safeguard their rights and assets. It recognizes the importance of transparency, collaboration, and economic inclusion to ensure the long-term well-being of displaced persons, thereby contributing positively to Pakistani society.

3. The Bill has been designed to achieve the aforesaid objectives.

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