

RESEARCH ARTICLE



Climate-Induced Displacement under Refugee Law: Assessing the Legal Framework for Recognition and Protection

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ABSTRACT

As a result of the direct and indirect effects of climate change, nations worldwide are experiencing an increasing number of individuals forced from their homes, becoming migrants due to climate change. This creates major legal and humanitarian issues, especially if the displacement crosses national borders. The study critically explores the notion of climate change induced migrants under the current international legal framework, focusing on the international refugee law framework. The analysis concludes that circumstances which led to their displacement are not under international refugee law and the law on statelessness stateless person. As a result, they won't be covered by any of the legal categories. The study also identifies that there are some international, regional and national legal tools that might provide some level of protection, including: the principle of non-refoulement, under international human rights law, and complementary protection under some regional and domestic laws; however, these tools are weak and disjointed. Similarly, the international environmental law does not require protection of the people who are displaced by environmental degradation. This paper highlights the inadequacy of the current international legal framework in safeguarding the rights of climate change induced migrants and suggests that a new international legal instrument should be adopted, while in the meantime an international guiding framework and innovative mechanisms such as a climate passport should be implemented to protect their rights in an effective and durable manner.

Keywords: *Climate change; environmental migrant; refugee law, climate change-induced displacement, climate passport.*



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1. Introduction

There are just four years to 2030, the Sustainable Development Goals (SDGs) target year. The SDGs are a set of sustainable development goals adopted in 2015 by all United Nations Member States to drive peace, protect people and preserve the planet with sustainable development.¹ However, in spite of this international commitment, the international community is still grappling with one of the most pressing issues of the current era and this is “climate change”. It is no longer just a future threat - it's affecting ecosystems, livelihoods and human security globally, and it's also putting the health of future generations at risk. From Cull's observations, climate change is already having an impact on daily life and the future of the planet is growing more precarious every day.² The problem of climate change has become one of the problems of the twenty-first century, not only in terms of ecosystems, but also in terms of lives and livelihoods of millions of individuals in various parts of the world. With the worsening of environmental degradation due to the rising sea levels, extreme weather, long-term droughts, and floods, more and more people must abandon their homes in search of refuge. The Office of the United Nations High Commissioner for Human Rights has recognized that climate change is becoming an important driver of human displacement, with its impacts posing serious threats to the enjoyment of fundamental human rights.³ It has also been projected that climate-related events could force as many as 150 million people to migrate by 2050.⁴ Although displaced in life-threatening conditions, individuals who are escaping the negative impacts of climate change are not considered refugees in the current international protection regime of refugees. The 1951 Refugee Convention mandates that refugees have a well-founded fear of persecution due to race, religion, nationality, membership of a certain social group, or political opinion to be recognized as refugees, and so, a large gap in protection under international law exists between those who have been displaced by environmental factors or climate changes and those who have been displaced by persecution.⁵

This is as per the old Chinese proverb, “*the best method to safeguard oneself from perils to life is to run away.*” Indeed, in history, people have run away when they are in danger to their lives.⁶ Today, climate induced displacement is a reflection on this instinct, but international law has not yet adequately acknowledged or dealt with the persons forced to move as a result of environmental causes.

¹United Nations General Assembly, Transforming our World: the 2030 Agenda for Sustainable Development UNGA Res 70/1, UN Doc A/RES/70/1 (25 September 2015).

²Miguel Pajares, *Refugiados climáticos: Un gran reto del siglo XXI* (Rayo Verde 2020).

³UNHCR, 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, para 55.

⁴Walter Kälin, *The Climate Change–Displacement Nexus* (The Brookings Institution 2008).

⁵Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 150, art 1A(2).

⁶Essam El-Hinnawi, *Environmental Refugees* (UNEP Doc UNEP(02)/E521985).

2. Research Problem

Despite the growing number of people displaced by the adverse impacts of climate change, international refugee law does not recognize climate-induced displaced persons as refugees under the 1951 Refugee Convention. Although several branches of international law, including international human rights law, the law on statelessness, and international environmental law, provide limited and fragmented forms of protection, none offers a comprehensive legal framework capable of addressing the legal status and protection needs of climate-induced displaced persons. Against this backdrop, this paper explores the legal rights and entitlements of those displaced due to climate change. It examines the link between climate change and human mobility and therefore delves into the inadequacies of the current international refugee and human rights laws. The discussion further examines the degree to which the existing law regimes can still offer a degree of protection and suggests what the international community should do to extend the protection of climate-displaced persons.

3. Literature Review

The interdisciplinary nature of climate-induced migration made it an essential area of research, where climate change is having more and more impacts on human mobility, livelihoods and migration patterns. Early scholarship mainly concerned the notion of “environmental refugees”. Existing scholarship initially focused on defining climate-induced migration and identifying the environmental and socio-economic factors that influence human mobility. The term was coined by Hinami for those individuals whose traditional habitat is being lost due to environment impairment to their survival and livelihood.⁷ This view, however, was later criticized by other scholars because it led to a direct causal link between environmental change and migration, while failing to take into account social, political and economic factors that affect migration decisions.

Bates classified environmentally induced migration under two categories: temporary and permanent migration due to environmental disaster and the environmental deterioration, respectively.⁸ Likewise, Castles contended that migration is not caused by environmental change alone but is a result of the combination of environmental stress, poverty, governance shortcomings, and insecurity of livelihoods.⁹ Also Beano, Zeter and Morris argued that the analysis of environmentally displaced populations must be seen in relation to environmental changes, vulnerability and social adaptation rather than by the environment alone.¹⁰

⁷Essam El-Hinnawi, *Environmental Refugees* (United Nations Environment Programme 1985).

⁸Daniel C Bates, ‘Environmental Refugees? Classifying Human Migrations Caused by Environmental Change’ (2002) 23(5) *Population and Environment* 465.

⁹Stephen Castles, ‘Environmental Change and Forced Migration: Making Sense of the Debate’ (2002) UNHCR

¹⁰Cristina Boano, Roger Zetter and Tim Morris, *Environmentally Displaced People: Understanding the Linkages Between Environmental Change, Livelihoods and Forced Migration* (Refugee Studies Centre 2008).

In the last few years, there have been changes in the literature, from seeing climate migration as only a forced movement to a more nuanced perspective that sees it as a process of vulnerability, adaptation, and survival strategies. However, predicting climate migration is still difficult due to the fact that migration is influenced by various socio-economic and political factors in addition to the climate factors, as suggested by Morrissey¹¹ Davis et al., also noted that models of migration in response to climate change should account for household resources, social networks, risk perception, and livelihood opportunities, as these factors determine the decisions of who stays, who moves for a temporary period, and who moves for a permanent one.¹²

A second body of scholarship examines the extent to which existing international legal regimes recognize and protect climate-induced displaced persons and proposes possible legal reforms. Climate migrants do not have a specific legal status under international law, which is a key issue in the literature. Nishimura asserted that the displacement due to climate change, in most cases, is not covered by the protection regime of the 1951 Refugee Convention because climate change is not legally viewed as a refugee cause.¹³ Betts proposed that the refugee regime as it presently stands needs more protection mechanisms to tackle the ever increasing environmentally displaced populations.¹⁴ Similarly, Biermann and Boas recommended an international protocol on climate refugees, stating that climate displacement is an international responsibility.¹⁵ Mayer, however, warned that new protection mechanisms, if they are not developed taking into account the inequalities that exist globally, risk to perpetuate current challenges in the field of migration governance. The deltaic geographical location, population density, and reliance on climate-sensitive livelihoods make Bangladesh one of the most climate change sensitive countries.¹⁶

The literature further examines climate-induced displacement in Bangladesh, emphasizing the country's vulnerability, migration patterns, governance challenges, and policy responses. The Asian Development Bank pointed out that sea-level rise, flooding, cyclones, and salinity intrusion pose considerable displacement risks in South Asia. The study on Islam and Doha found a strong relationship between disruption of livelihood and socioeconomic vulnerability with climate-induced migration in Bangladesh¹⁷. Islam also suggested that migration in coastal Bangladesh can be considered as a response to environmental risks as well as adaptation

¹¹James Morrissey, *Environmental Change and Forced Migration* (Refugee Studies Centre, University of Oxford 2009).

¹²Kyle F Davis, Abhishek Bhattachan, Paolo D'Odorico and Stefano Suweis, 'A Universal Model for Predicting Human Migration under Climate Change: Examining Future Sea Level Rise in Bangladesh' (2018) 13(6) *Environmental Research Letters* 064030.

¹³Lauren Nishimura, 'Climate Change Migrants: Impediments to a Protection Framework and the Need to Incorporate Migration into Climate Change Adaptation Strategies' (2015) 27(1) *International Journal of Refugee Law* 107.

¹⁴Alexander Betts, 'Survival Migration: A New Protection Framework' (2010) 16(3) *Global Governance* 361.

¹⁵Benoît Mayer, Ingrid Boas, J Jacob Ewing, Arnaud Baillat and Uddin Khan Das, 'Governing Environmentally-Related Migration in Bangladesh: Responsibilities, Security and the Causality Problem' (2013) 22(2) *Asian and Pacific Migration Journal* 177.

¹⁶*ibid*

¹⁷Md Rafiqul Islam and SM Doha, 'Socioeconomic Consequences of Climate Induced Human Displacement and Migration in Bangladesh' (2017) 32(3) *International Sociology* 277.

strategy.¹⁸

Davis et al. proposed that migration could be greatly affected by future sea-level rise, especially in coastal regions of Bangladesh.¹⁹ Seddiky et al. found that the migration decision is influenced by the interaction of climate hazards, livelihood insecurity and household vulnerability.²⁰ Climate change has direct impacts on rural livelihoods through the impacts on agriculture, fisheries and natural resource. Kartika found that climate stress can lead to migration as it decreases livelihood opportunities in rural Bangladesh.²¹ Ahsan, Karuppannan and Kellett proposed that climate migration poses major challenges for urban planning as migrants tend to gravitate to cities where housing and social services are scarce.²² Sams noted that migration from southwest coastal Bangladesh is a household coping mechanism dealing with recurring environmental hazards.²³

Nonetheless, migration does not necessarily lessen vulnerability. While Luetz²⁴ suggested that migration can be a tool for adaptation by diversifying income sources, Huq and Shafique showed that in urban Bangladesh, the climate migrants are often excluded by the existing policy framework, which does not cater to their needs.²⁵ Molla et al. also noted that urban slum residents who are affected by climate migration are at higher risk of health problems because of poor sanitation, water and health care facilities.²⁶

The impacts of climate migration are not even. Evertsen and Van derGeest stated that women are more vulnerable in the process of climate migration due to lack of equal access to resources and decision making opportunities.²⁷ Climate related insecurity may exacerbate social issues like child marriage in vulnerable communities, as proposed by Ainul et al.²⁸

¹⁸Md Islam, 'Is Climate Change Migration an Adjustment to Extreme Weather Events? A Study on the Coastal Areas of Bangladesh' (2022) 14(4) *Weather, Climate, and Society* 1247.

¹⁹Kyle F Davis, Abhishek Bhattachan, Paolo D'Odorico and Stefano Suweis, 'A Universal Model for Predicting Human Migration under Climate Change: Examining Future Sea Level Rise in Bangladesh' (2018) 13(6) *Environmental Research Letters* 064030.

²⁰A M Seddiky, E Ara and A Karim, 'Climate Change-Induced Hazard Risks and Migration in Bangladesh: A Case Study' (2024) 7 *Current Research in Environmental Sustainability* 100253.

²¹Kiran Kartiki, 'Climate Change and Migration: A Case Study from Rural Bangladesh' (2011) 19(1) *Gender & Development* 23.

²²Reza Ahsan, Sivam Karuppannan and John Kellett, 'Climate Migration and Urban Planning System: A Study of Bangladesh' (2011) 4(3) *Environmental Justice* 163.

²³Syed Islam Sams, 'Climate Induced Migration and Social Mobility among Migrants: Evidence from the Southwest Coastal Region of Bangladesh' (2019) 8(4) *Social Sciences* 147.

²⁴John M Luetz, 'Climate Change and Migration in Bangladesh: Empirically Derived Lessons and Opportunities for Policy Makers and Practitioners' in Walter Leal Filho and Johannes Nalau (eds), *Limits to Climate Change Adaptation* (Springer International Publishing 2018).

²⁵E Huq and T Shafique, 'People Move, Policies Don't: Discursive Partition against Climate-Impacted Dwellers in Urbanizing Bangladesh' (2023) 35 *Environment and Urbanization*.

²⁶Nabila A Molla, Kazi A Mollah, Gazi Ali, W Fungladda, O V Shipin, W Wongwit and H Tomomi, 'Quantifying Disease Burden among Climate Refugees Using Multidisciplinary Approach: A Case of Dhaka, Bangladesh' (2014) 8 *Urban Climate* 126.

²⁷Kirsten F Evertsen and Kees van der Geest, 'Gender, Environment and Migration in Bangladesh' (2020) 12(1) *Climate and Development* 12.

²⁸Md M Naser and others, 'Climate Change, Migration and Human Rights in Bangladesh: Perspectives on Governance' (2019) 60(2) *Asia Pacific Viewpoint* 175.

Climate displacement, from a human rights perspective, poses questions of global justice, as the countries that suffer the most are those that are least responsible for the climate change, Ahmed said. Caney pointed out that climate change poses a danger to the enjoyment of rights such as access to health, livelihood and basic material necessities. The need for better governance in the country persists in Bangladesh, as international legal frameworks offer insufficient safeguards to climate-displaced people).

The research field of climate migration is growing and there are more and more arguments to incorporate it into adaptation and development planning. Geun indicated that there are competing political and institutional narratives in shaping the climate migration policies of Bangladesh.²⁹ Foldamer et al. Showed that investment in adaptation strategies can diminish climate risks and increase resilience.³⁰

This legal fragmentation creates a significant protection gap that demands critical doctrinal examination and the exploration of appropriate legal reforms. Hence, there is an urgent need for an extensive research on the nature of climate migrations a multi-faceted phenomenon of environmental change, livelihood insecurity, human rights and institutional response.

4. Research Questions

- I. How does the existing international refugee law framework address the legal recognition and protection of climate-induced displaced persons?
- II. To what extent do international human rights law, the law on statelessness, and international environmental law fill the protection gaps left by refugee law?
- III. What legal reforms and institutional mechanisms are necessary to establish an effective international protection framework for climate-induced displaced persons?

5. Methodology

This study adopts a doctrinal legal research methodology and employs qualitative research approach, which is mainly theoretical in nature. Resources for the research are collected predominantly from secondary sources. Some data and information are collected from primary sources such as, *inter alia*, domestic legislation, judgments of cases, international legal instruments, law reports, and resolutions of an international organization. Secondary sources which have been resorted to are, *inter alia*, books, journal articles, newspaper articles, blog articles, online journals, e-books, and reports published by different

²⁹Ji Hye Geun, 'The Evolution of the Policy Environment for Climate Change Migration in Bangladesh: Competing Narratives, Coalitions and Power' (2019) *Development Policy Review*.

³⁰Lena I Fuldauer and others, 'Evaluating the Benefits of National Adaptation to Reduce Climate Risks and Contribute to the Sustainable Development Goals' (2022) 76 *Global Environmental Change* 102575.

organizations. A doctrinal approach is appropriate for this study because it facilitates the interpretation and critical examination of international legal instruments, judicial decisions, and legal principles governing climate-induced displacement. The study adopts an interpretive approach by analysing the scope and limitations of existing legal regimes and comparatively examining international refugee law, international human rights law, the law on statelessness, and international environmental law to identify protection gaps and assess the need for legal reform. The study employs analytical, critical, descriptive, and explanatory methods to evaluate the adequacy of existing legal regimes and identify gaps in the protection of climate change-induced migrants while proposing appropriate legal reforms.

6. The Juxtaposition of Climate Change and Migration

Climate induced displacement is the forced movement of people or communities from their customary places of residence due to climate change and environmental disruptions which present a risk to their safety, livelihoods or capacity to stay in their homes. This can be caused by sudden events such as floods, cyclones and storms or slow events such as sea-level rise, desertification, land degradation and long dry spells. Climate induced displacement is not a direct result of climate change, but rather a complex interaction between climate change and environmental degradation, environmental vulnerability and human mobility.³¹ The Intergovernmental Panel on Climate Change (IPCC) defines climate change displacement as displacement caused by increased climatic hazards and degradation of environmental conditions that are essential for human habitation and livelihood security.³² The International Organization for Migration (IOM) defines environmental migration as the movement of persons which is driven and compelled, or desired, by sudden or progressive climatic changes that negatively impact their lives or living conditions.³³ This section will try to explain the link between climate change and human migration. By doing this, it will clarify how environmental catastrophes are a manifestation of climate change. It will also explain who can be considered a climate change migrant, the different types of climate change-induced displacement and how migration may be an outcome of climate change.

6.1 Climate Change and Environmental Disasters: The Interwoven Reality

Climate change is any change in climate that is attributed directly or indirectly to human activity that alters the atmosphere's composition.³⁴ Its negative impacts are also described in the United Nations Framework

³¹Walter Kälin, *The Climate Change–Displacement Nexus* (2008) < <https://www.brookings.edu/articles/the-climate-change-displacement-nexus/> > accessed 29 June 2026

³² International Organization for Migration *Climate Change, Environmental Degradation and Migration* (March 2011) < https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/climate-change-2011/background_paper.pdf > accessed 29 June 2026.

³³International Organization for Migration (IOM), *Glossary on Migration* (International Organization for Migration 2019) 63.

³⁴*ibid.*

Convention on Climate Change (UNFCCC) as the negative impacts on the environment, socio-economic systems and human welfare.³⁵ The frequency and severity of environmental disasters is a sign of climate change, but it is not actually visible. Slow onset events, such as deforestation, land degradation, soil erosion, Stalination and desertification, lead to a progressive decline in environmental and agricultural productivity over time.³⁶ Sudden onset disaster refers to disasters such as cyclone, hurricane, flood, earthquake and volcanic eruption³⁷. Furthermore, environmental degradation can often exacerbate the impact of disasters, illustrating how interdependent these hazards are, if they are not already anticipated.³⁸ In addition, long-term environmental degradation can sometimes increase the impacts of short-term disasters, illustrating how these short-term disasters can impact long-term environmental degradation if it has not already occurred.³⁹

6.2 Climate Induced Migrants

There is an widely accepted scholarly and political consensus on the growing displacement of people due to climate change and climate-related disasters.⁴⁰ Such calamities could compel people to evacuate their homes, induce them to move to other areas, or may cause government authorities to move the affected communities.⁴¹ However, it is hard to define the climate change migrants solely as migrants, as many other social and economic factors are associated with migration⁴². Climate change can exacerbate already existing economic vulnerabilities, trigger or aggravate political or social tensions and can ultimately help to cause displacement.⁴³

In his pioneering report for the United Nations Environment Programme (UNEP), EssamEl-Hinnawi coined the term 'environmental refugees' for those who have been displaced from their normal habitat, temporary or permanent, because of environmental disruptions.⁴⁴ He categorized them into three types.⁴⁵ The first refers to those *temporarily displaced by short-term environmental events* (e.g. earthquake, cyclone) and who return home once conditions are better⁴⁶. The second group are those who make *permanent shifts in residence due*

³⁵United Nations Framework Convention on Climate Change (adopted 20 June 1992, entered into force 21 March 1994) 1771 UNTS 107 art 1.

³⁶Lauren Nishimura, 'Climate Change Migrants: Impediments to a Protection Framework and the Need to Incorporate Migration into Climate Change Adaptation Strategies' (2015) 27(1) *International Journal of Refugee Law* 107, 112.

³⁷Gregory S McCue, 'Environmental Refugees: Applying International Environmental Law to Involuntary Migration' (1993) 6(1) *Georgetown International Environmental Law Review* 151, 158.

³⁸*ibid* 160.

³⁹*ibid*.

⁴⁰Kälin(n 31)

⁴¹Jane McAdam, 'Displacement in the Context of Climate Change and Disasters' in Cathryn Costello, Michelle Foster and Jane McAdam (eds), *The Oxford Handbook of International Refugee Law* (Oxford University Press 2021) 833, 833.

⁴²Nishimura (n 36).

⁴³*ibid*.

⁴⁴McCue (n 37) 157.

⁴⁵Hinnawi (n 7)

⁴⁶*ibid*.

to environmental degradation over an extended period.⁴⁷ The third group are those *who migrate temporarily or permanently due to environmental changes* that cause a decline in the resources available locally to provide for basic needs.⁴⁸

Thus, environmental degradation may force people to migrate or to further drive people out of their places through exacerbating current socio-economic conditions. In view of these, one could think of the climate change migrants as those who migrate due to climate change induced environmental degradation or due to environmental degradation and other social, economic or political factors.

6.3 Climate Change as a Catalyst for Human Migration

Climate change is not the sole driver of migration, but contributes to the adverse impacts of the existing social, economic and environmental conditions. Climate change may generate multiple different scenarios, which are possible to trigger migration. These are hydro meteorological disasters, government evacuation activities from those areas are hazardous to human inhabitation, environmental degradation, sea level rise and dwindling of resources essential for living.⁴⁹

Examples are flooding, hurricanes, typhoons, cyclones, mudslides etc. that have a very big effect on the economy; in this type of displacement most of the people involved in the disaster are located within the country from which the disaster erupted and they can come back to their abodes just after the completion of the disaster.⁵⁰ This is a short term displacement because the disasters causing the displacement end quickly and the people can come back to their abodes after the end of the disaster. In most cases the displaced person can be accommodated within the borders of his/her own country because this kind of calamity does not happen all over the country, therefore the majority of the displaced people remain in other locations within the borders of their own country.⁵¹ These, however, only go to an adjoining country if it is the only avenue of escape or if an adjoining country is able to provide better shelter.⁵²

Unlike the first type of displacement, the second type is when any government moves people from a specific area in the country that is prone to disasters and could pose a threat to their ability to live there.⁵³ This type of displacement is predisposing people to living in hazardous areas before disasters happen. One such group of people are those who have been moved to another area within the same country, but for good.

⁴⁷ibid 5.

⁴⁸ibid.

⁴⁹Jane McAdam, 'Conceptualizing Climate Change-Related Movement', *Climate Change, Forced Migration, and International Law* (Oxford Academic, 24 May 2012) 24

⁵⁰Kālin(n 31)

⁵¹ibid .

⁵²ibid.

⁵³ibid.

The third type of migration takes place when people move to other regions beforehand, predicting that their places of abode would become uninhabitable in future as a result of slowly ongoing disasters like drought, repeated floods or Stalinization of agricultural land etc.⁵⁴ This type of displacement is voluntary in nature because people move to another place for better economic opportunities; however, if the environmental degradation worsens, this may amount to forced displacement.

The fourth form of displacement is when the geographical area of small island States shrinks as a result of sea-level rise and States have not sufficient land available for their residents. These individuals move to another country when the situation is so dire.⁵⁵ The last category of migration takes place when people become displaced by armed conflicts that are fueled by declining essential resources like water or by increasing aridity of land.⁵⁶

Migration can thus be differentiated in various ways. Migrants may be internally displaced persons (IDPs), people who move within their own country, or they may be displaced persons from a different country (x-border). In regard to the temporal dimension, migration could be temporary or permanent; and, in regard to the amount of environmental degradation in the country of origin, migrants could be voluntary or forced.⁵⁷ When their degradation is not so bad that they feel they should move to somewhere else, but rather to seek better opportunities in another location, they are voluntary migrants. On the other hand, if the degradation is so severe that people are forced to relocate otherwise they will have no other choice for survival, the displacement is called forced migration.⁵⁸

7. International Legal Framework in Recognizing And Protecting Climate Induced Displacement

From the previous analysis, the phenomenon of becoming climate change migrants has been found. This group of people who are displaced is a group of real people. Are they part of the international legal frameworks? The aim of this section is to elaborate on the theme by looking at some international legal frameworks.

7.1 Protection Gaps under Existing Frameworks

A. International Refugee Law

People who have been forced to flee their homes as a result of climate change are known as 'climate change

⁵⁴ibid.

⁵⁵ibid.

⁵⁶ibid

⁵⁷McAdam (n 49).

⁵⁸Kālin(n 31)

refugees. Though this type of terminology might be politically useful, it is ethically and legally wrong.⁵⁹ In countries such as Tuvalu, Kiribati and Bangladesh, the word 'refugee' does not have any particular connotation and it is used to describe people who are escaping from their own governments.⁶⁰ These communities claim that their governments are not responsible for climate-induced migration and place the blame on the industrially developed countries. Henceforth, the major questions include whether climate change migrants qualify as refugees and the applicability of international refugee law to them. In shading light to these questions, first the definition as enshrined in the convention must be analyzed.

According to Sec 1(A)2 of the Refugee Convention, a 'refugee' is defined as an individual who is outside their country of nationality and cannot or will not return due to a well-founded fear of persecution based on race, religion, nationality, social group affiliation, or political opinion.⁶¹ The convention only recognizes the human factors behind the migration. There is no scope for the "climate refugees" to fit into the given definition to avail the protection primarily because the convention restricts refugee status to those outside their home country.⁶² This presents a key obstacle, as many climate-induced migrations occur within national borders. For instance, the *internally displaced people (IDP)*, the people who are displaced temporarily as a consequence of flash floods, cyclone etc. Such an IDP is excluded within the purview of the Article 1(A)2 as they are migrated within their national territories.

Another difficulty to include "climate migrants" is the recognition of the impact of climate change as "persecution," because the Convention definition of "refugee" only applies when the individual has a well-founded fear of persecution that prevents them from returning home.⁶³ Environmental disasters are not directly related to the five Convention grounds and are not, therefore, a form of persecution under the Refugee Convention, even though they may be extremely harmful or even deadly.⁶⁴ They affect people indiscriminately and not directed at any particular social group, nationality, religion, race or political opinion. Thus, displacement caused by climate does not amount to "persecution" within the purview of the Refugee Convention. Henceforth, they are not recognized as refugees.

A further challenge to the applicability of the Refugee Convention to climate change migrants is who is the persecutor? Because *Ioane Teitiota v. New Zealand*⁶⁵, first legally recognized case related to climate refugee,

⁵⁹Jane McAdam, *The Relevance of International Refugee Law*, *Climate Change, Forced Migration, and International Law* (Oxford Academic, 2012) 39

⁶⁰*ibid* 40-41.

⁶¹Convention relating to the Status of Refugees, (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 150 (Refugee Convention)

⁶²James C Hathaway and Michelle Foster, *'Alienage': The Law of Refugee Status* (Cambridge University Press 2014) 17.

⁶³McAdam (n 59) 41.

⁶⁴Jessica B. Cooper, 'Environmental Refugees: Meeting the Requirements of the Refugee Definition' (1998) 6(2) *New York University Environmental Law Journal* 480, 502

⁶⁵*Teitiota v The Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZCA 173

denoted that the definition of persecution in the Convention requires an agency, that is, a human being.⁶⁶ In contrast, environmental disasters are beyond human control. Although industrialized countries are often identified as the persecutors due to their greenhouse gas emissions causing environmental degradation and displacement, climate change migrants are likely to seek refuge in those same countries.⁶⁷ Thus, if industrialized countries were to consider the “persecutors”, giving the climate change migrants a safe haven in the same countries would amount to sending the persecuted back to their ‘persecutors’ as it were.⁶⁸ This outcome is not in line with the core tenets of the refugee protection regime. In short, the displacement relating to climate change lacks the “persecutors” which is the core element of the convention.

CASE LAWS ADDRESSING THIS GREY AREA:

- As of 2026, there is no successful reported case as to “climate induced displacement”. The *Kiribati Case*, where a Kiribati national sought asylum in New Zealand due to sea level rise which made him unable to remain in his country and he has been denied refugee status in New Zealand, after the Immigration and Protection Tribunal determined in 2013 that the claim was not made on a basis that was warranted.⁶⁹
- Later in the *Tuvalu Case*,⁷⁰ in 2014, the same tribunal rejected another refugee claim based on the argument that the applicants’ lives were at risk due to the impacts of climate change in their country of origin.
- The legal significance of *Teitiota* was further developed by the UN Human Rights Committee in *Ioane Teitiota v New Zealand (2020)*.⁷¹ Although the Committee found that New Zealand had not violated Article 6 of the ICCPR by returning Teitiota to Kiribati, as the risk to his life was not sufficiently imminent, it recognised that the adverse effects of climate change may, in exceptional circumstances, trigger States’ non-refoulement obligations where return would expose individuals to a real risk of irreparable harm. While the decision did not extend refugee status under the 1951 Refugee Convention to climate-induced displaced persons, it marked a significant development in international human rights law by acknowledging that climate-related harm may prevent removal in appropriate cases. Nevertheless, its protection remains limited and case-specific, reinforcing the need for a comprehensive international legal framework for climate-induced displaced persons.

B. Human Rights Law

⁶⁶AF (Kiribati) [2013] NZIPT 800413, 54 (New Zealand Immigration and Protection Tribunal)

⁶⁷McAdam (n 59) 45.

⁶⁸Jane McAdam, ‘Displacement in the Context of Climate Change and Disasters’, in Cathryn Costello, Michelle Foster and Jane McAdam (eds), *The Oxford Handbook of International Refugee Law* (Oxford University Press 2021) 833, 837

⁶⁹AF (Kiribati) (n 65)

⁷⁰AC (Tuvalu) [2014] NZIPT 800517 (New Zealand Immigration and Protection Tribunal)

⁷¹*Ioane Teitiota v New Zealand* (Views adopted on 7 January 2020) UN Human Rights Committee, Communication No CCPR/C/127/D/2728/2016.

While it is well recognized that climate change is threatening enjoyment of human rights, it is unclear if its impacts amount to human rights violations in the legal sense.⁷² The protection gap is due to the absence of an internationally recognized right to a safe environment and a binding human rights treaty on climate change migration.⁷³ The Convention against Torture⁷⁴ prevents a person's return to a state of risk of torture. This protection is given to refugees but is not likely to be granted to the environmental refugees.⁷⁵ As it does not recognize the underlying causes of environmental migration, the international human rights regime provides no protection for climate-induced displaced persons.⁷⁶

C. Law on Statelessness

Sea level rise is a threat to the survival of some small island nations, which may need to migrate to a new location permanently. It is not clear however if such people could be considered stateless under international law. As enshrined in Article 1 of the Convention Relating to the Status of Stateless Persons, a person is considered stateless if, according to the law of a State, he or she is not a national of that State and there is no State which would recognize him or her as a national.⁷⁷ While the Convention ensures the protection of stateless persons who reside legally, climate change migrants have limited protection whose countries are disappearing gradually.⁷⁸ This is so because their government is still operating from the other parts of their lands. Even if their whole country is submerged, they are still not considered stateless within the purview of this convention as the general principle of international law presumes that the State to exist and continues to exist in exile in symbolic way.⁷⁹ Consequently, climate change migrants are in general not covered by international law on statelessness.

D. Environmental Law

International Environmental Law began to take shape as a separate body of international law at the United Nations Conference on the Human Environment in Stockholm in 1972 and with the adoption of the Stockholm Declaration.⁸⁰ Migration caused by environmental harm is not covered by the Declaration, which

⁷² Walter Kälin, 'Conceptualizing Climate-induced Displacement', in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing 2010) 81, 88

⁷³ UNHCR, '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 para 55,70

⁷⁴ Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, (adopted 4 February 1984, entered into force 26 June 1987) 1465 UNTS 85 art 3

⁷⁵ Angela Williams, 'Turning the Tide: Recognising Climate Change Refugees in International Law' (2008) 30(4) *Law & Policy* 502, 509

⁷⁶ *ibid* 514.

⁷⁷ Convention Relating to the Status of Stateless Persons, (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117 art 1

⁷⁸ Jane McAdam, 'Disappearing States', *Statelessness, and Relocation*, *Climate Change, Forced Migration, and International Law* (Oxford Academic 2012) 119, 130

⁷⁹ Kälin (n 31) 101.

⁸⁰ McCue (n 37) 179.

only calls on States to prevent environmental harm.⁸¹ Similarly, article 2 of the United Nations Framework Convention on Climate Change (UNFCCC) is concerned with the impacts of climate change – not the protection of those who are displaced due to climate change.⁸² As both instruments are primarily preventive and regulate inter-State obligations, they do not provide legal protection or status for climate change migrants.⁸³

E. Recent International Developments in Climate Mobility Governance

Recent international developments have significantly advanced the global discourse on climate-induced displacement, although they have not yet established a binding legal protection regime. The Paris Agreement recognizes the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change.⁸⁴ In this context, Decision 1/CP.21 established the Task Force on Displacement (TFD) under the Warsaw International Mechanism to develop recommendations for addressing climate-related displacement through integrated approaches.⁸⁵ The TFD has since promoted the inclusion of human mobility within national adaptation planning and climate policies, reflecting growing international recognition of climate-induced displacement as governance challenge rather than solely an environmental concern.⁸⁶

In addition, the Global Compact for Safe, Orderly and Regular Migration (2018) expressly recognises climate change, environmental degradation and natural disasters as drivers of migration and encourages States to develop pathways for safe and regular migration in such circumstances.⁸⁷ Although the Global Compact on Refugees (2018) does not create refugee status for climate-displaced persons, it acknowledges the interaction between climate change and forced displacement and encourages international cooperation and burden-sharing.⁸⁸ Likewise, the Platform on Disaster Displacement (PDD) has strengthened international cooperation by promoting the implementation of the Protection Agenda and developing practical guidance on cross-border disaster displacement.⁸⁹ More recently, the Advisory Opinions of the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS), together with emerging climate mobility

⁸¹Declaration of the United Nations Conference on the Human Environment, (16 June 1972) UN Doc A/CONF.48/14/Rev.1 principle 21

⁸²United Nations Framework Convention on Climate Change (adopted 20 June 1992, entered into force 21 March 1994) 1771 UNTS 107 art 2

⁸³ Bonnie Docherty and Tyler Giannini, 'Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees' (2009) 33(2) *Harvard Environmental Law Review* 349, 358

⁸⁴Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) (2016) 55 ILM 740 art 8.

⁸⁵Conference of the Parties, Adoption of the Paris Agreement, Decision 1/CP.21, UN Doc FCCC/CP/2015/10/Add.1 (29 January 2016) para 49.

⁸⁶UNFCCC, Human Mobility, Including Migration, Displacement and Planned Relocation: Task Force on Displacement

⁸⁷Global Compact for Safe, Orderly and Regular Migration, UNGA Res 73/195 (19 December 2018).

⁸⁸Global Compact on Refugees, UNGA Res 73/151 (17 December 2018).

⁸⁹Walter Kälin, 'The Global Compact on Migration: A Ray of Hope for Disaster-Displaced Persons' (2018) 30(4) *International Journal of Refugee Law* 664; Platform on Disaster Displacement, Our Response

initiatives in Pacific Island States, demonstrate an increasing willingness within the international community to clarify States' obligations concerning climate change and human mobility.⁷ While these developments represent important normative progress, they remain fragmented and largely non-binding, reinforcing the need for a comprehensive international legal framework for climate-induced displaced persons.⁹⁰

8. Re-Interpreting Possible Protections within Existing Legal Frameworks

The preceding section has attempted to identify the lacuna in the current international legal framework that overlooked the climate change migrants. This section seeks to identify potential interpretations of the framework through which those gaps can be mitigated.

A. Bridging "Displacement" with Refugee Law Regime

So far, it's clear that the protection of climate induced migrants under refugee law regime is legally impossible. Despite having the international legal definition of a refugee, individuals who do not fall under this definition may still deserve protection, particularly in the context of environmental disasters that can trigger wider displacement scenarios, including armed conflict.⁹¹ Thus, refugee law should not automatically exclude the protection of such displaced individuals.⁹² Additionally, the Immigration and Protection Tribunal New Zealand acknowledged that the necessity of human agency in determining a refugee's status does not necessarily preclude the Refugee Convention's protection from being granted.⁹³

The Refugee Convention may still apply to people who, during environmental disasters, face persecution, torture based on gender, race, religion discrimination in receiving relief, or whose existing persecution is intensified by the disaster.⁹⁴ Moreover, where disasters occur in states that does not respect protect human rights of the people in environmental distress, humanitarian relief may be politicized by excluding marginalized groups.⁹⁵ In many countries, racial, religious, or other minorities often lack sufficient political influence to shape government decisions. Consequently, following environmental disasters, governments may discriminate against these minority groups by prioritizing relief for the majority population. The mindset behind this discrimination may be to attract the votes of the people who are majority in portion.

Governments may also obstruct disaster rehabilitation by refusing to accept foreign humanitarian assistance. If that refusal is an arbitrary denial of international humanitarian aid, it may constitute state conduct that gives affected people grounds to seek international protection⁹⁶. This occurred in Myanmar after Cyclone

⁹⁰*Obligations of States in respect of Climate Change* (Advisory Opinion) [2025] ICJ Rep (Advisory Opinion of 23 July 2025).

⁹¹ McAdam (n 68) 836.

⁹² McAdam (n 59) 42.

⁹³ AF (*Kiribati*) (n 65)

⁹⁴ McAdam (n 59) 836.

⁹⁵ AF (*Kiribati*) (n 65) 58

⁹⁶ AC (*Tuvalu*) (n 70)

Nargis struck the country's south in 2008, killing at least 140,000 people and affecting 2.4 million. The Myanmar government barred foreign relief workers and humanitarian supplies from reaching the affected areas.⁹⁷ Moreover, Myanmar government had also targeted those who had actively participated in the disaster relief aids. It reflects the authorities' adverse political perception of those involved in relief aids, which may be sufficient to trigger protection under the Refugee Convention.⁹⁸

Weak disaster management frameworks can compound the risk of gender-based violence, trafficking and other crimes in the post-disaster context⁹⁹. Displacement, family separation and economic hardship increase the vulnerability of persons affected by disasters to exploitation and may compel them to look for possibilities elsewhere.¹⁰⁰ The Immigration and Protection Tribunal of New Zealand accepted that there may be a right to protection under the refugee regime where governments fail or refuse to protect victims from powerful traffickers or offenders.¹⁰¹

Examples of granting protection under Refugee Law Regime:

- (i) Some Haitians nationals were granted refugee status in both Panama and Peru as a result of well-founded fears related to disaster-related persecution and the lack of protection by the authorities;¹⁰² and
- (ii) One particular disaster-relief activist who was recognized as a refugee by New Zealand's Refugee Status Appeals Authority because the authorities' adverse political perception of her engagement in disaster-relief activities.¹⁰³

To conclude, the Refugee Convention does not provide protection directly for those who are relocated due to climate change solely. However, these individuals may be covered by the convention if the effects of climate change are followed by other incidents that give rise to a legitimate fear of persecution. Therefore, the “persecution” must be done as a result of the environmental disaster afterwards.

B. Human Rights Law Regime

Climate change can undermine fundamental human rights, including the rights to life, food scarcity may

⁹⁷ ‘I Want to Help My Own People: State Control and Civil Society in Burma after Cyclone Nargis’, (Human Rights Watch, 28 April 2010) <<https://www.hrw.org/report/2010/04/28/i-want-help-myown-people/state-contro-and-civil-society-burma-after-cyclone>> accessed 30 June 2026.

⁹⁸ *Refugee Appeal No 76374* (2009) NZRSAA 83, para 45 (New Zealand Refugee Status Appeals Authority)

⁹⁹ Elizabeth Ferris, ‘Disaster and Displacement: What We Know, What We Don’t Know’, (Brookings, 9 June 2014) <<https://www.brookings.edu/articles/disasters-and-displacement-what-we-knowwhat-we-dont-know/>> accessed 9 July 2026

¹⁰⁰ ‘Human Trafficking in the Wake of a Disaster’, (Centers for Disease Control and Prevention, 26 August 2020) <https://www.cdc.gov/disasters/human_trafficking_info_for_shelters.html> accessed 9 July 2026.

¹⁰¹ AC (*Tuvalu*) (n 70)

¹⁰² David James Cantor, ‘Law, Policy and Practice Concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters’ (United Nations Network on Migration, 1 January 2016) <<https://migrationnetwork.un.org/resources/law-policy-and-practiceconcerning-humanitarian-protection-aliens-temporary-basis-context>> 17, accessed 9 July 2026

¹⁰³ *Refugee Appeal No 76374* (n 90) 83

interrupt right to adequate food,, the disaster destroys the health infrastructure that affects the attainable standard of health, and sea-level rise and floods affect the right to housing. thereby triggering states' human rights obligations.¹⁰⁴ The Immigration and Protection Tribunal of New Zealand in *Kiribati Case* ¹⁰⁵has recognized that Article 7 of the ICCPR¹⁰⁶ can provide protection where environmental degradation creates life-threatening conditions and can prevent the return of individuals to such circumstances.

9. Comparative Global Practice

Comparative state practice remains limited. Nevertheless, New Zealand, Finland, Sweden and Canada have adopted complementary or humanitarian protection mechanisms that may, in certain circumstances, benefit persons displaced by environmental disasters.¹⁰⁷ New Zealand has explored humanitarian and complementary protection through judicial interpretation and policy discussions, particularly following the *Teetotal* litigation.¹⁰⁸ Finland and Sweden provide residence permits in certain humanitarian circumstances under their immigration laws, which may offer protection to persons affected by environmental disasters, although such protection is not specifically designed for climate-induced displacement.¹⁰⁹ Canada has increasingly relied on humanitarian and compassionate grounds in exceptional cases while supporting international initiatives on climate mobility. At the regional level, soft-law initiatives, including the Platform on Disaster Displacement and the Nansen Protection Agenda, encourage States to strengthen cross-border protection, planned relocation, and international cooperation in response to disaster- and climate-related displacement. Although these approaches reflect growing recognition of climate mobility, they remain fragmented, discretionary, and dependent on domestic immigration policies rather than legally binding international obligations. Consequently, they cannot substitute for a comprehensive international legal framework dedicated to the protection of climate-induced displaced persons.

¹⁰⁴ Jane McAdam, 'Climate Change Displacement and International Law: Complementary Protection Standards' (United Nations High Commissioner for Refugees, May 2011) <<https://www.unhcr.org/media/no-19-climate-change-displacement-and-international-law-complementaryprotection-standards> > 17, accessed 9 July 2026

¹⁰⁵ AF (*Kiribati*) (n 65) 61

¹⁰⁶ International Covenant on Civil and Political Rights, (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 7.

¹⁰⁷ Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press 2012) ch 4.

¹⁰⁸ *Ioane Teitiota v New Zealand* (Views adopted on 7 January 2020) UN Human Rights Committee, Communication No CCPR/C/127/D/2728/2016.

¹⁰⁹ Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press 2012) ch 4 (discussing Finland, Sweden and other domestic humanitarian protection mechanisms).

10. Findings

•As to Protection under Refugee Law

As climate change is not a recognized criterion for refugee status, migrants affected by climate change are not considered refugees under the 1951 Refugee Convention. Since the majority of displacement brought on by climate change occurs “internally”, people are not covered by the Convention, which only applies to people who are not in their native country. Furthermore, climate change does not fit the Convention's concept of “persecution,” since environmental harm is often indiscriminate and does not have a specific human perpetrator. This opinion is supported by court rulings, such as those in the *Teitiota* and *Tuvalu* cases, where claims are rejected on the grounds that climate change by itself does not satisfy the requirements of international refugee law. People who do not meet the precise criteria of a refugee under international law may nevertheless be entitled to protection. Since armed conflicts and environmental calamities can result in widespread displacement, refugee legislation shouldn't automatically bar such displaced people from getting protection.

•As to States’ Apprehension in Expanding the Definition of Refugee

Limited protection is also due to state reluctance because many states are apprehensive of granting refugee status to climate migrants, which would result in a surge of refugee applications.

States also state concerns about the potential impact of a broadening of the scope of the Convention on refugee protection systems. These worries have grown with the rise in climate-induced displacement cases, which is expected to exceed the number of traditional refugees in the near future.

•As to Fragmented and Inadequate Protection under International Law

There are important gaps in the existing international legal frameworks covering the protection of climate change induced migrants. Climate change-induced migrants are not covered by the Refugee Convention, the Guiding Principles on Internal Displacement (for cross-border movement), the statelessness regime or in most cases, international human rights law. The main thrust of international environmental law is to prevent environmental degradation and it does not provide much protection for those who are affected by it. This implies that the current international legal framework still has a protection gap for climate change-induced displacement persons.

•As to the Applicability of OAU Refugee Convention

The OAU Refugee Convention¹¹⁰ provides some potential for protection; the term “events seriously

¹¹⁰Convention Governing the Specific Aspects of Refugee Problems in Africa (entered into force June 20, 1974) 1001 UNTS 45 art 1

disturbing public order” could encompass an environmental disaster¹¹¹. The meaning of this remains unclear, and many believe the Convention was only meant to cover 'human-made events'. This wider definition is not supported by state practice because in general environmental disasters are not considered grounds for refugee protection. For the above reasons, the OAU Convention does not offer any clear and reliable protection for climate change-induced damage.

•As to Re-interpreting Climate migrants’ Protection

In summary, the 1951 treaty does not provide protection for those who are relocated due to climate change alone. However, these individuals may be covered by the convention if the effects of climate change are followed by other episodes that give rise to a legitimate fear of persecution. The OAU convention is subject to the same argument. If the government obstructs reconstruction following environmental disasters with the goal of victimizing the afflicted people on one of the five convention grounds, the displaced persons in this region may be covered by this agreement.

11. Recommendations

•Adoption of a Dedicated International Convention

Existing legal frameworks are not adequate to protect this group of migrants and a special international convention should be adopted to deal with migration that is caused by climate change. Such an instrument ought to set up a coherent legal framework which is in keeping with the particular nature of climate-induced displacement. This new convention should also cover the legal and humanitarian issues, with a definition that will still apply in future scenarios. It should cover all sub-categories of climate change migrants such as affected by direct and indirect impacts. The definition should include six components: 1) Forced migrations, 2) Temporary or permanent relocation, 3) Cross-border movement, 4) Climate related disruption, 5) Sudden or slow onset environmental disruption, 6) Human contribution to environmental disruption. It should include provisions for equitable responsibility-sharing of States and the international community, and for the effective institutional mechanisms of the implementation and enforcement of the convention.

• Development of an Interim International Guiding Framework

A framework should be put in place to guide the protection of migrants as a result of climate change, in the absence of an international convention. This framework should be based on and aligned with existing refugee and human rights law, it should be clear about the protection that is already provided, and it should offer guidance on how to apply these principles to displacement caused by climate change rather than formulating

¹¹¹M. R. Rwelamira, ‘Two Decades of the 1969 OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa’ (1989) 1(4) *International Journal of Refugee Law* 557, 558

new rules.

•**Providing Complimentary Protection Mechanism**

While international human rights law does not explicitly address climate change induced migrants, it provides protection through complementary protection for those who are not refugees but who need international protection because of climate change. A number of countries, such as the European Union, the United States, Canada, New Zealand, Australia, Hong Kong and Mexico, have implemented such mechanisms. A crucial form is temporary protection, for those who are not able to return home because of environmental disasters. The USA's Temporary Protected Status (TPS) has been issued, for instance, to nationals from countries facing natural disasters such as Haiti after the earthquake.¹¹² Likewise, the EU Temporary Protection Directive and the Aliens Act of Finland may be read as allowing for temporary protection of those whose displacement has resulted from a climate induced environmental disaster.¹¹³

•**Application of Principle of Non-refoulement**

While the international human rights regime does not explicitly affirm that climate change induced migrants exist, it may be recognized that protection under the principle of non-refoulement may be available when a climate change induced migrant would otherwise face a real risk of serious harm as a result of climate change related conditions.

• **Protection under the Guiding Principles on Internal Displacement**

People who are displaced within their own countries as a result of natural disasters, particularly those caused by climate change, are protected by the Guiding Principles on Internal Displacement. According to Principle 1, internally displaced people must have the same freedoms and rights as other citizens of their nation.¹¹⁴ However, cross-border migrants affected by climate change are not protected by these principles; they only cover internal displacement.

•**Recognition of Climate Passport**

The Climate Passport is an innovative legal tool which can be regarded as a protective measure for people displaced due to climate change. At present, no international legal instrument provides a legal basis for a Climate Passport. Its implementation would therefore require the adoption of a dedicated multilateral legal instrument or protocol, potentially under the UNFCCC framework or as a standalone treaty, to define eligibility, institutional responsibilities, and States' obligations. It would follow the historical Nansen

¹¹²Aliens and Nationality Act, 8 USC § 1254a(a)(1) (2018)

¹¹³Council Directive 2001/55/EC on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts between Member States in Receiving Such Persons and Bearing the Consequences thereof [2001] OJ L212/12, art 2(c)

¹¹⁴ UNHCR, 'Guiding Principles on Internal Displacement', (11 February 1998) UN Doc. E/ CN.4/1998/53/Add.2 principle 1

Passport and would allow for a recognized legal status if the climate situation calls for the affected people to be able to move across borders legally, if their homes become uninhabitable. The proposal can be refined within the current international processes, such as the UNFCCC, the Platform on Disaster Displacement or the Global Compact on Migration. The increased exposure of low-lying states, such as Kiribati and Tuvalu, and the development of a new legal framework to respond to climate induced displacement, like the 2025 climate citizenship scheme in Nauru, highlight the need for instruments to tackle climate-induced displacement

• **Protection through Asylum and National Immigration Laws**

Climate change migrants might find partial refuge in the asylum and national immigration laws. The EU Qualification Directive, Aliens Act of Sweden, asylum law of Switzerland and the Immigration Act of Argentina could be read to cover people who are unable to go back to their country because of an environmental disaster. These, however, offer only partial and indirect protection, especially for those living in conditions of sudden-onset climate related disasters.

12. Conclusion

Climate change is altering ecosystems, endangering human welfare, and changing the frequency and severity of natural disasters. It compels residents in impacted areas to relocate in order to either save their own lives or flee worsening circumstances. This essay has shown that migration brought on by climate change is becoming a significant issue that requires immediate response on a global scale. However, these displaced persons are not adequately recognized or protected by existing branches of international law. The definition of international refugee law, which appears to be the most pertinent area of international law in this context, excludes displacements brought on by climate change. Since there is no international agreement that views this kind of displacement as a violation of human rights, protection under the human rights framework is likewise unclear. Many nations have not established precedents by providing protection through expansive interpretations of current legislation. The current protective paths shouldn't be seen as the only options because they don't necessarily address all displacements brought on by climate change. This paper makes the case for the development of a specific legal framework through a new international convention in light of the scope and urgency of climate-induced displacement, which is currently on par with classic refugee crises. It also lists the essential components that such a convention ought to have. The international community must take temporary action to address this growing issue in the interim.

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