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The legal status of climate refugees and their human rights protection

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Abstract

Climate change has emerged as one of the most pressing global challenges of the 21st century. Among its many consequences is the displacement of millions of people due to rising sea levels, extreme weather events, droughts, and desertification. These displaced individuals, commonly referred to as climate refugees, face significant challenges in securing legal protection and recognition under existing international frameworks. This paper examines the legal status of climate refugees within current international law, the gaps that exist in the protection framework, and proposes measures to strengthen their human rights protection. It highlights the urgent need for an international legal framework that recognizes climate-induced displacement, protects the rights of affected individuals, and ensures shared global responsibility.

Keywords: Climate refugees, international law, human rights, displacement, refugee law, climate change

Introduction

The adverse effects of climate change have led to the forced displacement of millions across the globe. These displacements often result from slow-onset events such as desertification, sea-level rise, and the increasing frequency of natural disasters like floods and hurricanes. According to the Internal Displacement Monitoring Centre (IDMC), over 30 million people were displaced due to climate-related disasters in 2022 alone.

However, despite the growing numbers, international law has yet to formally recognize "climate refugees." The 1951 Refugee Convention, which forms the cornerstone of refugee protection, does not include environmental or climate factors within its legal definition of a refugee. This legal gap leaves climate-induced migrants in a vulnerable position, often with limited legal status, rights, and protections.

This paper seeks to analyze the evolving discourse on the legal status of climate refugees, assess their human rights challenges, and suggest legal and policy reforms to address this growing humanitarian concern.

Objectives

Conceptualizing Climate Refugees

Climate refugees represent a growing and increasingly urgent phenomenon within global migration patterns, yet they remain inadequately defined in existing legal frameworks. Unlike conventional refugees, whose displacement results primarily from political, religious, or ethnic persecution, climate refugees are individuals or communities forced to leave their habitual places of residence due to environmental degradation directly or indirectly linked to climate change. The causative factors underlying such displacement include both sudden-onset disasters and slow-onset environmental changes. The absence of a universally accepted definition has created significant challenges for their legal recognition and protection under international law.

The International Organization for Migration (IOM) has provided a widely referenced working definition of climate-induced migrants, describing them as individuals or groups who, "for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, either temporarily or permanently, and who move either within their country or abroad" (IOM, 2008) [5].

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However, this definition has not been codified into binding legal instruments, leaving considerable gaps in global protection systems. Similarly, the Intergovernmental Panel on Climate Change (IPCC) has recognized climate-induced displacement as one of the most significant humanitarian challenges emerging from global climate change, but has not proposed legal definitions or obligations related to this category of displaced persons (IPCC AR6, 2022) ^[2, 13].

Climate-induced displacement occurs across diverse contexts, including sudden disasters such as floods, hurricanes, and wildfires, as well as gradual processes like sea-level rise, desertification, and salinization of arable lands. These processes undermine human livelihoods, destroy infrastructure, and diminish access to essential resources such as fresh water and food, forcing communities to migrate in search of safety and sustenance. Data from the

Internal Displacement Monitoring Centre (IDMC) indicates that in 2022 alone, 32.6 million new displacements were triggered by disasters, a significant portion of which were linked to climate-related events (IDMC, 2023) ^[1].

The geographic distribution of climate refugees varies widely. Pacific Island nations such as Tuvalu, Kiribati, and the Marshall Islands face existential threats due to rising sea levels that are progressively encroaching upon their territories. In low-lying delta regions of Bangladesh, millions are already experiencing recurrent displacement due to intensified monsoon floods and cyclones. Similarly, in sub-Saharan Africa, extended periods of drought and desertification have disrupted agricultural productivity, compelling pastoralist communities to abandon traditional livelihoods and relocate.

The following data, extracted from IDMC and UNHCR reports, illustrates the scale and distribution of disaster-induced displacements for the year 2022:

Region	New Displacements (Disasters, 2022)	Percentage Attributed to Climate Events
East Asia & Pacific	12.1 million	96%
South Asia	7.9 million	94%
Sub-Saharan Africa	4.1 million	89%
Americas	5.4 million	91%
Europe & Central Asia	3.1 million	87%
Middle East & North Africa	0.5 million	84%
Global Total	32.6 million	92%

(Source: Internal Displacement Monitoring Centre, 2023)

As Table 1 demonstrates, the majority of disaster-related displacements are climate-induced, reflecting the profound influence of global warming on human migration patterns. The situation is particularly acute in Asia-Pacific regions, where small island states face the imminent loss of habitable land.

In addition to sudden displacement, slow-onset events contribute significantly to the cumulative pressures forcing populations to migrate. According to the United Nations Environment Programme (UNEP), more than 1 billion people may become climate-displaced by 2050 if global warming trends continue unchecked (UNEP, 2022) ^[3]. Sea-level rise alone threatens approximately 680 million people living in low-lying coastal zones, as reported by the IPCC Sixth Assessment Report (2022).

The conceptualization of climate refugees is further complicated by the complex interplay between environmental change and socioeconomic vulnerabilities. Factors such as poverty, weak governance, fragile infrastructure, and political instability often exacerbate the impact of climate change on displacement. These elements create overlapping layers of vulnerability, making it difficult to isolate climate change as the sole driver of migration. Nevertheless, the cumulative effect of environmental degradation increasingly serves as a tipping point that compels people to migrate when traditional coping mechanisms fail.

An illustrative case is that of Bangladesh's coastal regions, where rising sea levels, increased salinity, and more frequent cyclones have displaced millions. According to a World Bank report, by 2050, one in every seven people in Bangladesh is expected to be displaced due to climate change, potentially displacing up to 13.3 million people internally (World Bank, 2018) ^[4]. Similarly, in the Sahel region of Africa, extreme droughts have led to severe food

insecurity, compelling rural populations to migrate toward urban centers or cross international borders in search of better living conditions.

The challenge of defining climate refugees is not merely academic but has profound legal and policy implications. The absence of an internationally recognized legal category for climate refugees means that displaced individuals often fall through the cracks of existing refugee and human rights regimes. Traditional refugee law, as codified in the 1951 Refugee Convention, does not accommodate environmental displacement, leaving millions of displaced persons without formal protection or resettlement opportunities.

Thus, conceptualizing climate refugees necessitates not only an acknowledgment of the environmental triggers of displacement but also recognition of the complex social, economic, and political dimensions that intersect with climate-induced mobility. As the scale of climate displacement continues to escalate, there is an urgent need for the international community to develop comprehensive definitions and legal frameworks that can adequately address the unique challenges faced by this emerging category of vulnerable populations.

The Legal Gaps in International Refugee Law

The displacement of individuals due to climate change presents a profound challenge to the current architecture of international refugee law. At the heart of this challenge lies the absence of any explicit legal recognition of climate-induced displacement within the principal international legal instruments governing the rights of refugees. The 1951 Convention Relating to the Status of Refugees (hereafter, the 1951 Refugee Convention), along with its 1967 Protocol, continues to serve as the foundation of international refugee protection. However, its applicability

to individuals displaced by climate change is highly limited due to its narrow definitional scope.

Under Article 1(A)(2) of the 1951 Refugee Convention, a refugee is defined as a person who:

"owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."

Nowhere in this definition is environmental degradation, climate change, or natural disasters mentioned as grounds for refugee status. This definition reflects the post-World War II geopolitical context in which the convention was drafted and does not encompass the emerging reality of climate-induced displacement.

This exclusion leaves climate refugees in a legal limbo. Unlike political refugees, they generally do not face deliberate persecution by state or non-state actors; instead, their displacement results from the destruction of their environment. Thus, most climate refugees fail to meet the legal criteria for protection under existing refugee law, even when their displacement may be no less involuntary or life-threatening than that of traditional refugees.

The legal gap becomes even more pronounced when considering that climate-induced displacement frequently occurs within national borders. According to data from the Internal Displacement Monitoring Centre (IDMC), in 2022, of the 32.6 million people displaced by climate-related disasters, nearly all were displaced internally (IDMC, 2023) ^[1]. The 1951 Refugee Convention only applies to individuals who cross international borders. As a result, internally displaced persons (IDPs) suffering from climate-induced disasters must rely on domestic legal frameworks and non-binding soft law instruments for protection, such as the Guiding Principles on Internal Displacement (1998), which are not legally binding.

Efforts have been made to address these gaps through complementary international legal instruments and frameworks. The 1998 Guiding Principles on Internal Displacement, while important, lack binding force and primarily depend on national implementation. Similarly, the 2009 Kampala Convention of the African Union is a significant step in recognizing environmentally-induced internal displacement in Africa, but it applies only regionally and focuses mainly on internal displacement rather than cross-border movement.

The UN Framework Convention on Climate Change (UNFCCC) and its subsidiary instruments also acknowledge the linkage between climate change and human

displacement. The 2015 Paris Agreement, particularly in Paragraph 50 of its accompanying Decision 1/CP.21, established the Task Force on Displacement to address displacement related to the adverse impacts of climate change. However, these provisions remain non-binding and offer little concrete legal protection for displaced persons. They are largely geared towards adaptation, capacity building, and prevention rather than granting legal status or rights to displaced individuals.

The Global Compact for Safe, Orderly and Regular Migration (GCM), adopted by the United Nations in 2018 ^[11], represents another attempt to address climate-induced migration. It recognizes that climate change, environmental degradation, and disasters are drivers of migration and calls for enhanced cooperation and policy responses. Yet, as a non-binding instrument, the GCM does not establish any legal rights for climate refugees nor create enforceable obligations for states.

A critical development in the jurisprudence surrounding climate refugees came with the 2020 decision of the United Nations Human Rights Committee in *Ioane Teitiota v. New Zealand* (CCPR/C/127/D/2728/2016) ^[8]. Teitiota, a citizen of Kiribati, argued that his deportation to Kiribati violated his right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR) due to rising sea levels and deteriorating living conditions. Although the Committee ultimately ruled against Teitiota, it acknowledged for the first time that climate-induced conditions could potentially trigger non-refoulement obligations under international human rights law if the risk to life were sufficiently imminent and serious. This decision signals a gradual shift in legal thinking but still leaves significant uncertainty about the thresholds and standards that would apply in future cases.

The core challenge remains the absence of a comprehensive legal framework specifically designed to address climate-induced cross-border displacement. Existing refugee law is ill-suited for addressing displacement driven by slow-onset disasters such as sea-level rise and desertification. Similarly, human rights law, while offering some protection in extreme cases, does not provide an adequate substitute for refugee status, as it does not confer residency rights, access to asylum, or long-term solutions for displaced populations. Scholars such as McAdam (2012) ^[7] have argued for the development of a new, legally binding international instrument that would explicitly recognize climate refugees and establish corresponding rights and state obligations. Yet, political will remains lacking among states, many of which fear that formal recognition of climate refugees could create new legal obligations and resettlement burdens.

The following table summarizes the primary legal instruments and their current limitations regarding the protection of climate refugees:

Legal Instrument	Scope	Applicability to Climate Refugees	Binding Nature	Limitations
1951 Refugee Convention	International Refugee Law	Generally not applicable	Legally binding	No recognition of environmental displacement
UNFCCC Paris Agreement	Climate Change Framework	Indirect recognition	Legally binding (but limited)	No legal status for displaced persons
Guiding Principles on Internal Displacement (1998)	Internal Displacement	Applicable to IDPs	Non-binding	No cross-border application
Kampala Convention (2009)	Regional (Africa)	Internal environmental displacement	Legally binding (regional)	Not applicable globally or cross-border
Global Compact for Migration (2018) ^[11]	Migration governance	Recognizes climate drivers	Non-binding	No legal rights for displaced persons
UN Human Rights Committee (Teitiota Case, 2020) ^[8]	Human Rights Law	Potentially applicable	Binding (case-by-case)	Very high legal threshold

(Source: Compiled from UNHCR, IOM, McAdam, 2012; UN HRC 2020; IDMC 2023) ^[7, 1]

This fragmented and inconsistent legal landscape leaves climate refugees among the most vulnerable populations globally, lacking formal recognition, durable solutions, and consistent access to protection mechanisms. The situation underscores the urgent need for the development of new legal norms and institutions capable of addressing the unique vulnerabilities faced by persons displaced by climate change.

The Human Rights Challenges of Climate Refugees

The displacement of populations due to climate change exposes millions of people to significant human rights violations, many of which are not adequately addressed within current international protection frameworks. Climate refugees frequently find themselves in precarious legal, social, and economic situations where their most basic human rights are at risk. The absence of clear legal recognition further exacerbates their vulnerability, leaving them marginalized both within national borders and in the international system.

Climate-induced displacement often results in violations of the fundamental right to life. The increasing frequency and severity of climate events such as floods, cyclones, droughts, and heatwaves pose direct threats to human survival. According to the Intergovernmental Panel on Climate Change (IPCC), more than 3.3 billion people live in areas highly vulnerable to climate change, with many already experiencing life-threatening conditions (IPCC AR6, 2022) ^[2, 12]. The 2023 UNDRR Global Assessment Report states that the number of people exposed to deadly heat stress events is expected to increase by 50-100% by 2050 if current emission trajectories continue (UNDRR, 2023) ^[13]. In such conditions, the preservation of life becomes increasingly difficult, especially for populations living in low-lying coastal regions, small island states, and drought-prone agricultural zones.

The right to adequate housing is among the first rights to be compromised when communities are displaced by climate events. Destruction of homes due to flooding, rising sea levels, hurricanes, and landslides forces families into overcrowded temporary shelters or slum settlements, often lacking essential sanitation, security, and stability. The

Internal Displacement Monitoring Centre (IDMC) estimates that in 2022 alone, 32.6 million people were displaced by weather-related disasters, and many were resettled in temporary conditions that fail to meet international housing standards (IDMC, 2023) ^[11].

Access to food and water—a core component of the right to an adequate standard of living—is severely undermined by climate-induced displacement. The United Nations Food and Agriculture Organization (FAO) reported that approximately 828 million people faced hunger in 2022, with climate change cited as a primary driver of food insecurity (FAO, 2023) ^[15]. For many displaced communities, disruptions in local agriculture, fisheries, and livestock farming result in chronic undernutrition and starvation. Simultaneously, freshwater scarcity driven by drought, saltwater intrusion, and glacial melt compromises the right to clean drinking water for millions globally.

Health rights are also gravely affected among climate refugees. The disruption of healthcare infrastructure due to disasters, combined with the emergence of new disease patterns linked to changing climates, places displaced populations at significant risk. The World Health Organization (WHO) estimates that between 2030 and 2050, climate change will contribute to approximately 250,000 additional deaths annually due to malnutrition, malaria, diarrhea, and heat stress (WHO, 2022) ^[14]. Displaced populations, particularly those in temporary or informal settlements, are disproportionately vulnerable to infectious diseases, mental health disorders, and injuries related to extreme weather.

Education, another cornerstone human right, is frequently interrupted or terminated altogether during displacement. According to data from UNICEF, over 37 million children were displaced globally due to climate and conflict-related factors in 2022, with climate change playing a growing role in disrupting schooling systems (UNICEF, 2023) ^[16]. Displaced children face multiple barriers to education, including lack of facilities, financial hardship, language barriers, and insecurity in host regions. The loss of education contributes to long-term socio-economic marginalization, poverty, and restricted employment prospects.

Table 1: Below presents an overview of key human rights most commonly violated among climate refugees, drawing on recent global data.

Human Right	Key Violations in Climate Refugee Context	Data/Source
Right to Life	Exposure to deadly disasters, starvation, unsafe conditions	IPCC AR6 (2022) ^[2, 12] , UNDRR (2023)
Right to Adequate Housing	Destruction of homes, unsafe shelters, homelessness	IDMC (2023) ^[11]
Right to Food & Water	Crop failures, water scarcity, malnutrition	FAO (2023) ^[15] , IPCC (2022) ^[2, 12]
Right to Health	Disease outbreaks, lack of healthcare, mental health crises	WHO (2022) ^[14]
Right to Education	School closures, long-term disruption of education	UNICEF (2023)
Cultural Rights	Loss of traditional lands and cultural identity	UNHCR (2022)

(Source: Compiled from UNHCR, IDMC, WHO, IPCC, FAO, UNICEF, UNDRR reports 2022–2023) ^[13]

Particularly alarming are the compounded vulnerabilities faced by marginalized subgroups within displaced populations. Women and girls, for instance, frequently endure disproportionate harm. The loss of livelihoods and family support structures leaves many susceptible to sexual violence, forced marriage, trafficking, and exploitation. A 2022 UN Women report highlighted that gender-based violence increases dramatically in disaster and displacement contexts, often going unreported due to legal insecurity and stigma (UN Women, 2022) ^[17]. Pregnant women and new

mothers face elevated health risks due to inadequate maternal healthcare in displacement camps.

Similarly, children suffer long-term developmental and psychological impacts as a result of displacement. Exposure to trauma, family separation, malnutrition, and the lack of psychosocial support leave displaced children highly vulnerable to mental health disorders. The World Health Organization has identified children among the highest risk groups for post-traumatic stress disorder (PTSD) following climate-related displacement (WHO, 2022) ^[14].

The elderly and disabled face additional challenges, as displacement often severs access to necessary caregiving services, medical equipment, and social support networks. These groups frequently find evacuation, resettlement, and adaptation to new environments especially difficult, further exacerbating their social exclusion.

Beyond immediate material deprivations, climate refugees frequently suffer violations of their cultural, linguistic, and territorial rights. Small island developing states (SIDS) such as Tuvalu, Kiribati, and the Maldives face existential threats to their entire national identities. As their ancestral lands submerge beneath rising seas, displaced islanders confront not only the loss of homes but also the erosion of unique cultural heritages, languages, and religious practices tied intimately to specific geographies. This form of displacement constitutes not merely a humanitarian crisis but also a form of cultural extinction, as noted by the UN Special Rapporteur on the Rights of Indigenous Peoples (UNHRC, 2023)^[18].

International legal frameworks addressing these human rights challenges remain fragmented. Although various human rights treaties, including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966), affirm many of these rights, their applicability to climate refugees remains inconsistent. These treaties obligate states to protect rights within their jurisdictions but offer limited obligations toward displaced persons crossing international borders due to environmental factors.

Moreover, without formal recognition as refugees under the 1951 Refugee Convention, climate refugees often lack access to asylum procedures, residency permits, work authorization, healthcare services, or legal assistance in host countries. Many face the constant threat of deportation or forced return to life-threatening environmental conditions, raising serious concerns about violations of the principle of non-refoulement—a core tenet of refugee and human rights law prohibiting states from returning individuals to situations where their lives are at risk.

The intersection of climate displacement and human rights violations demands urgent international attention. Without adequate legal recognition, climate refugees remain trapped in cycles of displacement, poverty, and legal invisibility. Addressing these human rights challenges requires not only legal innovation but also substantial financial, technical, and political commitment from the global community.

The Role of International Cooperation

The global nature of climate-induced displacement makes international cooperation not merely desirable but essential. Unlike many other forms of migration or displacement, the forces driving climate refugees transcend national borders, and the effects disproportionately impact developing nations that have historically contributed the least to global greenhouse gas emissions. The transboundary dimensions of climate change demand a collective response from the international community, involving not only legal innovation but also financial, technical, and institutional support.

One of the most significant reasons international cooperation is critical lies in the principle of common but differentiated responsibilities (CBDR), as enshrined in the United Nations Framework Convention on Climate Change

(UNFCCC). Industrialized nations, which bear historical responsibility for the majority of cumulative carbon emissions, have a moral and legal obligation to assist vulnerable states in adapting to climate impacts, including the displacement of populations. According to the Global Carbon Budget 2022, the United States, European Union, Russia, and China together have contributed approximately 60% of cumulative CO₂ emissions since the industrial era (Friedlingstein *et al.*, 2022). In contrast, many of the countries most vulnerable to climate displacement, including small island developing states (SIDS) and least developed countries (LDCs), have contributed negligibly to global emissions.

International cooperation is therefore necessary across multiple dimensions: burden sharing, financial mechanisms, relocation assistance, legal framework development, and capacity building. Without such coordinated efforts, the burden of climate displacement will fall unfairly on resource-constrained nations least equipped to respond.

A critical area of cooperation is burden sharing in resettlement and relocation. Given that some territories may become permanently uninhabitable due to rising sea levels, desertification, or extreme weather, countries with greater land, resources, and infrastructure must offer resettlement options for displaced populations. Initiatives such as New Zealand's "Pacific Access Category" visa and Australia's seasonal worker programs are early examples of states beginning to incorporate climate considerations into immigration policy, albeit on a limited scale. However, no comprehensive global resettlement framework exists to ensure equitable distribution of responsibility among states.

Financial mechanisms also play a central role in enabling vulnerable nations to adapt to climate impacts and prevent displacement where possible. The establishment of the Green Climate Fund (GCF), mandated by the UNFCCC, is intended to provide financial support to developing countries for climate adaptation and mitigation projects. As of 2023, the GCF has approved over USD 12 billion in funding for various climate resilience projects (Green Climate Fund, 2023). However, much of this funding is not specifically earmarked for addressing displacement, and many vulnerable nations report that access to these funds remains cumbersome and bureaucratically complex.

In addition, the Warsaw International Mechanism for Loss and Damage (WIM), established under the Paris Agreement, represents one of the few international efforts explicitly recognizing the irreversible harms of climate change, including displacement. At the 2022 COP27 negotiations in Sharm El-Sheikh, significant progress was made toward establishing a dedicated "Loss and Damage Fund" to support developing countries experiencing climate-induced losses (UNFCCC COP27 Decisions, 2022). While the fund's operationalization is still ongoing, it represents a critical step toward recognizing displacement as an irreversible consequence of climate change deserving of targeted financial compensation.

Another vital area of international cooperation involves technical and institutional capacity building. Many developing nations lack the technological and administrative capacity to monitor environmental degradation, plan for population relocation, and design adaptation strategies. International organizations such as the International Organization for Migration (IOM), United Nations Development Programme (UNDP), and the United Nations

High Commissioner for Refugees (UNHCR) have been instrumental in providing technical support, policy advice, and early warning systems that allow vulnerable states to better prepare for and manage climate displacement. For

example, the IOM's Displacement Tracking Matrix (DTM) has been widely used to collect and analyze displacement data in real time, enhancing governments' ability to plan coordinated responses (IOM DTM Report, 2023).

Table 2: Below summarizes major international mechanisms currently contributing to cooperation on climate-induced displacement:

Mechanism	Primary Function	Key Features	Status
UNFCCC (CBDR Principle)	Climate governance	Emissions reduction & adaptation funding	Legally binding (broad framework)
Green Climate Fund (GCF)	Financial assistance	USD 12 billion committed for adaptation and mitigation	Operational
Warsaw International Mechanism (WIM)	Loss and damage response	Negotiating "Loss and Damage Fund" for irreversible climate harms	Operationalizing (COP27, 2022)
Global Compact for Migration (GCM)	Policy coordination	Recognizes climate drivers of migration, promotes cooperation	Non-binding
IOM Displacement Tracking Matrix (DTM)	Data & capacity building	Tracks climate displacement patterns globally	Operational
UNHCR Climate Action	Protection advocacy	Advises on legal and protection frameworks	Operational

(Source: Compiled from UNFCCC, Green Climate Fund, IOM, UNHCR, COP27 Decisions, 2023)

Finally, international cooperation must address legal norm development. As discussed earlier, existing international law does not adequately recognize or protect climate refugees. Collaborative international negotiation forums such as the UN General Assembly, Human Rights Council, and dedicated climate-displacement working groups under the UNFCCC must prioritize the creation of new binding instruments to close this legal gap. Without international consensus on legal definitions, rights, and obligations related to climate-induced displacement, ad hoc national policies will continue to produce inconsistent and inadequate protections for displaced populations.

The growing urgency of climate-induced displacement makes it clear that no single nation or institution can bear this responsibility alone. Climate refugees are a collective global problem, demanding collective global solutions rooted in shared responsibility, justice, and international solidarity. As the climate crisis accelerates, robust international cooperation will determine whether humanity succeeds in safeguarding the rights and dignity of millions forced to migrate through no fault of their own.

Recommendations

In view of the growing scale, complexity, and urgency of climate-induced displacement, it is imperative that the international community, national governments, and relevant stakeholders adopt a multi-dimensional strategy that addresses both the immediate protection needs of climate refugees and the long-term structural gaps in legal, financial, and institutional frameworks. The following recommendations are offered to guide the development of a comprehensive and equitable global response to the challenges facing climate refugees.

First, the international community must prioritize the development of a legally binding international instrument that specifically recognizes and protects climate refugees. The existing 1951 Refugee Convention and its 1967 Protocol are inadequate to address the distinct realities of climate-induced displacement, as they narrowly focus on persecution-based criteria. A new convention or protocol, developed through the United Nations framework, should expand the definition of refugees to include those displaced by both sudden-onset disasters and slow-onset environmental degradation linked to climate change. Such a framework must articulate clear eligibility criteria, rights,

state responsibilities, and durable solutions for displaced persons.

Second, in the absence of a binding global treaty, regional legal instruments should be strengthened or established to offer more immediate protection to climate refugees. Regional bodies such as the African Union (through the Kampala Convention) and the European Union have demonstrated the potential for more flexible legal adaptation to regional displacement challenges. Similar regional frameworks should be negotiated in vulnerable regions such as South Asia, the Pacific Islands, the Caribbean, and Latin America, where climate displacement is already an escalating reality.

Third, national asylum and immigration policies should be reformed to recognize climate-induced displacement as a legitimate ground for protection and resettlement. States with the capacity to absorb displaced populations must integrate climate vulnerability into their humanitarian and resettlement visa categories. Model policies, such as New Zealand's Pacific Access Category and Finland's consideration of environmental factors in asylum adjudications, should be expanded and replicated by other nations to ensure that displaced persons have safe and legal migration pathways.

Fourth, international financial mechanisms must be significantly scaled up and better targeted to address both the prevention and consequences of climate displacement. Existing funds such as the Green Climate Fund (GCF) and the forthcoming Loss and Damage Fund must prioritize financing for adaptation projects that reduce displacement risk, early warning systems, planned relocation programs, and post-displacement integration efforts. Streamlining access to these funds for least-developed countries, small island developing states, and highly vulnerable communities is critical for effective implementation.

Fifth, international cooperation on relocation and resettlement must be institutionalized as part of global burden-sharing arrangements. High-income countries should commit to specific quotas or financial contributions to support the voluntary resettlement of populations from regions that are likely to become uninhabitable. Managed migration partnerships, multilateral relocation agreements, and global resettlement frameworks would ensure that displaced populations are not left stranded due to lack of international political will.

Sixth, data collection and monitoring systems must be enhanced to improve early detection, response planning, and accountability. Agencies such as the International Organization for Migration (IOM), UNHCR, and national governments should invest in real-time displacement tracking, climate vulnerability mapping, and displacement impact assessments. Improved data would support evidence-based policymaking and resource allocation, enabling more targeted and effective interventions.

Seventh, human rights protections must be embedded into all climate displacement responses. Displacement interventions should safeguard the civil, political, economic, social, and cultural rights of affected populations, ensuring access to housing, healthcare, education, employment, and legal remedies. Special attention must be paid to protecting the rights of women, children, indigenous peoples, persons with disabilities, and other vulnerable groups who face disproportionate risks during displacement.

Eighth, capacity building for vulnerable nations must become a central pillar of international climate assistance. This includes transferring technology, sharing best practices, training government officials, and strengthening legal, institutional, and technical capacities in at-risk countries to manage displacement proactively rather than reactively.

Ninth, climate justice must be fully integrated into international legal and policy discussions on displacement. Wealthier nations, which bear historical responsibility for greenhouse gas emissions, must acknowledge their ethical obligation to support adaptation, loss, and damage efforts in vulnerable countries. Equity and justice principles must guide negotiations on responsibility sharing and financing mechanisms.

Finally, the United Nations system should establish a permanent institutional mechanism dedicated to coordinating global action on climate-induced displacement. This body could function as a specialized agency or an interagency task force with legal, technical, financial, and operational capacities. Its mandate should include oversight of legal frameworks, coordination of resettlement agreements, administration of financial mechanisms, and continuous monitoring of displacement trends.

Collectively, these recommendations reflect the complex, multi-layered nature of climate-induced displacement and the urgent need for a comprehensive, globally coordinated response. Without decisive and cooperative action, millions of vulnerable people will continue to face displacement without protection, legal status, or hope for sustainable resettlement.

Conclusion

The phenomenon of climate-induced displacement represents one of the most pressing and complex humanitarian, legal, and ethical challenges of the 21st century. As global temperatures continue to rise, millions of people are increasingly forced to leave their homes due to the direct and indirect consequences of climate change, including rising sea levels, intensifying storms, prolonged droughts, desertification, and declining agricultural productivity. Despite the undeniable reality of this growing crisis, the current international legal framework remains fundamentally ill-equipped to address the unique vulnerabilities of climate refugees.

The 1951 Refugee Convention, while a cornerstone of international refugee protection, is narrowly constructed

around persecution-based grounds that fail to encompass the involuntary nature of climate displacement. Although human rights instruments, regional treaties, and soft-law mechanisms offer some limited protection, they remain fragmented, non-binding, or regionally constrained, leaving millions of displaced persons without comprehensive legal recognition or durable solutions. The absence of a universally recognized legal status for climate refugees perpetuates their marginalization, legal invisibility, and exposure to severe violations of their fundamental human rights, including the rights to life, housing, food, water, health, education, and cultural identity.

Climate-induced displacement is not only a legal issue but a profound question of global justice. Those who bear the brunt of displacement have often contributed the least to the greenhouse gas emissions driving climate change, while wealthier nations that have historically fueled global warming possess the resources and capacity to offer meaningful protection. This stark inequity underscores the moral imperative for robust international cooperation, burden sharing, and financial solidarity.

Addressing the crisis of climate refugees requires a multifaceted, coordinated global response that moves beyond fragmented national policies and non-binding declarations. The creation of a binding international legal instrument recognizing climate refugees, supported by strengthened regional frameworks, national legal reforms, and enhanced financial mechanisms such as the Green Climate Fund and the emerging Loss and Damage Fund, is urgently needed. Simultaneously, human rights protections must remain central to all displacement responses, ensuring that the dignity, agency, and security of displaced individuals are safeguarded at every stage of displacement and resettlement.

Furthermore, enhanced international cooperation in data sharing, early warning systems, relocation planning, capacity building, and the establishment of a permanent institutional mechanism under the United Nations will be essential to manage this growing challenge effectively. The international community stands at a crossroads: it can either act decisively to protect the rights of climate refugees or allow legal and moral failures to deepen one of the most foreseeable humanitarian crises of our time.

In conclusion, while the task ahead is formidable, it is neither insurmountable nor optional. The plight of climate refugees represents a test of international solidarity, legal innovation, and moral responsibility. The choices made today will shape the lives and futures of millions for generations to come. Global leaders must seize this opportunity to construct a comprehensive legal and policy architecture that affirms the fundamental rights and dignity of those displaced by the consequences of climate change.

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