

## **THE INVICIBLE VICTIMS OF CLIMATE CHANGE: CLIMATE REFUGEES AND GAP IN INTERNATIONAL REFUGEE LAW**

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### **ABSTRACT:**

Climate change has become a major cause of human displacement through rising sea levels, floods, droughts, and other environmental disasters, leading to a growing population commonly described as climate refugees. However, those who have been relocated due to climate related reasons are not expressly recognized under current international refugee legislation, including the 1951 refugee convention and the 1967 protocol. This study aims to examine the legal status of climate refugees and identify gaps in the present refugee protection framework. This research employs a doctrinal research method with primary legal sources such as international conventions, human rights instruments, judicial decisions, and pertinent secondary literature. The research finds that the current refugee definition is limited to persecution based on race, religion, nationality, political opinion, or membership of a particular social group, thereby excluding those displaced solely due to environmental factors. Recent international developments demonstrate a growing awareness that climate change threatens basic human rights, yet no enforceable legal mechanism presently grants formal refugee status to climate displaced persons. Consequently, many impacted individuals rely on short-term humanitarian assistance or domestic migration policies without assurances protection. The international refugee law remains insufficient to respond to climate-induced displacement. It recommends either broadening the application of current refugee legislation or adopting a distinct international legal framework specifically for climate refugees. To provide justice and protection for vulnerable populations, more international cooperation, regional responsibility sharing, and robust climate adaptation measures are also required.

**Keywords:** Climate refugees, refugee law, human rights, climate displacement, 1951 Refugee Convention, human rights, environmental migration.

### **INTRODUCTION**

Globally, patterns of human migration are starting to change due to the escalating effects of climate change. Environmental transformations such as rising sea levels, prolonged droughts, intensified storms, and ecosystem degradation are increasingly undermining the habitability of many regions. The First Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), published in 1990, indeed provided an early, foundational warning about the

impacts of climate change on human population movements<sup>1</sup>. Large populations are consequently being forced to move in quest of resources, safety, and sustainable living circumstances<sup>2</sup>. In the 2016 New York Declaration for Refugees and Migrants (New York Declaration), States highlighted armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses, as well as adverse effects of climate change, natural disasters, or other environmental factors. In this negotiated UN General Assembly Declaration, States recognized many people move, indeed, for a combination of these reasons, that refugees are among such movements, and efforts are needed to strengthen their protection. Within the section on commitments for refugees, States reaffirmed that international refugee law, *inter alia*, provides the legal framework to strengthen the protection of refugees and committed to ensure, in this context, protection for all who need it<sup>3</sup>. These individuals, often described in academic discourse as “climate refugees,”<sup>4</sup> represent a growing yet insufficiently recognized category of displaced persons within international law. The absence of a widely recognized definition for “climate migrants” or “environmental migrants” is a major obstacle. Although “climate refugee,” “environmentally displaced person,” and “climate-induced displacement” are frequently used synonymously in scholarly and policy debate, none of these phrases are defined in current international law. Notably, only those who are persecuted because to their race, religion, nationality, membership in a specific social group, or political beliefs are protected by the 1951 Convention Relating to the Status of Refugees. It does not extend to those evading environmental deterioration or damage brought on by climate change. At most, those who are fleeing violence, persecution, or human rights abuses where climate change is a contributing cause may be granted protection under the Convention. In every other circumstance, there is still a gap in law on a global scale that necessitates immediate conceptual and normative advancement<sup>5</sup>.

## OBJECTIVE OF THE STUDY

- The current study aims to critically analyse the growing problem of displacement brought on by climate change and the shortcomings of the current international legal framework in meeting the demands of impacted communities.
- It aims to examine how well the current system of refugee protection, particularly the Convention Relating to the Status of Refugees, can accommodate people who have been displaced by environmental and climatic circumstances.

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<sup>1</sup>IPCC, 1990 [https://www.ipcc.ch/site/assets/uploads/2018/05/ipcc\\_90\\_92\\_assessments\\_far\\_full\\_report.pdf](https://www.ipcc.ch/site/assets/uploads/2018/05/ipcc_90_92_assessments_far_full_report.pdf) (last visited on April 30, 2026).

<sup>2</sup> Climate Refugees, CLIMATE REFUGEE (2022), available at: <https://perma.cc/5C8U-KNKE> (last visited on April 30, 2026).

<sup>3</sup> Sanjula Weerasinghe, “Refugee Law in a Time of Climate Change, Disaster and Conflict”, (2020) available at: <https://www.unhcr.org/sites/default/files/legacy-pdf/5fdc70eb4.pdf> (last visited on April 30, 2026)

<sup>4</sup> Climate Change and Disaster Displacement, UNHCR (2022), <https://perma.cc/D4YX-EH7E> (last visited on April 30, 2026).

<sup>5</sup>See Generally, Andrea Caligiuri Invisible in Law: Environmental and Climate Migrants and the Gap in International Protection, July 2025 available at: [https://www.qil-qdi.org/invisible-in-law-environmental-and-climate-migrants-and-the-gap-in-international-protection/#\\_ftn3](https://www.qil-qdi.org/invisible-in-law-environmental-and-climate-migrants-and-the-gap-in-international-protection/#_ftn3) (last visited on April 30, 2026)

- In order to address climate-induced displacement, the study intends to examine the function and efficacy of both legally binding and non-binding international instruments, such as the Paris Agreement and policy frameworks like the Global Compact for Safe, Orderly, and Regular Migration.
- Additionally, it looks at pertinent case law and judicial developments that advance our knowledge of climate-related displacement under international law. Lastly, while taking into account issues of climate justice, state responsibility, and the role of national responses, the research aims to investigate potential legal and policy solutions, such as the expansion of the definition of refugee, the adoption of a new international treaty, and the strengthening of soft law mechanisms.

## **METHODOLOGY**

The study is based on doctrinal and analytical approach to examine the issue of climate-induced displacement and the inadequacies of the existing international legal framework in addressing the protection needs of climate refugees. The research is primarily based on secondary sources of data, including international treaties, conventions, judicial decisions, reports of international organizations, and scholarly writings such as books, journal articles, and policy papers. Key legal instruments, including the Convention Relating to the Status of Refugees, international human rights treaties, and environmental agreements, have been critically analysed to understand their scope, limitations, and applicability to climate-induced displacement.

## **RESEARCH QUESTION**

Whether the existing international legal framework is sufficient to protect climate refugees, and if not, what reforms are necessary to bridge the existing protection gap?

## **REFUGEES AND ENVIRONMENTAL REFUGEES**

The concept of “refugee” holds significant importance in international law, as it determines the extent of legal protection and assistance available to displaced individuals. The most widely accepted definition is provided by the Convention Relating to the Status of Refugees<sup>6</sup>, which defines a refugee as a person who, owing to a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group, is outside their country of nationality and is unable or unwilling to seek protection from that country. This definition emerged in the aftermath of World War II, when millions of people in Europe were displaced due to shifting borders and political transformations. The Convention was initially limited both temporally and geographically, applying only to events occurring before 1951 and primarily within Europe.

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<sup>6</sup> Adopted at 28 July 1951 and entering into force on April 22, 1954, BY United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950.

Over time, these limitations proved inadequate as new refugee situations emerged across different parts of the world, particularly in Africa, Asia, and Latin America. To address these shortcomings, the 1967 Protocol removed the temporal and geographic restrictions, thereby expanding the scope of the Convention to make it universally applicable. Additionally, regional developments such as the 1969 Convention adopted by the Organization of African Unity further broadened the definition of refugees. The OAU Convention extended protection to individuals fleeing events such as external aggression, occupation, foreign domination, or circumstances seriously disturbing public order, thus recognizing that displacement may arise from a wider range of conditions beyond individualized persecution.

Despite these developments, the legal definition of a refugee remains largely focused on persecution and conflict, excluding individuals displaced due to economic hardship or environmental factors. This distinction has significant consequences, as it determines who qualifies for international protection and assistance. Various classifications have been developed to distinguish between different categories of displaced persons, including refugees, migrants, asylum seekers, and those seeking temporary safe haven. Each category carries different legal implications, with refugees receiving the highest level of international protection.

In recent decades, the number of displaced persons has increased significantly. Estimates from international organizations indicate a steady rise in refugee populations, reflecting on going conflicts, political instability, and other crises. However, an emerging category of displaced persons those affected by environmental degradation has not been adequately addressed within existing legal frameworks. These individuals are often referred to as “environmental refugees,” although the term lacks formal legal recognition.

Environmental refugees are generally understood as individuals who are forced to leave their habitual residence due to significant environmental disruptions that threaten their survival or severely affect their quality of life. Such disruptions may include natural disasters, climate change impacts, and human-induced environmental degradation. Unlike traditional refugees, their displacement is not caused by persecution but by changes in the natural environment that make continued habitation impossible or unsustainable.

Environmental displacement can be categorized into three main types<sup>7</sup>. First, there are those who are temporarily displaced due to sudden environmental events such as earthquakes, floods, or cyclones. These individuals typically return to their homes once conditions stabilize and reconstruction takes place. Second, there are those who are permanently displaced due to irreversible environmental changes, often linked to human activities such as large-scale development projects, including dams and industrial expansion. These individuals require long-term resettlement solutions. Third, there are those who migrate either temporarily or permanently due to gradual environmental degradation, such as soil erosion,

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<sup>7</sup> United Nation Digital Library, Environmental Refugees by Essam El-Hinnawi, 1985 available at: <https://share.google/IX8lcLi3n8OMBE7QY> (last visited at 1st May 2026)

Each category of environmental refugees presents unique challenges, not only for the displaced populations but also for the regions receiving them. The movement of large populations can place pressure on natural resources, infrastructure, and social systems, potentially leading to environmental degradation in host areas as well. Moreover, displaced individuals often face difficulties in accessing basic services, employment opportunities, and social integration, which can further exacerbate their vulnerability.

While the concept of a refugee has evolved over time to accommodate new forms of displacement, it remains limited in scope, particularly with regard to environmental factors. The growing phenomenon of environmental displacement challenges the existing legal framework and underscores the need for a more inclusive and adaptive approach. As climate change continues to intensify, the number of people affected by environmental disruptions is likely to increase, making it imperative for the international community to reconsider existing definitions and develop mechanisms to address this emerging humanitarian crisis.

Climate change has become a significant driver of global displacement, with millions of individuals forced to migrate due to environmental disasters such as floods, droughts, and extreme weather events. Since 2008, large-scale displacement has been recorded annually, with tens of millions affected each year. According to projections by the International Federation of Red Cross and Red Crescent Societies, the number of people affected by climate-related disasters is expected to increase substantially by 2050<sup>8</sup>, underscoring the urgency of addressing climate-induced migration. While most displaced persons remain within their national borders, a growing number are forced to cross international boundaries,

<sup>8</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), “200 million people in need, US\$20 billion to respond” – new report estimates escalating humanitarian cost of climate change, IFRC (19 September 2019), available at: <https://www.ifrc.org/press-release/200-million-people-need-us20billion-respond-new-report-estimates-escalating%E2%81%A0%EFBFBD> (last visited on April 30, 2026)

creating complex legal challenges. The issue of migration and its link with development has gained prominence since the International Conference on Population and Development and has been further reinforced by the 2030 Agenda for Sustainable Development<sup>9</sup>. Despite this recognition, international responses remain inadequate, particularly due to the absence of a clear legal definition for individuals displaced by climate-related factors. This lack of recognition places such individuals in a legal vacuum, depriving them of formal protection.

The relationship between environmental protection and human rights was formally acknowledged in the Stockholm Declaration, which affirms the right to a healthy environment conducive to human dignity<sup>10</sup>. However, this principle has not translated into binding legal protection for climate-displaced persons. Most individuals affected by climate change remain internally displaced, and the lack of reliable data on cross-border displacement further complicates the development of legal frameworks. International efforts to address climate displacement have gradually evolved. The Nansen Initiative marked a significant step in recognizing cross-border disaster displacement<sup>11</sup>. This was followed by the adoption of the New York Declaration for Refugees and Migrants, which led to the creation of the Global Compact for Safe, Orderly and Regular Migration<sup>12</sup>. The Compact acknowledges climate change as a driver of migration, though it remains non-binding.

Climate-induced displacement has also been addressed under the United Nations Framework Convention on Climate Change through various Conferences of the Parties. Discussions at COP24<sup>13</sup> and COP25<sup>14</sup> highlighted issues such as desertification and food insecurity, relying on scientific assessments from the Intergovernmental Panel on Climate Change. Additionally, the International Organization for Migration has emphasized that environmental degradation acts as a key driver of human mobility.

Further negotiations at COP26 focused on mitigating climate change by addressing its root causes, although binding commitments remained limited<sup>15</sup>. COP27 made progress by establishing a financial mechanism to address loss and damage, with contributions from developed countries and initiatives such as the Climate Mobility Pavilion promoting dialogue

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<sup>9</sup> United Nations, Transforming our world: the 2030 Agenda for Sustainable Development, available at: <https://sdgs.un.org/2030agenda> (last visited on 30 April 2026).

<sup>10</sup> United Nations, Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972, Principle 1.

<sup>11</sup> International Organization for Migration (IOM), The Nansen Initiative, Environmental Migration Portal, available at: <https://environmentalmigration.iom.int> (last visited on 30 April 2026).

<sup>12</sup> United Nations High Commissioner for Refugees (UNHCR), New York Declaration for Refugees and Migrants, available at: <https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/new-york-declaration-refugees-and-migrants> (last visited on 30 April 2026).

<sup>13</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on its Twenty-Fourth Session (COP-24), held at Katowice from 2 to 15 December 2018, UN Doc. FCCC/CP/2018/10.

<sup>14</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on its Twenty-Fifth Session (COP-25), held at Madrid from 2 to 15 December 2019, UN Doc. FCCC/CP/2019/13.

<sup>15</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on its Twenty-sixth Session (COP-26), held at Glasgow UK, 2021.

on displacement solutions<sup>16</sup>. However, these developments continue to lack enforceable implementation frameworks.

Despite growing recognition, a major legal gap persists. The Convention Relating to the Status of Refugees does not recognize environmental factors as grounds for refugee status, as it is limited to individuals fleeing persecution. Consequently, climate-displaced persons are excluded from formal refugee protection. Recent climate disasters across both developed and developing countries demonstrate that displacement is a global phenomenon. Reports by the Intergovernmental Panel on Climate Change warn of rising sea levels, extreme weather events, and increasing risks to coastal populations. These developments highlight the urgent need for climate-resilient development, stronger international cooperation, and improved financial mechanisms to support vulnerable regions.

Although multiple international instruments and institutional frameworks acknowledge the link between climate change and displacement, the absence of a binding legal framework and a universally accepted definition of climate refugees continues to hinder effective protection. Bridging this gap requires coordinated global action, clearer legal recognition, and the development of enforceable mechanisms to address the growing crisis of climate-induced displacement.

## **CLIMATE-INDUCED DISPLACEMENT IN THE ASIA-PACIFIC: INSTITUTIONAL FRAMEWORKS AND CASE STUDY ANALYSIS**

Climate-induced displacement has become one of the most pressing humanitarian challenges of the 21st century, particularly in the Asia-Pacific region, which accounts for the majority of global disaster displacement annually. According to the *Forced to Flee in a Changing Climate* report published in 2025 by the International Federation of Red Cross and Red Crescent Societies, over 24 million people are displaced each year due to disasters, the majority of which are climate-related. The report situates these developments within broader international policy frameworks, including the Paris Agreement, the Sendai Framework for Disaster Risk Reduction, and the Global Compact for Safe, Orderly and Regular Migration. These instruments collectively emphasize the need for climate adaptation, disaster risk reduction, and the protection of displaced populations. Additionally, initiatives such as the Platform on Disaster Displacement, established in 2016, and the earlier Nansen Initiative have played a crucial role in shaping global understanding and policy responses to disaster displacement.<sup>17</sup>

### **AUSTRALIA**

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<sup>16</sup> United Nations Framework Convention on Climate Change (UNFCCC), Report of the Conference of the Parties on its Twenty-seventh Session (COP-27), held at Sharm El-Sheikh, Egypt.

<sup>17</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), *Forced to Flee in a Changing Climate – Asia Pacific* (2025), available at: [https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific\\_0.pdf](https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific_0.pdf) (last visited May 1, 2026)

In Australia, climate-induced displacement is closely linked to extreme weather events, particularly bushfires and floods. The devastating bushfire season of 2019–2020, often referred to as the “Black Summer,” resulted in widespread evacuations, destruction of homes, and long-term displacement. Similarly, recurring flood events in subsequent years have further intensified displacement risks. Australia’s response is guided by national disaster management frameworks aligned with the Sendai Framework (2015–2030)<sup>18</sup>, emphasizing preparedness, risk reduction, and resilience-building. Organizations such as the Australian Red Cross contribute to both immediate humanitarian response and long-term recovery efforts, including psychosocial support and community resilience programs. Despite its strong institutional capacity, Australia illustrates how even developed nations are increasingly vulnerable to climate extremes under changing environmental conditions<sup>19</sup>.

## FIJI

The experience of Fiji provides a critical example of planned relocation as an adaptive response to climate change. Fiji has been at the forefront of implementing relocation policies, particularly following severe cyclones such as Cyclone Winston in 2016, one of the strongest storms recorded in the Southern Hemisphere. The Fijian government has developed national relocation guidelines in alignment with international frameworks such as the Paris Agreement (2015)<sup>20</sup>, which recognizes the importance of addressing displacement linked to climate change. Supported by humanitarian actors including the IFRC, Fiji has relocated several vulnerable communities from low-lying coastal areas to higher ground. These relocation efforts incorporate not only infrastructure development but also cultural preservation, livelihood restoration, and community participation. Fiji’s approach reflects the principles of anticipatory action and planned adaptation, which are increasingly emphasized in global climate governance<sup>21</sup>.

## MARSHALL ISLANDS

The Marshall Islands faces existential threats due to sea-level rise, with an average elevation of just two meters above sea level. Climate impacts such as coastal flooding, saltwater

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<sup>18</sup> Sendai Framework for Disaster Risk Reduction 2015–2030, United Nations Office for Disaster Risk Reduction (UNDRR), 2015, available at: <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030> (last visited May 1, 2026).

<sup>19</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), Forced to Flee in a Changing Climate – Asia Pacific (2025), available at: [https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific\\_0.pdf](https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific_0.pdf) (last visited May 1, 2026).

<sup>20</sup> Fiji, Planned Relocation Guidelines: A Framework to Undertake Climate Change Related Relocation (Government of Fiji, Dec. 2018), available at [Planned-Relocation-Guidelines\\_Fiji.pdf](https://share.google/bzVCINarKqRNfOc6P) <https://share.google/bzVCINarKqRNfOc6P> (last visited May 1, 2026).

<sup>21</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), Forced to Flee in a Changing Climate – Asia Pacific (2025), available at: [https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific\\_0.pdf](https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific_0.pdf) (last visited May 1, 2026).

intrusion, and drought have intensified in recent decades, particularly during strong El Nino events such as those in 2015–2016<sup>22</sup>. These environmental changes threaten freshwater availability, agriculture, and overall habitability. The Marshall Islands' situation has been highlighted in international forums, including discussions under the Paris Agreement and the work of the Platform on Disaster Displacement (established 2016). Adaptation strategies include improving water management systems, enhancing community resilience, and advocating for international climate action. However, the long-term sustainability of the islands remains uncertain, raising complex legal and ethical questions regarding sovereignty, citizenship, and cross-border displacement<sup>23</sup>.

## VANUATU

In Vanuatu, climate-induced displacement is driven by recurrent cyclones and natural hazards. Cyclone Pam in 2015 caused widespread destruction, affecting approximately 70% of the population and displacing thousands. Vanuatu is consistently ranked among the most disaster-prone countries globally, facing overlapping risks from tropical storms, volcanic activity, and earthquakes. National and regional responses are aligned with the Sendai Framework (2015–2030), focusing on disaster preparedness, early warning systems, and community-based risk reduction. The IFRC and local Red Cross societies play a key role in implementing anticipatory action measures, such as pre-positioning resources and facilitating early evacuations. The case of Vanuatu highlights how repeated exposure to disasters can create cycles of displacement, undermining long-term development<sup>24</sup>.

## MYANMAR

The case of Myanmar demonstrates the intersection of climate vulnerability and political instability. Myanmar is highly exposed to cyclones, floods, and droughts, as seen during Cyclone Nargis in 2008, which caused massive displacement and loss of life. More recent climate events, combined with ongoing political conflict since 2021, have created complex displacement dynamics involving both environmental and conflict-related factors. International frameworks such as the Global Compact for Migration (2018) emphasize the need to address such multi-causal displacement<sup>25</sup>. However, humanitarian access in Myanmar remains constrained, limiting the effectiveness of response efforts. This case underscores the importance of integrating climate adaptation with conflict-sensitive approaches in fragile contexts.

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<sup>22</sup> Food and Agriculture Organization of the United Nations (FAO), Family Farming Knowledge Platform – available at: <https://www.fao.org/family-farming/detail/en/c/383116/> (last visited May 1, 2026).

<sup>23</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), Forced to Flee in a Changing Climate – Asia Pacific (2025), available at: [https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific\\_0.pdf](https://www.ifrc.org/sites/default/files/2025-08/Forced%20to%20Flee%20in%20a%20Changing%20Climate%20-%20Asia%20Pacific_0.pdf) (last visited May 1, 2026)

<sup>24</sup> Idbi

<sup>25</sup> International Organization for Migration (IOM), Global Compact for Migration, available at: <https://www.iom.int/global-compact-migration> (last visited on May 1, 2026).

## **TIMOR-LESTE**

In Timor-Leste, climate-related hazards such as floods and landslides contribute to displacement, particularly during the rainy season. Severe flooding in 2021 displaced thousands and highlighted gaps in infrastructure and disaster preparedness. Timor-Leste's response is supported by regional cooperation mechanisms and aligns with the Sendai Framework (2015–2030). Efforts focus on strengthening early warning systems, improving urban planning, and enhancing community resilience. Given its limited resources, Timor-Leste relies significantly on international support and partnerships to manage displacement risks<sup>26</sup>.

## **SRI LANKA**

The situation in Sri Lanka reflects the impact of recurrent floods and landslides, particularly in vulnerable rural areas. Major flood events in 2016 and 2017 displaced hundreds of thousands of people, revealing the country's exposure to climate variability. Sri Lanka has incorporated disaster risk reduction into its national development planning, consistent with the Sendai Framework (2015–2030). Humanitarian responses include emergency shelter provision, livelihood support, and long-term recovery initiatives. The case highlights how climate change exacerbates existing socio-economic inequalities, making certain populations more susceptible to displacement<sup>27</sup>.

## **JAPAN**

Finally, Japan exemplifies advanced disaster risk management in the context of increasing climate risks. Events such as the 2018 Japan floods and Typhoon Hagibis in 2019 resulted in significant displacement, despite the country's sophisticated infrastructure and early warning systems. Japan's approach is closely aligned with international frameworks, particularly the Sendai Framework (2015–2030), which was adopted in Sendai, Japan. The country invests heavily in disaster preparedness, resilient infrastructure, and community education, enabling rapid evacuation and recovery. However, the increasing intensity of extreme weather events due to climate change presents ongoing challenges even for highly developed nations<sup>28</sup>.

Thus, the Asia-Pacific region illustrates the diverse and complex nature of climate-induced displacement, shaped by environmental exposure, socio-economic conditions, and political contexts. International frameworks such as the Paris Agreement (2015), the Sendai Framework for Disaster Risk Reduction (2015–2030), and the Global Compact for Migration (2018) provide important guiding principles for addressing these challenges. Initiatives like the Platform on Disaster Displacement (2016) and the Nansen Initiative (2012–2015) further contribute to global policy development. The case studies discussed demonstrate the

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<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

importance of proactive strategies, including anticipatory action, planned relocation, and community resilience-building, in mitigating displacement risks. As climate change continues to intensify, coordinated efforts at local, national, regional, and global levels will be essential to ensure the protection and well-being of affected populations.

## HUMAN RIGHTS PERSPECTIVES ON CLIMATE LITIGATION

Governments are increasingly being held responsible for insufficient environmental action through climate change litigation, particularly through human rights-based grounds. Famous cases like *Friends of the Irish Environment v. Ireland*<sup>29</sup> and *Urgenda Foundation v. State of the Netherlands*<sup>30</sup> demonstrate how courts have forced governments to bolster climate policy when they fail to uphold citizens' rights. In a similar vein, Australia was held accountable by the UN Human Rights Committee for failing to shield Torres Strait Islanders from the effects of climate change. Despite these developments, the majority of lawsuits pertaining to climate change fail, and vulnerable groups sometimes do not have access to the legal system. Although they are not legally enforceable, multinational programs like the Nansen Initiative and its Protection Agenda seek to close the protection gap for those moved across borders as a result of climate change. Climate change is acknowledged as a cause of migration by agreements like the Paris Agreement and frameworks like the Global Compact for Safe, Orderly, and Regular Migration, which encourage preventive and supportive actions<sup>31</sup>.

Overall, despite efforts to improve responses and address the causes of climate displacement, there is still a major void in international law because there is no binding protection framework or unambiguous legal status for those who have been displaced by climate change.

## CONCLUSION

A thorough and well-coordinated strategy is needed to close the gap in international refugee legislation. To formally identify climate refugees and provide legal protection to persons displaced by environmental circumstances, a new protocol ought to strengthen or expand the current framework, especially the 1951 Refugee Convention. The Global Compact for Safe, Orderly, and Regular Migration, for example, is mostly non-binding, which emphasizes the need for a legally enforceable international agreement that clearly outlines states' obligations.

In addition to international change, nations must bolster regional and national policy by implementing planned relocation plans, temporary protection measures, and humanitarian

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<sup>29</sup> Supreme Court of Ireland, *Friends of the Irish Environment v The Government of Ireland and Others*, Judgment of 31 July 2020, [2020] IESC 49.

<sup>30</sup> *Urgenda Foundation v. The Netherlands* [2015] HAZA C/09/00456689 (24 June 2015); aff'd (9 October 2018) (District Court of the Hague, and The Hague Court of Appeal (on appeal)) (affirmed by the Supreme Court, 20 December 2019)

<sup>31</sup> See Generally, European Parliamentary Research Service (EPRS), *The Concept Of Climate Refugee Towards a Possible Definition*, BY Joanna Apap and Sami James Harju. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS\\_BRI\(2021\)698753\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI(2021)698753_EN.pdf) (last visited on 2 May 2026).

immigration. Under frameworks like the Paris Agreement, preventive action should also receive more attention, with a focus on resilience-building in vulnerable areas, catastrophe preparedness, and climate adaptation.

International cooperation must also be guided by the ideas of climate justice, with rich countries supporting those most impacted financially and technically. Last but not least, including a human rights-based perspective into legal and policy solutions will guarantee that displaced people are treated with respect, preserving their basic rights, means of subsistence, and cultural identity. Bridging this gap requires not only legal reform but also political will, international cooperation, and a commitment to climate justice. Without timely action, millions at risk of displacement will continue to remain “invisible,” lacking both recognition and protection in an already broken global system.