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THE EVOLVING SOCIO-LEGAL LANDSCAPE OF CLIMATE MIGRATION

Atheesha M. V.¹

I. ABSTRACT

As the global weather disaster intensifies, thousands and thousands worldwide are being forcibly displaced due to environmental degradation, natural disasters, and resource scarcity exacerbated by climate change. However, the existing legal frameworks governing this rising phenomenon of climate-induced migration remain woefully inadequate and inconsistent across countries. This article delves into the complex socio-legal dimensions surrounding climate migration through the lens of human rights and climate justice.

It critically examines the enormous shortcomings of the 1951 Refugee Convention and its stringent definition of a "refugee," which fails to account for those forced to leave their homelands due to climate-related factors. The article assesses how diverse countries have attempted to address this protection gap through piecemeal national legislation and judicial precedents, highlighting both challenges and opportunities in upholding the rights of climate migrants. Furthermore, it explores the intricate interaction of social, political, economic, and legal factors that shape and often obstruct comprehensive policy responses to climate migration. Particular attention is paid to how climate migrants frequently hail from impoverished, minority, and indigenous populations already grappling with intersecting vulnerabilities, which exacerbate the socio-economic and cultural impacts of displacement.

Ultimately, the article advocates for far-reaching legal reforms, including the development of a new multilateral convention to establish binding international norms governing climate migration. Such a framework should be grounded in principles of human rights, climate justice, state responsibility, and equity to uphold

¹ Student, Sree Narayana Law College, Poothotta, affiliated to Mahatma Gandhi University, Kottayam, Kerala.

the dignity and fundamental rights of those displaced by climate change's catastrophic effects.

II. KEYWORDS

Climate migration, environmental displacement, refugee law, human rights, climate justice, legal reform

III. INTRODUCTION

The escalating global climate emergency isn't simply an environmental crisis, but a colossal human rights and migration challenge that demands immediate and comprehensive action. The impacts of climate change, fuelled by human activities such as the burning of fossil fuels and deforestation, are no longer mere projections but harsh realities unfolding before our eyes. Rising sea levels, extreme weather events, droughts, and biodiversity loss are displacing millions of people worldwide, stripping them of their homes, livelihoods, and dignity.

The United Nations High Commissioner for Refugees (UNHCR) has warned that climate change is an "emergency without boundaries," with the potential to cause unprecedented levels of human displacement. According to the World Bank, by 2050, climate change could force over 216 million people across six world regions to migrate within their countries.² This staggering figure underscores the urgency of addressing the climate crisis not only from an environmental perspective but also as an urgent humanitarian and human rights issue.

Climate-induced displacement disproportionately impacts the most vulnerable populations, including indigenous communities, women, children, and the economically disadvantaged. These groups often lack the resources and resilience to adapt to rapidly changing circumstances, exacerbating existing inequalities and perpetuating cycles of poverty and marginalization. Furthermore, the effects of climate change transcend borders, with the potential to exacerbate conflicts over dwindling resources, disrupt global supply chains, and destabilize entire regions.

² World Bank, *Groundswell: Preparing for Internal Climate Migration* (2018), <https://openknowledge.worldbank.org/handle/10986/29461>.

This, in turn, can lead to mass migrations, straining the capacities of host communities and countries, and potentially fuelling social unrest and political instability.

Addressing the climate emergency and its far-reaching implications requires a comprehensive and coordinated global response. Governments, international organizations, civil society, and the private sector must collaborate to develop and implement policies that prioritize climate action, protect human rights, and facilitate safe and orderly migration pathways. This includes investing in climate adaptation and mitigation strategies, strengthening disaster risk reduction mechanisms, and promoting sustainable development practices.

IV. RESEARCH & ANALYSIS

A. GAPS IN INTERNATIONAL LAW FOR CLIMATE MIGRANTS

The 1951 Refugee Convention narrowly defines a refugee based on persecution due to race, religion, nationality, political opinion, or membership in a particular social group. It lacks any provisions addressing displacement caused by environmental factors or climate change impacts.³ This felony definition fails to account for the ones pressured to leave their houses because of the detrimental consequences of climate change, including rising sea levels, droughts, or natural disasters exacerbated by global warming. Consequently, climate migrants or "environmental refugees" fall through the cracks of worldwide law, deprived of the protections and help afforded to conventionally diagnosed refugees.⁴

The loss of a comprehensive prison framework to cope with climate-induced displacement has severe implications for the human rights and well-being of those affected. Without formal reputation and protection mechanisms, weather migrants often locate themselves in precarious situations, dealing with the chance of statelessness, lack of admission to essential services, and vulnerability to exploitation and human rights violations.

³ Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 137.

⁴ Tiffany T.V. Duong, *When Islands Drown: The Plight of "Climate Change Refugees" and Recourse to International Human Rights Law*, 31 U. PA. J. INT'L L. 1239, 1241 (2010).

Attempts to address this gap were in large part insufficient. The Guiding Principles on Internal Displacement, while non-binding, renowned the plight of those displaced by way of "natural or human-made disasters" and provided steering on their protection and assistance.⁵ The U.N. Guiding Principles on Internal Displacement, while recognizing displacement due to "natural or human-made disasters," only provide guidance for internally displaced persons within national borders. It does not cover cross-border migration resulting from climate change. However, those concepts primarily recognise internal displacement within countrywide borders and no longer deal with border migration caused by way of weather changes.

Regional tasks, including the Kampala Convention in Africa and the Cartagena Declaration in Latin America, have broadened the definition of refugees to consist of the ones fleeing environmental failures and climate-associated activities.⁶ However, these local gadgets lack regularly occurring software and enforceability, leaving many weather migrants unprotected. To bridge this gap, a comprehensive worldwide prison framework is urgently needed to understand and protect the rights of weather migrants. Such a framework must establish clear definitions, responsibilities, and mechanisms for protection, assistance, and durable solutions, at the same time as selling international cooperation and burden-sharing.⁷

B. CLIMATE MIGRATION AS A SOCIAL JUSTICE IMPERATIVE

Climate migrants are disproportionately from impoverished, minority, and indigenous populations who've contributed the least to the greenhouse fuel emissions using weather change.⁸ These intersecting vulnerabilities exacerbate the socio-monetary and cultural effects of displacement, in addition to marginalizing already deprived communities. Environmental racism and the profits nevertheless reaped by rich international locations from extractive industries have contributed to fuelling the

⁵ U.N. Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998).

⁶ Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) art. 1(k), Oct. 23, 2009, 52 I.L.M. 397.

⁷ Bonnie Docherty & Tyler Giannini, *Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees*, 33 HARV. ENV'T L. REV. 349 (2009) National Policy Responses and Case Law

⁸ Ximena Flores-Palacios, *International Migration and Climate Change: Exposing an Environmental Injustice*, 28 COLO. NAT. RESOURCES ENERGY & ENV'T L. REV. 249, 253 (2017).

climate disruptions that force human beings from their ancestral lands and conventional methods of lifestyles.⁹

The principle of "not unusual however differentiated responsibilities" enshrined within the United Nations Framework Convention on Climate Change acknowledges that evolved countries endure a greater burden in addressing climate exchange due to their ancient and ongoing excessive ranges of emissions.¹⁰ However, this principle has no longer translated into adequate assist and assistance for the ones most laid low with the outcomes of weather alternate, especially weather migrants from the Global South.

Climate migration is inextricably linked to issues of social justice, human rights, and global inequality. The nations and groups that are least answerable for climate exchange regularly lack the resources and capacity to evolve to its effects, leading to displacement and loss of livelihoods, cultural historical past, and self-determination. Furthermore, weather migrants often face discrimination, xenophobia, and lack of admission to simple services and criminal protections in host groups and international locations.¹¹

Addressing weather migration through a social justice lens calls for spotting the historical and ongoing injustices that have contributed to the climate disaster and its disproportionate influences on marginalized populations. It demands a human rights-based total method that prioritizes the wishes, company, and dignity of weather migrants, whilst promoting equitable burden-sharing and international cooperation.¹²

Developed nations should take duty for their oversized contributions to weather exchange and provide economic and technical assistance to aid version, resilience-constructing, and safe and orderly migration pathways for affected groups.

⁹ Shayleen Thompson, *Environmental Racism: Minorities in the Global South Disproportionately Impacted by Climate Change*, *GLOBALIZATION & ME* (Feb. 27, 2020), <https://perma.cc/6M8A-BBBC>.

¹⁰ United Nations Framework Convention on Climate Change art. 3(1), May 9, 1992, 1771 U.N.T.S. 107.

¹¹ Robert D. Bullard, *Environmental Racism and "Invisible" Houston*, in *HEALTH AND FAIR HOUSING PRACTICES* 77 (Xavier de Souza Briggs ed., 2005).

¹² Badrinarayana, *Global Governance of Climate Change Refugees and Migrants*, in *RESEARCH HANDBOOK ON CLIMATE CHANGE, MIGRATION AND THE LAW* 301 (Benoît Mayer & François Crépeau eds., 2017).

Additionally, addressing the root causes of weather migration necessitates a decisive shift closer to sustainable development models that prioritize environmental justice, renewable energy, and the protection of indigenous lands and conventional understanding.

Here are a few illustrative cases:

- The Carteret Islanders of Papua New Guinea have been among the first contemporary population clusters displaced by rising sea levels, forcing relocation plans since the 1980s.
- In Alaska, indigenous villages like Shishmaref and Kivalina are under imminent threat from coastal erosion and flooding exacerbated by Arctic warming and melting permafrost.
- The Saharan indigenous populations in the Sahrawi refugee camps in Tindouf, Algeria, have faced increasingly severe droughts and food insecurity due to climate change impacts.
- In Latin America, indigenous communities in the Amazon basin and Andes mountains are experiencing intensifying droughts, floods, and disruptions to traditional agricultural practices due to climate change.

V. WAY FORWARD: DEVELOPING NEW INTERNATIONAL GOVERNANCE

Drawing on ideas of weather justice, human rights, state responsibility, and the academic discourse on climate-prompted migration, the global network ought to take decisive movement to cope with this looming crisis.¹³ A new UN convention has to be negotiated to officially apprehend weather migrants and establish binding obligations to defend their rights, facilitate safe and orderly migration pathways, and offer long-lasting answers. This convention needs to enshrine the principle of "not unusual however differentiated duties," requiring devolved nations to contribute extra

¹³ Bonnie Docherty & Tyler Giannini, *Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees*, 33 HARV. ENV'T L. REV. 349 (2009).

economic and technical assets commensurate with their historical and ongoing greenhouse gas emissions.

Key elements of one of this convention could encompass a clear definition of climate migrants encompassing each internal and go-border displacement; mechanisms for early warning, chance assessment, and planned relocation; guaranteed access to criminal fame, basic services, and socio-financial rights in host nations; and provisions for global cooperation, burden-sharing, and weather finance to aid model and resilience-constructing measures. Additionally, the convention needs to mandate the establishment of a global governance frame or subsidiary frame underneath present UN frameworks to coordinate implementation and display national compliance.

Civil society agencies, activist actions, and socio-legal students need to force this timetable, advocating for the popularity of climate migrants' rights and the development of a sturdy worldwide legal framework.¹⁴ Grassroots mobilization, strategic litigation, and scholarly research can improve consciousness, construct political will, and form the normative discourse around climate migration as a pressing human rights and social justice trouble.

Ultimately, addressing climate-triggered displacement requires a holistic and transformative method that tackles the basic reasons for weather exchange, prioritizes sustainable development, and promotes global unity and shared duty. Failure to act decisively will now not only violate the human rights of millions but also imperil international peace, security, and balance. The time is now to forge a brand-new paradigm of international governance that upholds the distinction and rights of climate migrants whilst safeguarding the destiny of our planet.

As for potential challenges, some key obstacles to negotiating and implementing such a convention could include:

1. Lack of political will and consensus among states, particularly major emitters resistant to accepting binding obligations and differentiated responsibilities.

¹⁴ Ximena Flores-Palacios, *International Migration and Climate Change: Exposing an Environmental Injustice*, 28 *COLO. NAT. RESOURCES ENERGY & ENV'T L. REV.* 249, 266-67 (2017).

2. Difficulties in agreeing on definitions, criteria, and modalities for identifying and protecting climate migrants.
3. Concerns over state sovereignty and resistance to potential infringements on immigration policies.
4. Inadequate funding and resource commitments for climate finance, adaptation measures, and resettlement programs.
5. Institutional and governance challenges in establishing effective monitoring and compliance mechanisms.

However, overcoming these obstacles is critical given the grave human rights implications and the potential for climate migration to exacerbate conflicts and instability if left unaddressed. Sustained advocacy, research, and diplomacy efforts will be crucial in building the necessary political will and legal frameworks to protect the rights and dignity of climate migrants.

VI. CONCLUSION & SUGGESTIONS

The converging crises of weather alternate and mass migration require an overhaul of present legal regimes and a profound shift in worldwide governance to uphold the rights and dignity of weather migrants effectively.¹⁵ Comprehensive socio-criminal reforms are urgently needed to address the gaps in global law, dismantle systemic injustices, and forge a new paradigm that prioritizes climate justice, human rights, and shared obligation.¹⁶

First and primary, a UN conference on weather migrants have to be negotiated and adopted, supplying a binding criminal framework for his or her safety, help, and durable answers. This conference ought to enshrine the principle of "not unusual however differentiated obligations," placing extra responsibilities on advanced

¹⁵ Bonnie Docherty & Tyler Giannini, *Confronting a Rising Tide: A Proposal for a Convention on Climate Change Refugees*, 33 *HARV. ENV'T L. REV.* 349 (2009).

¹⁶ Ximena Flores-Palacios, *International Migration and Climate Change: Exposing an Environmental Injustice*, 28 *COLO. NAT. RESOURCES ENERGY & ENV'T L. REV.* 249, 266-67 (2017).

nations to contribute sources and guide commensurate with their ancient and ongoing greenhouse gas emissions.

Additionally, national and nearby felony frameworks ought to be reformed to recognize climate migrants and shield their rights, which includes getting entry to felony reputation, primary services, and socio-economic possibilities in host groups and international locations. Domestic legal guidelines and guidelines have to additionally prioritize climate models, catastrophe risk discounts, and deliberate relocation strategies to mitigate the drivers of climate-prompted displacement.

Crucially, any prison and policy reforms have to be grounded in ideas of climate justice, environmental justice, and human rights, centring the voices and reports of marginalized communities disproportionately suffering from weather change and displacement. Indigenous peoples, specifically, must be meaningfully consulted and their traditional information and land rights respected in growing weather migration governance frameworks.

Civil society companies, social actions, and prison scholars have an important function to play in driving this timetable via advocacy, strategic litigation, and research. Collaboration between grassroots activists, policymakers, and global bodies is important to construct political will, form normative discourses, and translate concepts into actionable regulations and felony contraptions.

Furthermore, addressing climate migration calls for a holistic and transformative method that tackles the root reasons for climate alternations, which include the transition far from fossil fuels and extractive industries toward sustainable and renewable power assets. Developed international locations should take decisive movement to cut down their emissions and provide good enough weather finance to aid model and resilience-building measures in susceptible regions.

The converging crises of climate change and mass migration demand a collective, global response rooted in solidarity, shared responsibility, and a commitment to upholding the human rights and dignity of all people, regardless of their circumstances or place of origin. Failure to act decisively jeopardizes not only the well-being of millions but also global peace, security, and the very future of our planet. The

time to forge a new paradigm of international governance that protects the rights of climate migrants is now, before it's too late.

No single nation can solve this existential challenge alone. It will require unprecedented cooperation and collaboration across borders, sectors, and stakeholders. Governments, civil society, private sector, academic institutions, and international organizations must come together to muster the political will, resources, and innovative solutions needed to address climate migration justly and equitably. Only through a united global effort can we uphold our shared values of human rights, human dignity, and environmental stewardship for generations to come. The path forward will not be easy, but the costs of inaction are catastrophic. We must rise to this moral and practical imperative for the sake of our common future on this planet.

Ultimately, the converging crises of climate change and mass migration demand a collective, global response rooted in solidarity, shared responsibility, and a commitment to upholding the human rights and dignity of all people, regardless of their circumstances or place of origin. Failure to act decisively jeopardizes not only the well-being of millions but also global peace, security, and the very future of our planet. The time to forge a new paradigm of international governance that protects the rights of climate migrants is now, before it's too late.

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