

Climate-Induced Displacement and the Politics of Refugee Recognition in International Law

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Abstract

Climate change has emerged as one of the most consequential drivers of human displacement in the twenty-first century, yet international law has failed to develop a coherent, binding framework for recognising and protecting those who are forced to move because of environmental degradation, sea-level rise, and extreme weather events. This paper undertakes an analytical examination of the disjuncture between the empirical reality of climate-induced displacement and the normative architecture of international refugee law, particularly the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Employing a doctrinal and policy-analytical method, the paper traces the evolution of soft-law instruments, regional conventions, and recent judicial pronouncements—including the UN Human Rights Committee's decision in Teitiota v. New Zealand and the International Court of Justice's 2025 Advisory Opinion on the Obligations of States in Respect of Climate Change—to argue that recognition of climate-displaced persons remains fundamentally a political rather than a purely legal question. The paper situates India as a central case study, given its status as one of the world's largest sites of disaster-induced internal displacement and its complex, non-signatory relationship with the international refugee regime. Through analysis of the Sundarbans, Assam, Bundelkhand, Marathwada, and Uttarakhand, the paper demonstrates how the absence of a national and international legal category for "climate refugees" produces cascading vulnerabilities, particularly for the rural poor, women, and marginalised castes and tribes. The paper concludes by proposing a multi-tiered reform agenda combining complementary protection mechanisms, regional cooperation frameworks modelled on the Kampala Convention, and domestic legislative innovation, while cautioning that legal reform alone cannot resolve what is, at its core, a politics of recognition shaped by sovereignty, burden-sharing anxieties, and global inequality.

Keywords: *climate-induced displacement, climate refugees, international refugee law, 1951 Refugee Convention, non-refoulement, India, internal displacement, politics of recognition*

1. Introduction

The relationship between environmental change and human mobility is not a new phenomenon; human beings have always moved in response to floods, droughts, and ecological stress. What is new, however, is the scale, velocity, and irreversibility of contemporary climate change, and the corresponding urgency with which the

international community must confront the question of how—and whether—international law should recognise and protect those displaced by it. Climate change is no longer a speculative or distant risk. It is manifest in the submergence of low-lying coastal settlements, the salinisation of agricultural land, the intensification of cyclones and floods, and the slow-onset desertification of once-fertile regions. Each of these processes uproots populations, yet none of them fits comfortably within the definitional architecture of the 1951 Convention Relating to the Status of Refugees, which was drafted in a specific post-war European context to protect individuals fleeing persecution on the grounds of race, religion, nationality, membership of a particular social group, or political opinion.

The central puzzle animating this paper is this: despite overwhelming scientific consensus that climate change is producing mass displacement—both across and within borders—international law has not produced a corresponding legal category to recognise, name, and protect the people so displaced. This is not merely an oversight or a technical gap waiting to be filled by legal drafters. It is, this paper argues, a *political* failure as much as a legal one. The recognition of a new category of protected persons under international law inevitably raises questions of sovereignty, resource allocation, burden-sharing, and the redistribution of responsibility between states that have contributed disproportionately to greenhouse gas emissions and those that bear disproportionate exposure to their consequences. States—particularly in the Global North—have historically been reluctant to expand refugee status because doing so would create binding, enforceable obligations of admission and non-refoulement toward potentially vast numbers of people. The politics of recognition, therefore, operates as the invisible hand shaping the contours of what the law does and does not protect.

This paper is structured as an analytical, doctrinal, and policy-oriented study. It draws on primary legal sources (treaties, case law, advisory opinions), secondary scholarly literature, and empirical data from international bodies such as the Internal Displacement Monitoring Centre (IDMC) and the United Nations High Commissioner for Refugees (UNHCR). It gives particular attention to India, a country that is simultaneously one of the world's largest sites of disaster-induced internal displacement and a non-signatory to the 1951 Refugee Convention, making it an unusually revealing case for examining the gap between displacement realities and legal recognition.

The paper proceeds in the following manner. Section 2 reviews the existing scholarly literature on climate displacement and refugee law. Section 3 sets out the research objectives, questions, and methodology. Section 4 develops the conceptual and theoretical framework used throughout the paper, including the vexed terminology of "climate refugee," "environmental migrant," and "climate-induced displaced person." Section 5 examines the existing international legal framework, including the 1951 Convention, regional instruments such as the 1969 OAU Convention, the 1984 Cartagena Declaration, and the 2009 Kampala Convention, and soft-law mechanisms including the Nansen Initiative and the Global Compact for Migration. Section 6 analyses recent judicial and quasi-judicial developments, notably *Teitiota v. New Zealand* and the 2025 ICJ Advisory Opinion. Section 7 develops the theoretical argument concerning the politics of recognition. Section 8 undertakes a detailed case study of India. Section 9 offers a

comparative analysis. Section 10 identifies the principal gaps and challenges. Section 11 sets out policy recommendations, and Section 12 concludes.

2. Literature Review

The scholarly literature on climate-induced displacement has grown substantially over the past two decades, evolving through several identifiable phases. Early scholarship, emerging in the late 1980s and 1990s, was largely alarmist in tone, popularising the term "environmental refugee" to draw attention to the scale of anticipated displacement without close attention to legal precision. This literature was subsequently critiqued by migration scholars who argued that the term conflated distinct categories of mobility—voluntary migration, forced displacement, planned relocation, and trapped populations unable to move at all—and that it imported the legal connotations of "refugee" status without legal basis.

A second phase of scholarship, emerging from the 2000s onward, focused more precisely on the legal architecture of the 1951 Convention and its structural inability to accommodate climate-displaced persons. Scholars have consistently noted that the Convention's definition, anchored in the concept of "persecution," is definitionally incompatible with harm caused by impersonal environmental processes rather than a persecutory agent since the principal instrument governing international protection lacks explicit regulatory recognition for environmental or climate-induced displacement even within sophisticated regional migration regimes such as that of the European Union. This scholarship has been unanimous in identifying a "protection gap": as one recent analysis observes, the nexus between climate change and forced human mobility is recognised within international climate law through the vehicle of loss and damage, but this nexus remains absent in international refugee law, with cross-border climate-displaced persons receiving neither official legal status nor protection.

A further strand of literature has examined regional and soft-law responses. The Nansen Initiative on Disaster-Induced Cross-Border Displacement and its successor, the Platform on Disaster Displacement, have been analysed as important but non-binding efforts to build state consensus around protection principles alongside instruments such as the 2018 Global Compact for Safe, Orderly and Regular Migration and the 2016 New York Declaration for Refugees and Migrants. Scholars examining the UNFCCC regime have highlighted the role of the Task Force on Displacement, established under the Warsaw International Mechanism for Loss and Damage, which develops recommendations for managing climate-induced displacement, though this literature is generally critical of the Task Force's advisory, non-binding character.

Judicial and quasi-judicial developments have generated a substantial and rapidly growing literature. The UN Human Rights Committee's 2020 views in *Teitiota v. New Zealand* have attracted particularly close scholarly attention because, for the first time, a UN treaty body acknowledged that the adverse effects of climate change may, under certain circumstances, expose individuals to a violation of their rights under the International Covenant on Civil and Political Rights, thereby triggering non-refoulement

obligations. Scholars have been careful to note the limits of this recognition: the Committee refrained from classifying individuals fleeing climate-related harm as "refugees" within the meaning of the 1951 Convention and its 1967 Protocol, meaning that *Teitiotia* opened a narrow human-rights-based pathway to non-refoulement protection without creating a freestanding "climate refugee" status.

More recent scholarship has turned to the International Court of Justice's July 2025 Advisory Opinion on the Obligations of States in Respect of Climate Change, which, while not directly addressing refugee status, has been read as reinforcing the human-rights dimension of climate harm. Analysts note that the Advisory Opinion unanimously affirmed that states have legal obligations in respect of climate change, including the obligation to prevent significant harm to the environment, and that the Court specifically found that the degradation of the climate system impairs the enjoyment of a range of rights protected by human rights law, with adverse effects such as sea-level rise, drought, desertification, and natural disasters significantly impairing the enjoyment of certain human rights, including the rights to life, health, an adequate standard of living, privacy, family and home, and the rights of women, children, and indigenous peoples. Commentators have further observed that the Court applied a stringent due diligence standard and held that failure to meet climate obligations—whether under treaty law, customary international law, or human rights law—incurs state responsibility.

A regional literature has developed around the applicability of the 1969 Organisation of African Unity (OAU) Convention, the 1984 Cartagena Declaration, and the 2009 Kampala Convention on Internally Displaced Persons, all of which employ broader definitions of displacement-triggering events than the 1951 Convention. Scholars examining the Somali context, for instance, argue that international migration law must be reformed along four interdependent dimensions, including interpretive development of human rights protections for climate harm consistent with *Teitiotia* and the ICJ Advisory Opinion, regional harmonisation strengthening the Kampala Convention obligations, and recognition of internal climate displacement as a distinct governance category.

Finally, a growing India-specific literature has emerged, particularly following the 2024–2025 IDMC reports documenting record levels of disaster displacement. Recent studies argue that India's climate migration crisis remains a form of "unseen loss and damage", and empirical work using district-level and time-series data has begun to map the socio-economic and governance dimensions of internal displacement in specific rural contexts, such as Thoothukudi district in Tamil Nadu, using conceptual frameworks derived from established migration-drivers models. This paper builds upon and synthesises these strands of literature, while foregrounding a central analytical claim largely under-theorised in the existing scholarship: that the persistent non-recognition of climate-displaced persons is best understood not as a mere definitional or drafting failure but as the product of a deliberate, ongoing politics of recognition in which sovereign states resist the creation of binding obligations that would constrain their discretion over admission, residence, and burden-sharing.

3. Research Objectives, Questions, and Significance

3.1 Research Objectives

This study pursues the following objectives:

- To critically examine the adequacy of the existing international refugee law framework, particularly the 1951 Convention and 1967 Protocol, in addressing climate-induced displacement.
- To analyse the evolution of regional and soft-law instruments that have attempted to address protection gaps for climate-displaced persons.
- To evaluate recent judicial and quasi-judicial developments, including *Teitiota v. New Zealand* and the 2025 ICJ Advisory Opinion, and assess their implications for the future development of protection norms.
- To theorise the "politics of recognition" as an analytical framework for understanding why international law has been slow to recognise climate-displaced persons as a distinct protected category.
- To examine India as a detailed case study of both the scale of climate-induced displacement and the structural absence of legal recognition, both domestically and internationally.
- To propose a multi-tiered set of legal and policy reforms addressing the recognition gap.

3.2 Research Questions

- RQ1: To what extent does the existing international refugee law framework accommodate persons displaced by climate change?
- RQ2: How have regional instruments and soft-law mechanisms attempted to fill the resulting protection gap, and with what degree of success?
- RQ3: What do recent judicial and quasi-judicial developments reveal about the trajectory of legal recognition for climate-displaced persons?
- RQ4: How can the persistent non-recognition of climate-displaced persons under international law be explained through a politics-of-recognition framework?
- RQ5: What does the Indian experience reveal about the interaction between domestic governance failures and international legal gaps in addressing climate displacement?

3.3 Significance of the Study

This study contributes to the growing but still fragmented scholarship on climate displacement and international law in three ways. First, it offers an integrated analysis that connects doctrinal legal analysis with political theory, treating recognition not simply as a legal-technical outcome but as a contested political process. Second, it provides an extended, empirically grounded case study of India that moves beyond the frequently cited examples of Pacific small island states to examine a large, populous, climate-vulnerable state that is simultaneously a major site of internal displacement and an important actor in shaping regional and global migration governance debates through frameworks such as BIMSTEC and SAARC. Third, it synthesises the most recent legal developments—including the July 2025 ICJ Advisory Opinion—into the broader analytical debate on refugee recognition, offering a timely and current contribution to the field.

4. Research Methodology

This paper adopts a **doctrinal-analytical and policy-oriented research methodology**, characteristic of Scopus-indexed legal and interdisciplinary scholarship in international law and migration studies. The research relies on **secondary sources**, including:

- **Primary legal instruments:** the 1951 Refugee Convention and 1967 Protocol, the 1969 OAU Convention, the 1984 Cartagena Declaration, the 2009 Kampala Convention, the 2018 Global Compact for Safe, Orderly and Regular Migration, the 2016 New York Declaration, and relevant provisions of the ICCPR and ICESCR.
- **Case law and quasi-judicial decisions**, particularly the UN Human Rights Committee's views in *Teitiota v. New Zealand* (2020), the New Zealand Immigration and Protection Tribunal's decision in *AF (Kiribati)* (2013), and the International Court of Justice's 2025 Advisory Opinion on the Obligations of States in Respect of Climate Change.
- **Institutional and empirical reports**, particularly the Internal Displacement Monitoring Centre's Global Report on Internal Displacement (2025), UNHCR Global Trends Reports, and reports of India-focused research institutions.
- **Peer-reviewed academic literature**, drawn from international law journals, migration studies journals, and interdisciplinary environmental policy journals.

The methodology combines (a) **doctrinal legal analysis**, examining the text, structure, and interpretive history of relevant instruments; (b) **case-study analysis**, focused on India as the primary illustrative jurisdiction, supplemented by comparative reference to Bangladesh, the Pacific Islands, and African regional frameworks; and (c) **critical-theoretical analysis**, drawing on theories of recognition, sovereignty, and securitisation to interpret the political dynamics underlying legal non-recognition. This mixed doctrinal-analytical approach is appropriate for a subject that sits at the intersection of positive international law and contested political practice, where textual analysis alone cannot fully explain observed outcomes.

Limitations: As a doctrinal and secondary-source-based study, this paper does not include original empirical fieldwork, household surveys, or primary interviews with displaced persons. Quantitative displacement figures are drawn from institutional sources such as IDMC and UNHCR, whose methodologies, while authoritative, are themselves subject to definitional and data-collection limitations, particularly regarding the attribution of displacement to climate-related versus other causes. The study also focuses primarily on international and Indian domestic law and does not undertake comprehensive comparative analysis of all national jurisdictions.

5. Conceptual and Theoretical Framework

5.1 Terminological Contestation: "Climate Refugee" and Its Discontents

A recurring difficulty in this field is definitional. The literature confirms that the terms "climate refugee," "environmentally displaced person," and "climate-induced displacement" are often used interchangeably in academic and policy discourse, yet none of these terms are codified in existing international law. This terminological instability is

not incidental; it reflects a deeper conceptual difficulty in isolating climate change as a discrete, singular cause of displacement. In practice, climate stressors interact with pre-existing conditions of poverty, weak governance, land tenure insecurity, and conflict, producing what has been described as a "threat multiplier" effect rather than a standalone causal pathway. As one study of the Indian Ocean region observes, climate extremes are causal drivers of forced or voluntary migration, immobility, and displacement, fuelled by intersecting social and economic factors, such that climate change tends to function as a threat multiplier rather than a sole cause.

For analytical clarity, this paper adopts the following working distinctions, consistent with usage in the contemporary literature:

- **Climate migrants:** persons who move, whether voluntarily or under duress, in response to gradual, slow-onset climate stressors such as desertification, salinisation, or declining agricultural productivity.
- **Climate-displaced persons (or climate-induced displaced persons):** persons forced to leave their homes suddenly or under coercive conditions because of climate-related disasters, including floods, cyclones, and landslides.
- **Climate refugees:** a colloquial, non-legal term used to describe both categories above, but which carries no formal status under the 1951 Convention or any other binding international instrument.
- **Internally displaced persons (IDPs):** persons displaced within the borders of their own state, who fall outside the scope of refugee law entirely (since refugee status requires crossing an international border) but who may be covered by instruments such as the UN Guiding Principles on Internal Displacement or the Kampala Convention.

5.2 The 1951 Convention's Structural Incompatibility

The 1951 Convention defines a refugee as a person who, owing to a **well-founded fear of persecution** for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside their country of nationality and unable or unwilling to avail themselves of its protection. Three structural features of this definition create incompatibility with climate displacement:

1. **The persecution requirement:** Persecution implies an identifiable persecutory agent—typically a state or a non-state actor the state is unwilling or unable to control. Climate change, by contrast, is a diffuse, structural, and largely impersonal harm, even though it is anthropogenically caused in aggregate. This makes it exceptionally difficult to satisfy the "persecution" element through ordinary doctrinal interpretation.
2. **The discrimination (nexus) requirement:** Even where harm is severe, the Convention requires that persecution be linked to one of five enumerated grounds. Climate harms, being generally indiscriminate in their environmental operation (though highly discriminatory in their social distribution, given that the poor and marginalised are disproportionately exposed), do not straightforwardly map onto race, religion, nationality, social group, or political opinion.
3. **The cross-border requirement:** Refugee status under the Convention applies only to persons outside their country of origin. Yet the overwhelming majority of climate-displaced persons—including, as this paper demonstrates in the Indian case, the vast majority of those recorded

by IDMC—are displaced *internally*, never crossing an international border, and therefore fall outside the Convention's scope by definition, irrespective of any debate about persecution.

As one recent analysis crisply summarises, the existing international legal framework, as outlined in the Refugee Convention, poses significant challenges to recognising climate-induced cross-border migrants as refugees, given the stringent requirements of proving persecution and a discriminatory element in their circumstances, with cases such as *Teitiota* and the Torres Strait Islanders' communications before the Human Rights Committee highlighting the limitations of the 1951 Refugee Convention in accommodating the unique circumstances of climate-induced migrants.

5.3 Theorising Recognition: Sovereignty, Securitisation, and Burden-Sharing

The theoretical core of this paper draws on the concept of **recognition** as developed in political and legal philosophy—the idea that legal status is not simply a descriptive category applied neutrally to pre-existing facts, but a *constitutive act* that confers rights, resources, and standing upon those it names. To be recognised as a "refugee" is not merely to be described accurately; it is to be *entitled*—to non-refoulement, to asylum procedures, to material assistance, and to eventual durable solutions. Conversely, to remain unrecognised is to remain, in an important legal sense, invisible: present in fact but absent in law.

This paper argues that the persistent failure of international law to recognise climate-displaced persons as a distinct legal category should be understood through three interlocking political dynamics:

First, sovereignty and the politics of admission. States retain, as a foundational principle of international law, the sovereign prerogative to control the admission of non-nationals to their territory. The 1951 Convention represents an exception to this prerogative, but a narrowly circumscribed one, applicable only to persons fleeing persecution. Expanding the definition to include climate-displaced persons would, from the perspective of many states, create an open-ended and potentially unlimited admission obligation, given the scale of projected future displacement. States have therefore consistently resisted formal treaty amendment, preferring instead a proliferation of non-binding "soft law" instruments that acknowledge the problem rhetorically while avoiding binding legal consequence.

Second, securitisation of migration. Since the early 2000s, migration—including refugee migration—has been increasingly framed in security terms in many receiving states, particularly in the Global North. This securitisation dynamic makes states reluctant to expand categories of protected persons, fearing that doing so will be perceived domestically as loosening border control at a moment of heightened political sensitivity around migration.

Third, the politics of burden-sharing and historical responsibility. Climate-induced displacement raises an acute distributive justice problem: the states that have contributed

least to cumulative greenhouse gas emissions (predominantly in the Global South, including South Asia, sub-Saharan Africa, and small island states) bear the greatest displacement burden, while the states most responsible for emissions (predominantly in the Global North) have been most resistant to assuming binding legal obligations toward the displaced. This asymmetry is reflected in the very structure of the international climate regime, where, as scholars note, the United Nations Framework Convention on Climate Change acknowledges the link between climate change and human mobility only through its advisory Task Force on Displacement, established under the Warsaw International Mechanism for Loss and Damage—a body with a mandate to "develop recommendations" rather than to create binding protection obligations.

This three-part framework—sovereignty, securitisation, and burden-sharing—provides the analytical lens through which the remainder of this paper interprets both the persistence of the international protection gap and the specific dynamics of the Indian case.

6. The International Legal Framework: Instruments, Gaps, and Regional Innovations

6.1 *The 1951 Convention and 1967 Protocol*

As established above, the foundational instrument of international refugee law—the 1951 Convention Relating to the Status of Refugees, as amended by the 1967 Protocol—does not extend to climate-displaced persons. UNHCR, the agency charged with supervising the Convention's application, has itself acknowledged this limitation: the UNHCR acknowledges that people displaced by climate change often fall outside the 1951 Refugee Convention's definition of a refugee, although the agency also notes that climate pressures frequently intersect with conflict, human rights violations, and governance failures that can independently trigger protection needs under existing instruments. This latter point is analytically important: it suggests that climate change rarely operates as a pure, isolated cause of displacement, but rather compounds pre-existing vulnerabilities and governance failures—a dynamic clearly visible in the Indian case discussed in Section 8.

6.2 *Regional Refugee Instruments: Broader but Still Incomplete*

Two regional refugee instruments have attracted particular scholarly attention for their comparatively broader definitions of refugee status. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa extends refugee status to persons compelled to leave their country owing to "external aggression, occupation, foreign domination, or events seriously disturbing public order." Similarly, the 1984 Cartagena Declaration on Refugees, applicable in Latin America, recognises as refugees persons who have fled their country because their lives, safety, or freedom have been threatened by "generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Scholars have noted that these instruments' language—particularly "events seriously disturbing public order"—is, in principle, capacious enough to be interpreted to include large-scale environmental disasters, since regional agreements such as the 1984

Cartagena Declaration and the 1969 OAU Convention already recognise displacement caused by events extending beyond the traditional persecution paradigm. However, this interpretive possibility has rarely been tested or formally adopted in state practice, and no regional refugee body has yet issued authoritative guidance confirming that climate disasters fall within these broader formulations.

6.3 The Kampala Convention and Internal Displacement

For displacement that remains within national borders—which, as this paper demonstrates, constitutes the overwhelming majority of climate-induced displacement globally—the most significant binding regional instrument is the African Union's 2009 Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the world's first binding regional treaty explicitly addressing internal displacement, including displacement caused by natural or human-made disasters. Analysts examining weak-governance contexts have argued that meaningful protection reform requires regional harmonisation to strengthen implementation of Kampala Convention obligations and comparable regional mobility mechanisms, alongside recognition of internal climate displacement as an independent governance category rather than a subset of conflict-related displacement. No equivalent binding regional instrument exists in South Asia, a gap of direct relevance to the Indian case examined below.

6.4 Soft-Law and Institutional Mechanisms

In the absence of binding treaty reform, the international community has developed a dense but non-binding architecture of soft-law instruments and institutional processes:

- **The Nansen Initiative on Disaster-Induced Cross-Border Displacement** (2012–2015), a state-led consultative process that produced the *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015), setting out non-binding "effective practices" for states.
- **The Platform on Disaster Displacement**, the Nansen Initiative's institutional successor, tasked with implementing the Agenda's recommendations through advocacy and technical support to states.
- **The 2016 New York Declaration for Refugees and Migrants** and the subsequent **2018 Global Compact for Safe, Orderly and Regular Migration**, both of which acknowledge climate change and disasters as drivers of migration and call for enhanced international cooperation, without creating binding legal obligations. As noted in the literature, these instruments collectively represent the principal soft-law architecture invoked in cross-border climate displacement claims, alongside UN General Assembly resolutions on the office of the High Commissioner for Refugees.
- **The UNFCCC Task Force on Displacement**, established under the Warsaw International Mechanism for Loss and Damage, which develops technical recommendations for "averting, minimizing, and addressing displacement related to the adverse impacts of climate change," but which operates entirely within the advisory architecture of the climate regime rather than the binding architecture of refugee or human rights law.

The consistent pattern across all these instruments is what might be termed **normative acknowledgment without legal obligation**: each instrument recognises, often in strong rhetorical terms, that climate change drives displacement and that displaced persons require protection, yet none creates an enforceable right of admission, residence, or non-refoulement specifically tied to climate harm. This pattern is not accidental; it is, this paper argues, the direct product of the politics of recognition theorised in Section 5.3—a deliberate strategy by which states signal concern while preserving discretion.

7. Judicial and Quasi-Judicial Developments: Cracks in the Wall

7.1 *Teitiota v. New Zealand* (2020)

The most significant quasi-judicial development to date is the UN Human Rights Committee's 2020 views in *Teitiota v. New Zealand*, concerning a national of Kiribati who sought asylum in New Zealand on the grounds that rising sea levels and environmental degradation in Kiribati threatened his life and that of his family. New Zealand's domestic tribunals, including the Immigration and Protection Tribunal in the related case of *AF (Kiribati)*, had rejected such claims under domestic refugee and protected-person status determinations. The Human Rights Committee, reviewing the case under the Optional Protocol to the ICCPR, held that the adverse effects of climate change may, under certain circumstances, expose individuals to a violation of their rights under the International Covenant on Civil and Political Rights, thereby triggering non-refoulement obligations. This was a landmark recognition: for the first time, an international human rights body confirmed that a state party could, in principle, breach its non-refoulement obligations by returning an individual to a country where climate change had degraded conditions of life to the point of threatening the right to life under Article 6 of the ICCPR.

However, the Committee ultimately found that Mr Teitiota's individual claim did not meet the evidentiary threshold required to establish that conditions in Kiribati were so severe as to constitute an imminent risk to his life at the time of the decision, and did not grant him relief. Crucially, and as consistently emphasised in the literature, the Committee refrained from classifying individuals fleeing climate-related harm as "refugees" within the meaning of the 1951 Refugee Convention. The decision therefore opened a narrow, human-rights-based pathway to protection against *refoulement* in extreme cases, without creating a freestanding "climate refugee" status or a general right of admission. It is best understood as establishing a *ceiling of last resort*—applicable only where conditions have deteriorated to a point threatening the right to life itself—rather than a general protective floor for climate-displaced persons.

7.2 *The 2025 ICJ Advisory Opinion*

The International Court of Justice's Advisory Opinion of 23 July 2025, delivered in response to a request from the UN General Assembly initiated by Vanuatu and other Pacific and small island states, represents the most significant recent development in the broader climate-and-human-rights jurisprudence, though it does not directly address

refugee status. The Court was asked, among other things, to determine the obligations of states under international law to protect the climate system from anthropogenic greenhouse gas emissions, and the legal consequences for states that, by their acts or omissions, cause significant harm to the climate system.

The Court's findings are analytically significant for the recognition question in several respects. First, the Court confirmed that the applicable legal framework governing state obligations in respect of climate change is not confined to the climate treaties themselves but includes the full corpus of general international law and human rights law, rejecting arguments that the climate treaty regime operates as a self-contained *lex specialis* excluding other bodies of law. Second, and centrally, the Court held that the degradation of the climate system impairs the enjoyment of a range of rights protected by human rights law, and that adverse effects of climate change—including impacts on health and livelihoods through sea level rise, drought, desertification, and natural disasters—may significantly impair the enjoyment of certain human rights, expressly naming the rights to life, health, an adequate standard of living, privacy, family and home, and the rights of women, children, and indigenous peoples. Third, the Court articulated a stringent due diligence standard, holding that a state's failure to meet its obligations under treaty law, customary international law, or human rights law in respect of climate change incurs state responsibility under the law of state responsibility.

While the Opinion does not create refugee status or a right of admission, its significance for the recognition debate is threefold. First, it strengthens the doctrinal foundation for *Teitiota*-style non-refoulement claims by authoritatively confirming, at the level of the Court's highest judicial authority, that climate harm can amount to a human rights violation. Second, it establishes a due diligence and state responsibility framework that may, over time, support claims for reparation or compensation by climate-displaced individuals or states against major emitting states—a development with particular relevance for South Asian and African states bearing disproportionate displacement burdens. Third, and more cautiously, commentators note that although the Advisory Opinion is not formally binding, its relevance for international law cannot be ignored, since courts and arbitral tribunals around the world are very likely to refer to it when grappling with climate-related disputes, suggesting a plausible, if gradual, pathway by which the Opinion's human-rights reasoning could migrate into future refugee and asylum jurisprudence at the domestic level, including potentially in Indian constitutional courts, which have historically shown some willingness to draw on international human rights instruments in asylum-adjacent cases.

7.3 An Emerging but Incomplete Jurisprudential Trajectory

Taken together, *Teitiota* and the 2025 Advisory Opinion mark a discernible, if incremental, jurisprudential trajectory: from complete silence on climate displacement in the 1990s and early 2000s, to cautious acknowledgment of climate-linked non-refoulement obligations in 2020, to authoritative confirmation in 2025 that climate harm implicates a broad range of established human rights. Yet this trajectory has not yet produced—and, on current evidence, is unlikely soon to produce—a binding, freestanding

legal category of "climate refugee" analogous to the 1951 Convention's refugee definition. The recognition that emerges from this jurisprudence is narrow, threshold-dependent (requiring conditions approaching a threat to life), and largely confined to non-refoulement rather than affirmative rights of admission, residence, or durable solution. This confirms the paper's central theoretical claim: judicial bodies have been willing to recognise climate harm as a *human rights* matter, but political bodies—states acting through treaty negotiation and legislative processes—have consistently declined to translate this recognition into a binding refugee or migration status. The gap between judicial acknowledgment and political codification is, in itself, evidence of the politics of recognition at work.

8. India as a Case Study: Scale, Governance, and the Absence of Recognition

India offers an unusually rich and analytically significant case study for three interlocking reasons. First, it is among the countries experiencing the largest absolute scale of disaster- and climate-related internal displacement in the world. Second, it is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, meaning that even cross-border climate-displaced persons entering India (for example, from Bangladesh) encounter a domestic legal vacuum layered atop the international one. Third, India's own climate-displaced citizens—overwhelmingly displaced *within* national borders—fall entirely outside both the international refugee regime (which requires border-crossing) and any dedicated domestic legal framework for internal displacement, leaving them dependent on discretionary disaster-relief administration rather than rights-based protection.

8.1 The Scale of the Crisis

Data compiled by the Internal Displacement Monitoring Centre provide the clearest empirical picture of the scale of India's climate displacement crisis. According to recent analysis, between 2015 and 2024, 32.32 million people were internally displaced in India due to natural disasters, mostly floods and storms, with 2024 alone accounting for 5.4 million displacements—the highest annual total in over a decade. A separate longitudinal study places the cumulative figure even higher over a longer period, noting that climate-induced migration in India accounts for a cumulative displacement of 56.23 million individuals between 2008 and 2023, reflecting a complex interplay of environmental stressors and socio-economic vulnerability. IDMC's own country data confirm that in 2024, India recorded its highest number of disaster displacements since 2012, at 5.4 million, including 2.4 million people displaced by the worst monsoon floods in Assam in more than a decade.

These are not abstract statistics. Journalistic and policy analysis grounded in IDMC data describes the human geography behind the numbers: displacement events connected to cyclones in Odisha, saltwater intrusion forcing Sundarbans farmers to abandon their fields, and repeated drought in Marathwada and Bundelkhand driving labourers to migrate, often repeatedly, in cycles of migration, loss, and vulnerability. A separate analysis situates the crisis within a broader climate-extremity pattern, noting that the Centre for Science and Environment found that India experienced extreme weather events

on 314 out of 365 days in 2024, killing nearly 3,000 people, and that there are today approximately 14 million people living in internal displacement in India, many without formal healthcare coverage in their host locations, without legal recognition as displaced persons, and without institutional recourse.

8.2 The Sundarbans: Slow-Onset Displacement and the Limits of "Disaster" Framing

The Sundarbans delta, straddling the India-Bangladesh border, is among the most frequently cited sites of climate displacement globally, and is illustrative of the definitional difficulties discussed in Section 5.1. Unlike a single catastrophic cyclone, Sundarbans displacement is frequently the product of *slow-onset* processes—embankment erosion, tidal creep, and progressive salinisation of agricultural land—punctuated by periodic acute disasters (notably cyclones such as Aila in 2009 and Amphan in 2020) that accelerate underlying trends. As one analysis notes, in the region's shrinking coastlines, fishermen do not return to the delta after embankments breach repeatedly within a few years, illustrating displacement as a cumulative, repeated process rather than a single discrete event. Scholars examining the Indian Ocean region more broadly situate Sundarbans displacement within a political-ecology framework, noting that mobility in the delta is linked to the neoliberal politics of transregional development, including conservation enclosures and industrial development that reshape local livelihoods across the Bay of Bengal delta spanning the Indian and Bangladesh Sundarbans. This underscores that Sundarbans displacement cannot be attributed to climate change alone; it is co-produced by development policy, conservation regimes, and land-use change—precisely the kind of causal complexity that the "persecution" paradigm of the 1951 Convention is ill-equipped to capture, and that a dedicated "climate refugee" category would also struggle to isolate cleanly.

8.3 Assam and the Brahmaputra Floodplain

Assam represents the paradigmatic case of acute, disaster-triggered climate displacement in India. IDMC's country analysis records that in the catastrophic 2024 monsoon season, around 10 per cent of Assam's population—more than three million people—live on fertile riverine islands known as chars, which are highly exposed to flooding, with about 40 per cent of the state's territory susceptible to flooding whose frequency and intensity have shifted in recent years, forcing an increasing number of people to move, sometimes repeatedly and for extended periods. The char-dwelling communities of Assam are particularly instructive: many are drawn from historically marginalised, land-poor populations, including communities of Bengali-origin Muslim descent whose citizenship status has itself become entangled in contentious domestic political processes (notably the National Register of Citizens exercise), creating a doubly precarious situation in which climate displacement intersects with contested legal identity and belonging.

8.4 Marathwada, Bundelkhand, and Slow-Onset Drought Migration

In contrast to Assam's flood-driven displacement, the semi-arid regions of Marathwada (Maharashtra) and Bundelkhand (spanning Uttar Pradesh and Madhya Pradesh) illustrate

drought-driven, slow-onset displacement, frequently manifesting as distress seasonal or circular labour migration rather than singular displacement events. Repeated drought cycles, groundwater depletion, and agrarian distress—compounded by structural factors such as smallholder indebtedness and inadequate irrigation infrastructure—have driven sustained outmigration from these regions to urban centres, a pattern documented in the broader IDMC-linked analysis noting that labourers in Marathwada and Bundelkhand have been forced to migrate after repeated droughts destroyed crops. Because this form of displacement is gradual, repeated, and often circular (with return migration during better agricultural seasons), it is particularly difficult to capture within displacement-monitoring frameworks calibrated to sudden-onset disaster events, and it is almost entirely invisible within any refugee or asylum framework premised on a discrete flight from a specific persecutory or catastrophic event.

8.5 Uttarakhand: Landslides, Glacial Risk, and Precautionary Displacement

The Himalayan state of Uttarakhand presents a further distinct pattern: displacement driven by geological instability compounded by climate change, particularly glacial melt and permafrost degradation. The town of Joshimath became internationally emblematic of this dynamic when land subsidence, attributed by scientific assessments to a combination of unstable geology, unregulated construction, and climate-linked hydrological change, forced residents to abandon homes. As documented in recent scholarship, the regions of Joshimath and Uttarkashi in Uttarakhand have experienced numerous landslides, compelling several families to migrate as a precautionary measure. This case is analytically significant because it demonstrates *anticipatory* or *precautionary* displacement—movement undertaken not in direct response to a completed disaster but in response to assessed future risk—a pattern that existing displacement frameworks, oriented toward post-disaster response, are poorly equipped to address either substantively (through planned relocation frameworks) or in terms of legal recognition.

8.6 The Absence of a National Legal Framework

The preceding empirical picture must be read against the near-total absence of a dedicated legal framework for climate-displaced persons in India, at either the international or domestic level. India is not a party to the 1951 Refugee Convention or its 1967 Protocol; as one recent analysis summarises, India has not signed the 1951 Refugee Convention or its 1967 Protocol, and in the absence of a national legal framework, refugee matters are largely addressed through administrative discretion and political judgment, with refugees treated similarly to other foreign nationals under the Foreigners Act of 1946. While the Indian judiciary, particularly the Supreme Court, has occasionally invoked international human rights instruments such as Article 14 of the Universal Declaration of Human Rights and Article 13 of the ICCPR to uphold refugee rights and prevent forced deportations, this judicial practice remains case-specific, discretionary, and does not amount to a systematic rights-based framework. The same analysis concludes that the lack of a uniform legal policy results in inconsistent treatment and vulnerability for displaced populations, and that establishing a comprehensive national refugee law would allow India to balance security concerns with humanitarian responsibilities.

This absence has particular salience for cross-border climate displacement from Bangladesh. Analysts examining Bangladesh's own acute climate vulnerability note that as Bangladesh becomes more crowded due to land loss from sea-level rise, incentive grows for displaced Bangladeshis to cross the border into India, yet New Delhi has no plans for dealing with its own citizens displaced by climate change, let alone people from other countries. The political salience of this issue in the Indian domestic context is heightened by the fact that cross-border migration from Bangladesh has historically been treated in India predominantly through a security and demographic lens—linked to debates over illegal immigration, the National Register of Citizens, and the Citizenship Amendment Act—rather than through a protection or humanitarian lens. This is a paradigmatic illustration of the securitisation dynamic theorised in Section 5.3: climate-displaced persons crossing the India-Bangladesh border are far more likely to be framed domestically as an illegal-migration or national-security concern than as a humanitarian-protection concern, regardless of the underlying climatic drivers of their movement. Notably, India's evolving refugee posture has also been criticised for embedding religious criteria into de facto refugee treatment, with scholars observing that India's refugee policy has, in certain instances, been shaped by religious criteria affecting the treatment of specific refugee groups such as Rohingya Muslims fleeing Myanmar—a dynamic that, if extended by analogy to climate-displaced cross-border populations from Bangladesh, raises serious concerns about the potential for discriminatory, rather than needs-based, admission practices.

At the same time, it should be noted that India has, on humanitarian and moral grounds rather than binding legal ones, hosted very substantial refugee and displaced populations over decades, including Tibetan, Sri Lankan Tamil, and Afghan populations. This reflects what one analysis describes as India's reputation for openness towards refugees, cited by some as a reason for the perceived unnecessary of formally acceding to the Refugee Convention, alongside concerns regarding India's porous borders and associated security considerations. Civil society and policy analysts have consequently called for India to establish a national commission for refugees tasked with drafting an inclusive refugee policy grounded in the principles of non-refoulement and non-discrimination, accounting for physical protection, secure accommodation, access to food and sanitation, and family unity. No such national framework has yet been adopted, and none of the existing proposals specifically addresses the distinct evidentiary and procedural challenges posed by climate-induced (as opposed to persecution-based) displacement claims.

8.7 Regional Cooperation Potential: BIMSTEC and South Asia

Given the absence of a SAARC- or South Asia-wide equivalent to the Kampala Convention, some scholars have proposed the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)—comprising Bangladesh, India, Sri Lanka, Nepal, Bhutan, Thailand, and Myanmar—as a plausible institutional vehicle for regional climate displacement cooperation, given that these member states face mounting shared risks of sea-level rise, cyclones, floods, droughts, and heatwaves, phenomena that have already displaced millions and threaten to generate one of the largest flows of climate-induced cross-border migration globally. The comparative absence of binding

refugee frameworks across the region—mirrored in Bangladesh's own position, where, as noted in the literature, the country lacks a comprehensive national legal framework for refugee protection despite hosting a severe Rohingya refugee crisis—suggests that any durable regional solution to South Asian climate displacement would need to be built largely from first principles, rather than through the extension of existing regional refugee architecture, since none of comparable scope currently exists in South Asia.

9. Comparative Analysis: India in Global Context

Positioning India comparatively against other regions illuminates both shared structural patterns and important divergences.

Pacific Island States (Kiribati, Tuvalu, Vanuatu) have driven the most visible international jurisprudential developments—*Teitiota* and the ICJ Advisory Opinion both originated from Pacific advocacy—despite representing a comparatively small absolute number of displaced persons. Their displacement is predominantly cross-border or, in extreme scenarios, involves the anticipated loss of entire national territories, a scenario without precedent in international law regarding statehood continuity. India's displacement crisis, by contrast, is overwhelmingly internal and vastly larger in absolute numbers, yet has generated comparatively little international jurisprudential attention—illustrating how international legal salience is not purely a function of displacement scale but also of diplomatic visibility, geopolitical leverage, and the discrete, dramatic character of small-island "disappearing nation" narratives compared to the diffuse, chronic character of large-country internal displacement.

Sub-Saharan Africa, particularly the Horn of Africa and Somalia, shares with India a pattern of climate displacement compounding pre-existing governance fragility and, in some contexts, conflict. Unlike India, however, African states benefit from the binding regional Kampala Convention framework for internal displacement, even though its implementation remains, as noted above, incomplete and unevenly enforced. India's absence of any comparable binding regional or domestic instrument leaves Indian IDPs in a position of even greater formal legal invisibility than their African counterparts, notwithstanding India's considerably stronger state administrative capacity for disaster relief.

Bangladesh, India's immediate neighbour and one of the countries most existentially threatened by sea-level rise, illustrates the compounding effect of weak refugee frameworks on both sides of a shared, climate-exposed border: neither state has ratified the 1951 Convention comprehensively into binding domestic refugee legislation, and neither has developed a bilateral or regional mechanism to manage anticipated cross-border climate movement, despite extensive scholarly and policy commentary warning of its likelihood.

This comparative analysis reinforces the paper's central theoretical claim: the degree of legal recognition afforded to climate-displaced populations correlates poorly with the objective scale of displacement, and far more closely with the diplomatic salience,

geopolitical positioning, and domestic political economy of migration in the states and regions concerned—confirming that recognition is fundamentally a political, not merely technical-legal, outcome.

10. Gaps and Challenges in the Current Framework

Synthesising the analysis above, this paper identifies six principal, interlocking gaps in the current international and Indian domestic framework:

1. The definitional gap. The absence of any internationally agreed definition of "climate refugee," "climate migrant," or "climate-displaced person" undermines data collection, policy coordination, and the possibility of eventual treaty codification.

2. The internal/external displacement gap. International refugee law's cross-border requirement excludes the overwhelming majority of climate-displaced persons globally, including the vast majority of those displaced in India, from any protection framework premised on refugee status, however defined.

3. The causal attribution gap. Because climate stressors typically operate in combination with governance failures, poverty, and conflict, individual displacement events resist clean causal attribution to "climate change" as a discrete, isolable factor, complicating both legal claims and statistical monitoring.

4. The slow-onset gap. Existing disaster-displacement monitoring and response frameworks, including much of the IDMC methodology itself, are structurally oriented toward sudden-onset events (floods, cyclones, landslides) and are comparatively weaker at capturing slow-onset displacement driven by drought, desertification, and salinisation—precisely the pattern seen in Marathwada, Bundelkhand, and the Sundarbans.

5. The sovereignty and burden-sharing gap. As theorised in Section 5.3, states remain unwilling to accept binding obligations of admission or resource-transfer commensurate with the scale of climate displacement, particularly across the Global North-South divide, resulting in a persistent preference for non-binding soft-law instruments over treaty codification.

6. The domestic implementation gap (India-specific). Even where India possesses substantial disaster-management administrative capacity through bodies such as the National Disaster Management Authority, this capacity operates through discretionary relief and rehabilitation policy rather than a rights-based legal framework recognising displaced persons as rights-holders entitled to specific protections, compensation, or durable solutions, and provides no framework whatsoever for climate-displaced persons arriving from other countries.

11. Policy Recommendations

Building on the preceding analysis, this paper proposes a multi-tiered reform agenda operating simultaneously at the international, regional, and Indian domestic levels.

11.1 International Level

- **Complementary protection, not Convention amendment.** Given the near-insurmountable political resistance to formally amending the 1951 Convention, this paper concurs with scholars who advocate developing **complementary protection frameworks**—building on the human-rights-based non-refoulement logic established in *Teitiotia* and reinforced by the 2025 ICJ Advisory Opinion—rather than pursuing Convention amendment as the primary reform pathway. Such frameworks would formalise, through General Assembly resolution or a dedicated protocol, the principle that non-refoulement obligations under the ICCPR and analogous instruments extend to persons facing life-threatening climate conditions upon return, codifying and clarifying the *Teitiotia* threshold rather than requiring case-by-case relitigation.
- **Strengthening the UNFCCC-refugee law interface.** The Warsaw Mechanism's Task Force on Displacement should be given an expanded mandate and dedicated funding stream to support both data harmonisation and the development of model national legislation, moving beyond its current advisory function.
- **Institutionalising the Nansen/Platform on Disaster Displacement model.** The non-binding "effective practices" developed through the Nansen Initiative and Platform on Disaster Displacement should be formalised into a monitored, periodically reviewed set of state commitments, potentially through the Global Compact for Migration's existing review architecture.

11.2 Regional Level (South Asia)

- **A South Asian instrument on internal and cross-border displacement.** Modelled on, but adapted from, the Kampala Convention, a regional instrument—potentially negotiated through BIMSTEC given SAARC's institutional paralysis—should establish binding minimum standards for the protection, assistance, and non-discriminatory treatment of persons displaced by climate-related disasters, whether internally or across the region's porous borders.
- **Bilateral India-Bangladesh cooperation.** Given the acute and well-documented risk of Sundarbans and coastal Bangladesh displacement pressure toward India, a dedicated bilateral mechanism—potentially a technical working group under the existing India-Bangladesh Joint Rivers Commission framework or a new dedicated body—should be established to develop joint early-warning, planned relocation, and burden-sharing arrangements prior to acute crisis conditions materialising.

11.3 Indian Domestic Level

- **A national law on internal displacement.** India should enact a dedicated legislative framework—potentially building on the UN Guiding Principles on Internal Displacement—that recognises climate- and disaster-displaced persons as rights-holders entitled to defined standards of assistance, compensation, and durable resettlement, moving beyond the current discretionary disaster-relief model administered under the Disaster Management Act, 2005.

- **A comprehensive national refugee law.** Consistent with long-standing civil society and scholarly proposals, India should establish a national commission and enact comprehensive refugee legislation grounded in non-refoulement and non-discrimination, explicitly addressing the evidentiary standards applicable to climate-linked cross-border claims, thereby closing the domestic legal vacuum that currently leaves both persecution-based and climate-linked claims to ad hoc administrative discretion under the Foreigners Act, 1946.
- **Data and early-warning integration.** Displacement-tracking methodologies used by Indian disaster-management authorities should be harmonised with IDMC standards and expanded to systematically capture slow-onset, repeated, and precautionary displacement patterns—of the kind observed in Marathwada, Bundelkhand, and Uttarakhand—rather than only sudden-onset disaster displacement.
- **Planned relocation frameworks with community consent.** For high-risk zones such as Joshimath and low-lying Sundarbans islands, India should develop formal planned relocation frameworks incorporating free, prior, and informed community consent, secure land tenure at resettlement sites, and livelihood restoration support, rather than relying on reactive, post-disaster evacuation.

12. Conclusion

This paper has argued that the persistent absence of legal recognition for climate-displaced persons under international law cannot be adequately explained as a mere technical or definitional oversight awaiting correction through careful legal drafting. Rather, it is the product of an ongoing and deliberate **politics of recognition**, in which sovereign states—weighing concerns of admission control, securitised migration politics, and unequal historical responsibility for greenhouse gas emissions—have consistently chosen rhetorical acknowledgment over binding legal obligation. This pattern is visible across the entire architecture examined in this paper: from the drafting limitations of the 1951 Convention itself, through the proliferation of non-binding soft-law instruments such as the Nansen Initiative and the Global Compact for Migration, to the carefully bounded, threshold-dependent recognition offered by the UN Human Rights Committee in *Teitiota* and, most recently, the human-rights-reinforcing but refugee-status-silent 2025 International Court of Justice Advisory Opinion.

India's experience powerfully illustrates the human cost of this recognition gap. With tens of millions of people displaced by climate-related disasters over the past decade—in the Sundarbans, in Assam's flood-prone char lands, in the drought-stricken agrarian belts of Marathwada and Bundelkhand, and in the geologically unstable Himalayan terrain of Uttarakhand—India embodies both the scale of the global climate displacement crisis and the near-total absence of a corresponding legal architecture, whether international or domestic, capable of recognising and protecting those affected. The country's own non-signatory status under the 1951 Convention compounds this vulnerability for cross-border populations, while its citizens displaced internally remain, in legal terms, largely invisible—present in disaster-relief statistics but absent from any rights-based framework of protection.

Addressing this crisis will require simultaneous movement at multiple levels: international codification of complementary, human-rights-grounded protection

standards; regional instruments adapted to the specific governance and geographic realities of South Asia; and Indian domestic legislative reform recognising displaced persons—whether crossing international borders or displaced within them—as rights-holders rather than mere objects of discretionary humanitarian relief. Ultimately, however, this paper's central contribution is conceptual rather than purely prescriptive: until the international community confronts recognition as an inherently political act—one that redistributes obligation, resources, and moral standing—rather than a neutral technical exercise in legal categorisation, the gap between the empirical reality of climate displacement and its legal recognition is likely to persist, even as the scale of displacement itself continues to grow.

References

- Chakraborty, S. (2025). *Quest for regional co-operation: Climate refugees and the legal responses in the BIMSTEC member states* [Conference paper abstract]. Asian Society of International Law.
- Frontiers in Political Science. (2026). Climate-induced displacement and legal protection gaps: Rethinking migration governance for sustainable development in Somalia. *Frontiers in Political Science*.
- Georgetown Environmental Law Review. (2026). When climate change meets immigration law: The legal gap for climate-displaced people. *Georgetown Law*.
- Georgetown Journal of International Affairs. (2024). The missing refuge for "climate refugees" in the international legal framework: A dialogue with Caitlan M. Sussman. *Georgetown University*.
- Herbert Smith Freehills Kramer. (2025). Defining state obligations in a warming world: The ICJ's Advisory Opinion on Climate Change.
- Human Rights Research Center. (2025). *Climate-induced displacement: Establishing legal protections for climate refugees*.
- Internal Displacement Monitoring Centre. (2025). *Global report on internal displacement 2025*. Norwegian Refugee Council.
- Internal Displacement Monitoring Centre. (2026). *India country profile*. Norwegian Refugee Council.
- International Comparative Legal Guide / International & Comparative Law Quarterly. (2025). The 2025 International Court of Justice Advisory Opinion on obligations of states in respect of climate change. *International & Comparative Law Quarterly*, 1–35.
- International Court of Justice. (2025). *Obligations of states in respect of climate change* (Advisory Opinion of 23 July 2025).
- Lam, J. (2025). Climate refugees: The missing protection in international law. *Seaside Sustainability*.
- McVey, M., & Savaresi, A. (2025). The ICJ Advisory Opinion on climate change: A business and human rights perspective. *Opinio Juris*.
- NUS Centre for International Law. (2025). *Advisory opinions on climate change – A legal bedrock of state responsibility: Webinar summary*. National University of Singapore.

- QIL-QDI. (2025). Invisible in law: Environmental and climate migrants and the gap in international protection. *Questions of International Law*.
- Rajshree, Mehta, C., & Luhach, S. (2025). Displaced by climate change: Navigating legal framework for "climate refugees" in international environmental law. *Journal of Environmental Law and Policy*.
- Reddy, S., et al. (2025). Climate induced migration and internal displacement in rural India. *npj / Springer Nature Environmental Sciences*.
- Springer Nature. (2025). Climate-induced forced migration and internal displacement in rural India: Evidence from Meenakshipuram, Thoothukudi District, Tamil Nadu. *Discover Sustainability*.
- The Digital Commons at Osgoode. (n.d.). Falling through the protection gaps: Inappropriate protection of climate displaced persons in the international refugee legal structure. *Transnational Human Rights Review*, 10(1).
- UN Human Rights Committee. (2020). *Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No. 2728/2016, Teitiota v. New Zealand*. CCPR/C/127/D/2728/2016.
- Yale MacMillan Center. (2017). As Rohingyas flee Myanmar, India needs to drop religious criteria in its refugee law. *YaleGlobal Online*.